

 ORIGINAL

VOLUME II OF II

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM MARLBORO COUNTY

Howard P. King, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

GEORGE CHAVIS,

APPELLANT

APPELLATE CASE NO. 2011-188568

RECORD ON APPEAL

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INDEX

INDEX	i
TRIAL TRANSCRIPT	1
TESTIMONY	
Younger Minor	
Direct Examination by Solicitor Miles	14
Cross Examination by Mr. Swilley	53
Redirect Examination by Solicitor Miles	73
Recross Examination by Mr. Swilley	77
COLLOQUY REGARDING EXPERT WITNESSES	78
TESTIMONY	
ROBIN GRIGGS (PROFFERED)	
Direct Examination by Solicitor Miles	86
Cross Examination by Mr. Swilley	92
Continued Direct Examination by Solicitor Miles	98
Continued Cross Examination by Mr. Swilley	101
DEBBIE FRALEY ELLIOTT (PROFFERED)	
Direct Examination by Solicitor Miles	106
Cross Examination by Mr. Swilley	114
Continued Direct Examination by Solicitor Miles	119
COLLOQUY REGARDING EXPERT WITNESSES	122
COLLOQUY REGARDING TESTIMONY OF PRIOR BAD ACTS	128
TESTIMONY	
ROBIN GRIGGS	
Direct Examination by Solicitor Miles	143
Cross Examination by Mr. Swilley	157
DEBBIE FRALEY ELLIOTT	
Direct Examination by Solicitor Miles	161
Cross Examination by Mr. Swilley	178
Redirect Examination by Solicitor Miles	184
Recross Examination by Mr. Swilley	185

DR. KATHY SAUNDERS

Direct Examination by Solicitor Miles186
Cross Examination by Mr. Swilley197
Redirect Examination by Solicitor Miles.....205
Recross Examination by Mr. Swilley207

DR. OLGA ROSA

Direct Examination by Solicitor Miles209
Cross Examination by Mr. Grove220
Redirect Examination by Solicitor Miles.....224

SUSAN ALDERMAN

Direct Examination by Solicitor Holt226
Cross Examination by Mr. Swilley230

BRITTANY ENGLISH

Direct Examination by Solicitor Holt232
Cross Examination by Mr. Swilley238

WILLIAM PARKER

Direct Examination by Solicitor Holt241
Cross Examination by Mr. Swilley245

TONY PANTSARI

Direct Examination by Solicitor Holt245
Cross Examination by Mr. Swilley252

VALERIA WILLIAMS

Direct Examination by Solicitor Holt255
Cross Examination by Mr. Swilley261

JULIE CHAVIS

Direct Examination by Solicitor Miles269
Cross Examination by Mr. Swilley297
Redirect Examination by Solicitor Miles.....314
Recross Examination by Mr. Swilley318

Older Minor

Direct Examination by Solicitor Miles320
Cross Examination by Mr. Swilley337
Redirect Examination by Solicitor Miles.....354

TERESA EDWARDS

Direct Examination by Solicitor Miles356
Cross Examination by Mr. Swilley362
Redirect Examination by Solicitor Miles.....378

ANGELA ROAMEY	
Direct Examination by Solicitor Miles	381
Cross Examination by Mr. Swilley	386
Redirect Examination by Solicitor Miles.....	394
JULIA JAMES	
Direct Examination by Mr. Swilley	397
Cross Examination by Solicitor Miles	403
Redirect Examination by Mr. Swilley.....	408
ELAINE JONES	
Direct Examination by Mr. Swilley	411
Cross Examination by Solicitor Holt	421
Redirect Examination by Mr. Swilley.....	423
GEORGE CHAVIS	
Direct Examination by Mr. Swilley	424
Cross Examination by Solicitor Holt	455
Redirect Examination by Mr. Swilley.....	488
Recross Examination by Solicitor Holt.....	494
BYRON COLLIER	
Direct Examination by Mr. Swilley	497
Cross Examination by Solicitor Holt	501
Redirect Examination by Mr. Swilley.....	505
Recross Examination by Solicitor Holt.....	507
REBECCA COLLIER	
Direct Examination by Mr. Swilley	509
Cross Examination by Solicitor Holt	512
Redirect Examination by Mr. Swilley.....	514
CLOSING ARGUMENT BY MR. SWILLEY	515
CLOSING ARGUMENT BY SOLICITOR HOLT	539
CHARGE ON THE LAW	566
VERDICT	587
SENTENCING TRANSCRIPT DATED MARCH 18, 2011	590
SENTENCE OF THE COURT.....	591
INDICTMENTS	593
CERTIFICATE OF COUNSEL.....	603

Byron Collier - Direct examination
By Mr. Swilley

1 Q Could you be a little more specific about what you just
2 said?

3 A Well, in elaborating, we met at meetings where I been
4 to within the Indian culture, and he's been teachings
5 involved the younger generation to their culture, feeding
6 them, and providing for others. Just -- I, I been around
7 George, around him all the time.

8 Q Okay. All right. Thank you, Mr. Collier. Please
9 remain seated and answer any questions---

10 A Pardon?

11 Q Please remain seated and answer any questions---

12 A Oh, okay.

13 Q ---Mr. Holt may have.

14 A Who?

15 THE COURT: Cross-examination.

16 SOLICITOR HOLT: Thank you very much, judge.

17 CROSS-EXAMINATION

18 BY SOLICITOR HOLT:

19 Q You said your name was Mr. Collier, right?

20 A Yes, sir.

21 Q All right. And you've lived beside George for how many
22 years now?

23 A Two years.

24 Q Two years. So, you've lived there two whole years near
25 George.

Byron Collier - Cross-examination
By Solicitor Holt

- 1 Now, have you ever seen the victim in this case, Younger Minor
- 2 Younger Minor?
- 3 A Yes, I have.
- 4 Q How many times?
- 5 A Uh.
- 6 Q What if I was to say you've only seen her one time,
7 what would you think about that?
- 8 A I would say no.
- 9 Q What if I was to say two times?
- 10 A More.
- 11 Q How many -- can you just give me a number?
- 12 A Yeah, a number of times.
- 13 Q Yes, sir.
- 14 A Yes, I've seen him a number of times.
- 15 Q How many times?
- 16 A I'd say 20, 30 times.
- 17 Q Okay. And you're friends with George Chavis, right?
- 18 A I'm cousins through marriage.
- 19 Q And you're here to testify on his behalf today, aren't
20 you?
- 21 A Pardon me?
- 22 Q You're here to testify on his behalf today, aren't you?
- 23 A I am.
- 24 Q You are.
- 25 Now, you say you were in the Army for how many years?

Byron Collier - Cross-examination
By Solicitor Holt

1 A Six years.

2 Q Six years.

3 Are you familiar with the process by which they
4 cover-up mission files?

5 A Yes, sir.

6 Q Okay. Now, are you also familiar with another process
7 whereby they never cover-up personal files?

8 A No, not, not exactly.

9 Q You're not?

10 A I'm not in, into that.

11 Q Okay. Would it surprise you if I was to say that they
12 do not cover-up personnel files?

13 What would you have to say about that?

14 A I would say that that would depend on the, the case and
15 the individual.

16 Q Okay. How about if I was to tell you that George said
17 he's in the military, and there's no, there's absolutely no
18 records of it anywhere?

19 What if I was to tell you that?

20 A If you were to tell me what, sir?

21 Q If I was to tell you that George claims to be in the
22 military, but that the federal government has absolutely no
23 proof of that, what would you think about that?

24 A I would think it would be odd.

25 Q Thank you. That, that's exactly right.

Byron Collier - Cross-examination
By Solicitor Holt

1 THE COURT: No, no comments.

2 MR. SWILLEY: Your Honor, I'd, I'd move to strike.

3 THE COURT: No comments.

4 SOLICITOR HOLT: I'll withdraw it.

5 Now, were you in the court when the victims testified?

6 A No.

7 Q Okay.

8 A Was I here when the victim testified?

9 Q Yes, sir.

10 A No.

11 Q Were you in the court when George Chavis' sisters
12 testified about what happened to them?

13 A No.

14 Q Did you know George when he lived in Charlotte?

15 A Yes.

16 Q Okay. Were you around him a lot in those days?

17 A No, not a lot.

18 Q Okay. Did you know about the 2004 allegations against
19 George?

20 A No.

21 Q Okay. You said George hangs out a lot and teaches the
22 younger generation.

23 Is that your testimony?

24 A I said what now?

25 Q Did you testify that George teaches the younger

Byron Collier - Cross-examination
By Solicitor Holt

1 generation about the Native American culture?

2 A Yes, sir.

3 Q Okay. How young are those people he's teaching and
4 they're around him?

5 A I would say in the teenage years.

6 Q And he spends a lot of time with those people?

7 A Well, no, amongst the other tribal members is there,
8 yes.

9 Q No further questions. Thank you very much.

10 THE COURT: Redirect.

11 REDIRECT EXAMINATION

12 BY MR. SWILLEY:

13 Q Mr. Collier, are you familiar with the other members of
14 George's family, his sisters and brothers?

15 A Yes.

16 Q You know them.

17 Okay. And did you get to be around them growing up as
18 well?

19 A A little off and on, yes, sir --

20 Q Okay.

21 A -- when we were growing up. Matter of fact, I owned
22 that property there above George since 1972, and was in
23 there periodically over the years.

24 Q Okay. And growing up, did you ever witness Mr. Chavis
25 ever do anything improper towards his siblings?

Byron Collier - Redirect examination
By Mr. Swilley

1 A No.

2 Q Okay. And, and Mr. Holt actually asked you how many
3 times you spent the night over at George's house, and what
4 was the reason for which you spent the night over at
5 George's house?

6 A I was building up a home myself, and he just let us
7 stay. I lived with George probably practically two months
8 during that time.

9 Q So, he took you in while you were building the house?

10 A Yes, sir.

11 Q Okay. And did you know George Chavis' parents?

12 A Yes, sir.

13 Q Okay. How well did you know them?

14 A Very well.

15 Q Okay. And, Mr. Collier, is that kind of behavior
16 something his parents would of stood for?

17 A Say that again.

18 Q I'm asking you if that behavior -- if they ever, if
19 they ever became knowledgeable about that kind of behavior
20 that existed, would that -- is that something they would
21 just let go?

22 A No.

23 Q Okay. Thank you, Mr. Collier.

24 THE COURT: Recross.

25 RECCROSS EXAMINATION

Byron Collier - Recross examination
By Solicitor Holt

1 BY SOLICITOR HOLT:

2 Q You say you lived with him for two months?

3 A Yes, sir.

4 Q So, he did you a big favor, didn't he?

5 A Oh, yes, yes, sir.

6 Q And you're here today to testify for him, aren't you?

7 A Yes, I am.

8 Q Okay. And you knew his parents?

9 A Yes, sir.

10 Q And you knew all the brothers and sisters?

11 A Yes, sir.

12 Q Have any of them ever gotten in trouble?

13 A Not any -- not anything that really set part in my
14 mind, no.

15 Q If they had gotten in trouble or if George had gotten
16 in trouble in all this time where you were moving around and
17 not living near them, would you know about it?

18 A Yes, sir.

19 Q So, you got like video cameras in the neighborhood or
20 something that you monitor?

21 A No.

22 MR. SWILLEY: Objection, Your Honor.

23 THE COURT: wait a minute. wait a minute.

24 A Through the---

25 THE COURT: wait a minute. wait just a minute.

Byron Collier - Recross examination
By Solicitor Holt

1 A Through the---

2 THE COURT: Just a minute. When there's an objection
3 made, be quiet.

4 WITNESS: Yes, sir, I'm sorry.

5 THE COURT: What's your objection?

6 MR. SWILLEY: Your Honor, I, I object to that line of
7 questioning about the video cameras in the neighborhood. I
8 don't think---

9 THE COURT: What's your objection, legal grounds?

10 MR. SWILLEY: Relevance.

11 THE COURT: Overruled.

12 All right. Now you may answer.

13 Q When you were living with George for those two months
14 that he put you up, what time was that?

15 What year?

16 A That was 2009.

17 Q 2009?

18 A Yes, sir.

19 Q Was anybody else in the house besides George?

20 A No.

21 Q Okay. No further questions.

22 THE COURT: All right. Thank you, sir. You may step
23 down.

24 All right. Mr. Swilley, you may call your next
25 witness.

Rebecca Collier - Direct examination
By Mr. Swilley

1 MR. SWILLEY: Thank you, Your Honor.

2 The defense calls Rebecca Collier to the stand.

3 THE COURT: All right. Counsel, come up just a minute
4 while this lady's taking the stand.

5 (WHEREUPON, a bench conference was held out of the
6 hearing of the jury at this time.)

7 REBECCA COLLIER, having been first duly
8 sworn, testified as follows:

9 CLERK: Be seated right up there and state your full
10 name.

11 THE COURT: You may proceed.

12 MR. SWILLEY: Thank you.

13 DIRECT EXAMINATION

14 BY MR. SWILLEY:

15 Q Ma'am, who are you?

16 A Rebecca Collier.

17 Q Okay. Mrs. Collier, what, what is your -- where do you
18 live?

19 A I live right next door to George.

20 Q Okay. Is the gentleman that previously testified your
21 husband?

22 A Yes.

23 Q Okay. And, Mrs. Collier, what relation are you to
24 Mr. George Chavis?

25 A His cousin.

Rebecca Collier - Direct examination
By Mr. Swilley

1 Q How long have you known George?

2 A All my life.

3 Q Are y'all -- and excuse me for asking this, but how old
4 are you, ma'am?

5 A I'm 64.

6 Q Okay. So, you've -- so. Okay. Now, Mrs. Collier, did
7 you have a chance to see George grow up around his siblings?

8 A Off and on, yes.

9 Q All right. Okay. Was there -- did you, did you know
10 George's parents?

11 A Yes, I did.

12 Q Okay. And, Mrs. Collier, was there anything that ever
13 went on that you observed or to your knowledge improper that
14 George ever did to any of his siblings?

15 A Absolutely not.

16 Q Okay. And, Mrs. Collier, did you get a chance to
17 witness George around his family?

18 A Yes, I have.

19 Q Okay. All right. And that house at [REDACTED],
20 was the door to that house always opened?

21 A Yes.

22 Q Okay. And to your knowledge, were there people, often
23 times non-family members there?

24 A Yes, there were.

25 Q Okay. And, Mr. Collier, were you ever aware -- did you

Rebecca Collier - Direct examination
By Mr. Swilley

1 ever witness anything that you would consider improper on
2 the part of George around his children?

3 A No.

4 Q Okay. You ever witness Mr. Chavis ever pull a firearm
5 on anybody?

6 A No.

7 Q Okay. Have you ever witnessed Mr. Chavis put up
8 pornography pictures?

9 A No.

10 Q Okay. You ever seen any pornography at the Chavis
11 home?

12 A No.

13 Q Okay. Did you ever see any artificial sex toys---

14 A No.

15 Q ---at the Chavis home?

16 Okay. Mrs. Collier, did you, did you ever temporarily
17 live at the Chavis home?

18 A Yes, we lived there about two or three months.

19 Q Okay. And during that time, was there any kind of
20 unpleasantness in the house?

21 A Oh, no, George has always been good to us.

22 Q Okay. Thank you, Mrs. Collier. Please answer any
23 questions Mr. Holt has.

24 THE COURT: Cross-examination, Mr. Holt.

25 SOLICITOR HOLT: Thank you.

Rebecca Collier - Cross-examination
By Solicitor Holt

1 CROSS-EXAMINATION

2 BY SOLICITOR HOLT:

3 Q Hey, Mrs. Collier.

4 You said you spent a lot of time around George over the
5 years?

6 A Yes.

7 Q And do you have any children?

8 A I have three.

9 Q And how old are they?

10 A I have one that's -- I'm sorry.

11 Q You can just say older.

12 Are they older?

13 A My oldest is 43.

14 Q Okay. When they were younger, did they ever spend a
15 lot of time around George?

16 A No, not that I recall. Off and on. But --.

17 Q You say you never seen George pull a firearm on
18 anybody?

19 A No.

20 Q Correct?

21 Have you ever seen George carry a firearm on him?

22 A No, not really, no.

23 Q Do you think he's the type of person that would carry a
24 firearm like on his hip?

25 A Yes, I think he would.

Rebecca Collier - Cross-examination
By Solicitor Holt

1 Q You think he would.

2 what do you think he would need that gun for?

3 A I wouldn't know of any reason he'd need it for.

4 Q Were you ever around George and his children at the
5 same time?

6 A Yes.

7 Q A lot of times you think?

8 A Not a whole lot, but --.

9 Q Now, when you were raising your children, did you and
10 your husband ever fight with your children?

11 A Did we ever what?

12 Q Did you ever fight with them, argue over stuff?

13 A Oh, gosh, yeah.

14 Q You know say to your children---

15 A I have.

16 Q Okay. Did you do that in front of people or did you do
17 that when people weren't around?

18 A when they weren't around.

19 Q Okay. Cause that's when most people do that type
20 stuff?

21 A That's right.

22 Q Thank you very much, Mrs. Collier. No further
23 questions.

24 THE COURT: Redirect?

25 MR. SWILLEY: Yes, Your Honor. Very very briefly.

Rebecca Collier - Redirect examination
By Mr. Swilley

1 REDIRECT EXAMINATION

2 BY MR. SWILLEY:

3 Q Mrs. Collier, to your knowledge, what other people came
4 with you today in, in support of George Chavis?

5 SOLICITOR HOLT: That's outside the -- I object.

6 THE COURT: Sustained. That -- come up.

7 (WHEREUPON, a bench conference was held out of the
8 hearing of the jury at this time.)

9 THE COURT: All right. Thank you, ma'am. You may step
10 down.

11 All right. Mr. Swilley, you may call your next
12 witness.

13 MR. SWILLEY: Your Honor, pursuant to the defense not
14 being able to call anymore character witnesses, the
15 defense---

16 THE COURT: Now, Mr. Swilley, call your next witness or
17 rest.

18 MR. SWILLEY: Okay. Beg the Court's indulgence one
19 moment, Your Honor.

20 (Pause.)

21 MR. SWILLEY: We rest at this time.

22 THE COURT: Anything in reply?

23 SOLICITOR HOLT: No, sir, Your Honor.

24 THE COURT: All right. Ladies and gentlemen of the
25 jury, you have now heard all of the testimony in this case,

1 case. They're simply the lawyer's views of what they think
2 the evidence shows. You-all will make your decision based
3 upon the evidence that you have heard from this witness
4 stand and from any exhibits that have been introduced into
5 evidence. But the lawyers do have the right, and not only
6 the right, but the duty, on behalf of their client, to
7 address you now and give you their views of what they think
8 the evidence shows.

9 After they have concluded that I will then give you the
10 instructions on the law, and then you will be allowed to go
11 to your jury room to deliberate your verdict. You will hear
12 first from Mr. Swilley on behalf of the defendant, and then
13 from Mr. Holt on behalf of the State.

14 Mr. Swilley.

15 MR. SWILLEY: Thank you, Your Honor.

16 THE COURT: Yes, sir.

17 MR. SWILLEY: Mr. Holt. Ms. Miles.

18 Good morning, ladies and gentlemen. I know it's been a
19 long week. I've been watching you and everybody's doing a
20 great job of paying attention.

21 I know some of the things that you heard about are not
22 things that you like to hear about. I know that stuff
23 you're not really use to hearing about more than likely.
24 But it's necessary that you be here.

25 Okay. Excuse me. In case you haven't noticed, I've

1 been a little congested this week. It's been kind of a
2 rough one for me as well.

3 But it's very necessary that you be here this week
4 because you are the most important part of this process.
5 Okay. You're all, you're all not permanent parts of the
6 judicial system, but you're the most important because you
7 are the people who decide what the facts are in this case.
8 whatever -- you 12, to go in that jury room, whatever you
9 decide -- whatever you want the facts to be from what you've
10 heard, you, you determine them. What happened is what you
11 say happened. Okay. And you have a very very important
12 role.

13 Now, back to the case, talk is cheap. Okay. Talk is
14 cheap. When I say talk is cheap, when I say cheap, I don't
15 mean inexpensive. If you ever hired a lawyer, you'd know
16 that. Okay. Not me. But any other lawyer.

17 Okay. But talk is cheap and that cheap is easy to come
18 by. Okay. Anybody can say anything about anybody at
19 anytime. Okay. It's not hard. Anybody can do that.
20 Anybody can say any, anything about anybody at anytime.

21 All right. This guy's a jerk. Okay. He's tall. All
22 right. He's handsome. She's ugly. Any -- you know, it's
23 not hard.

24 All right. The only thing that the State has put forth
25 against Mr. Chavis in this action, in this trial has been

1 talk, testimony, which is very easy to come by. Okay. It's
2 not hard for somebody to sit in that chair and say something
3 happened.

4 Okay. I'll prove it to you. I'm sitting here right
5 now and I'm talking. Okay. It's not hard to come up with
6 this. It's fairly easy.

7 Now, I always try, try to use a metaphor, try to use
8 something that I can compare to something else to kind of
9 put things in prospective, and it's kind of interesting.
10 About the time when Mr. Chavis started getting sick in 1998
11 I was a freshman in high school. Okay. And I was a scrawny
12 punk. All right. I was probably about a, about a, probably
13 a hundred ten pounds soaking wet. All right. I was a
14 scrawny punk. All right.

15 And what I would do to try to look bigger is I would
16 wear like two sweatshirts or like a heavy coat around. I
17 tried to do something that made me look like I was a little
18 more swole than I really was. All right. But I wasn't.
19 But I wanted people to think that I was. I tried to look
20 like I was more than I really was, and that's what this case
21 is. It's something that's tried to look like it's more than
22 it really is. It's talk. Okay. It's allegations being
23 thrown around at Mr. Chavis.

24 But the State has done a good job of putting on extra
25 sweat shirts and putting on a big, you know, down coat, and

1 saying that it's more and trying to show you that it's more
2 than really is, which it's not. All right. And the way
3 it's done that is it's put up **Younger Minor** But this case is
4 all about -- the charges in this case, now you heard a lot
5 of testimony, distinctly from **Younger Minor** okay. She's the
6 prosecuting witness in this case. She's the witness for
7 which Mr. Chavis is charged.

8 But what has the State done?

9 The State has put up her testimony. Okay. That, that
10 was me. That's the scrawny kid. Okay. And then has taken
11 other witnesses, who are related to Mr. Chavis, Teresa,
12 Angela, **Elder Minor** okay, and that's -- there's the coats. That's
13 what is making this case look, look likes, like it's more
14 than it really is, and then, then it puts up witnesses, the
15 forensic interviewers, if you recall.

16 You recall Ms. Elliott, okay, and you recall Ms.
17 Griggs. All right. And they work at the Durant Center at
18 Florence. What their job is to do is listen to children
19 talk. Their job is what your job is. Okay. What their job
20 is to do is to listen to allegations.

21 All right. All right. Do not -- and I know they were
22 qualified as experts, and Judge King gonna, is gonna charge
23 you on what, how to assess expert testimony. Okay. But do
24 not substitute your judgment for anyone else. Okay.
25 They're another big lawyer -- they -- they're a method for

1 which the state has gotten to talk more about the
2 allegations again and again.

3 Remember, during the opening, I said the State's gonna
4 try to give you allegations over and over again. That's,
5 that's the way they did that. Okay. All right.

6 You got the forensic interviewers. You got the medical
7 people up here, okay, who examine the children. Remember.
8 Happened in '04. Younger Minor was normal. Okay. And then in
9 '09, all right, Younger Minor had experience. All right. She had
10 sexual experiences. Remember, none of that was linked to
11 Mr. Chavis whatsoever even though there were ways in which
12 they could do that. There were DNA ways in which they could
13 do that. There was -- that wasn't there.

14 Okay. And then Older Minor again, with sexual experience at
15 the time she was a teenager. That wasn't linked to Mr.
16 Chavis either, even though they're ways in which they could
17 of done that. All right.

18 Now, you got to understand -- and when Mr. Holt gets up
19 here, he might say well, that's the defense's job. He's
20 trying to, he's trying to muddy the water. He's trying to
21 poke holes in the argument. He's trying to muddy the
22 waters.

23 Okay. Water's already muddy. The hole's already
24 there. My job, all it is to do, is shine a light on the
25 holes. Reasonable doubt.

1 where's the reasonable doubt?

2 where's the DNA evidence?

3 Nothing else but talk in here. Here's the gap. No
4 hard evidence. No DNA.

5 Let me tell you something, if there was anything that
6 linked Mr. Chavis to these crimes for real, you would of
7 seen it. Okay. You'd of seen it.

8 All right. They took, they took this stuff. They took
9 bedsheets from the house. Nothing.

10 You didn't hear nothing about that, right?

11 They tried to say that Mr. Chavis had chlamydia that he
12 contracted from his daughters. No medical records. There's
13 no, there's no testimony. They tried to, they tried to give
14 a, a half reply about that oh, well, he had antibiotics that
15 are used for everything else.

16 Let me tell you something. If Mr. Chavis had
17 chlamydia, you'd know about it. It would of been testified
18 to. It would be in there. All right. Not a, not came from
19 it. But it didn't.

20 All right. Now, what Mr. Holt also might say, and I
21 can't -- I don't know what he's gonna say. He's, he's
22 pretty good up here. Okay. And he makes a pretty good
23 argument when he speaks, and he says what are the odds, what
24 are the odds that four family members will come up and say
25 these things about Mr. Chavis. what are the odds. That's

1 not reasonable -- that goes beyond reasonable doubt. what
2 are the odds.

3 well, like I said before, it's not hard to sit up there
4 and say stuff. Okay. You know, that's the -- if that's
5 what the State can do, if the State can put people up, say,
6 and just put people up to say he did something and nothing
7 else, and you send a guy to jail or a girl to jail, what can
8 it not do?

9 what can it not do that way?

10 All right. Is that the Marlboro County y'all want to
11 live in where people get up there and say you did something,
12 pull people out of the county and say yep, all right, and
13 you go to jail?

14 Is that the Marlboro County you want to live in?

15 Is that the South Carolina you want to live in?

16 Is that the United States of America you want to live
17 in, they say something about you, hit court, you go to jail?

18 It can not be. It can not be.

19 Now, let me go over some things that I'd like to bring
20 to your attention as well. Okay. If you recall, there was
21 testimony there's pornography all over the house.
22 Pornography everywhere. Artificial penises, penises, and
23 dildos and strap ons, and I don't like talking about it, and
24 you don't like hearing about it. But I got to bring it up.
25 Okay. I know y'all don't like that. They don't, they don't

1 Like hearing about it. But they were never found.

2 Okay. We have a very good, very good State Law
3 Enforcement Division, very diligent, very admirable. If
4 there was something else to be found they would of found it.
5 Okay. If there were these artificial things around the
6 house, they would of gotten rid of them and found them. All
7 right. They would of been there. If there was pornography
8 around, real pornography that they say was used on them,
9 they would of found it. You would of seen it. Didn't
10 happen. Reasonable doubt.

11 Here's something else I'd like to bring to your
12 attention. Okay. The State says Mr. Chavis was the one
13 that took these photographs and made them participate in
14 these photographs. Okay. But remember what the testimony
15 was.

16 Okay. All right. Remember. '09, May '09, Younger Minor
17 tells her mom about this. She flips out. She's scared.
18 Call the police. They run. Rob George blind. Go to
19 Charlotte. Okay. And this is the first she's heard about
20 it.

21 But let me ask you a question. Okay. If Mr. Chavis --
22 if Julie Chavis is in some of these photographs, all right,
23 and these photographs go back to 2008, all right, the ones
24 where she's in them, okay, if that, if what they said about
25 that was true, in 2009, when the police were called, would

1 that be the first time she would of known about this?

2 Okay. If that were true -- if, if what they said were
3 both true, all right, she would of known about all this
4 going on here. All right. She would of had to. She's in
5 the photographs. She's in the, in the posing photos.

6 Okay. The fact of the matter is, ladies and gentlemen,
7 George Chavis didn't take these photographs. Okay. He
8 doesn't know how -- doesn't even use a camera. He shakes
9 when he holds a camera. In awful health. All right.

10 George Chavis didn't take these photos. I don't know
11 who took them. Okay. But it wasn't George Chavis. All
12 right. George Chavis didn't do these things. Plain and
13 simple.

14 All right. Now, I want you, I want you -- there's some
15 other stuff I want to call your attention to. All right.
16 Now, you heard Mr. Chavis get up here, all right, a man
17 who's in awful health, who, as you probably know, is about
18 this close away from being in hospice, testified at length
19 before a jury and withstood questions someone of higher
20 intellect, intellect than him, who is professional, and, and
21 basically somebody who just hit him pretty hard. All right.
22 Plain and simple. He stood up there, answered every
23 question, he's got nothing to hide. All right. But there's
24 something to be said about that.

25 All right. Also, you heard people from out in the

1 community. Okay. People that know him, that were around
2 him, some of them his whole life. They got up here, under
3 oath, and said nothing happened. They didn't know about
4 anything. Okay. There's something to be said about that as
5 well and that's important.

6 Let me tell you the most important piece of testimony.
7 All right. The nurse practitioner that treated him over a,
8 over a decade, knows his medical history the best, sat there
9 and told you he is unable to participate in sexual
10 activities.

11 All right. She's got no dog in the fight. All right.
12 She's got no interest in the outcome of this case. He's no
13 longer her patient. They're not friends. They have, they
14 have a doctor -- they had a doctor/patient relationship.
15 She's got no dog in the fight. She's got no reason to sit
16 up there and lie. All right. And she knew what she was
17 talking about.

18 George Chavis is not able, is not and was not at this
19 time able to do these things. Okay. And you heard Mr. Holt
20 get up there and say or Ms. Miles get up there and say well,
21 would these conditions keep him from digitally penetrating
22 somebody or orally attempting to pleasure somebody and she
23 said no.

24 But if he's unable to, to do sexual things, why would
25 he want to do those things?

1 why would he just go out of his way to do them?

2 You got to read between the lines. Use your collective
3 common sense. Try to add things up, and that's how you need
4 to come and to conclude the facts. All right. And that's
5 the stuff I'd like you to think about.

6 Now, you see here what the State's gonna do is they're
7 gonna use the little slide show. They're gonna tell you the
8 elements of all the crimes. One more time, one more time,
9 just pound it in, same thing over and over again, just try
10 to give it to you again.

11 All right. I don't have any video equipment. I don't
12 need any video equipment and that's a good thing because I
13 didn't bring any with me. All right. But I don't need it.
14 I don't, I don't need something else to try to tell you what
15 went on in this case.

16 All right. Now, I want you to look at some of the
17 motivating factors in some of the State's witnesses. All
18 right.

19 who did we see first?

20 We got Younger Minor right?

21 And remember, let's go back to '04. Right. Older Minor
22 messing up in school. Right. She got bad, bad school
23 record, bad disciplinary record going on.

24 All right. Does the school -- look at this when you
25 get back here. Unverified, unverified, medical absence,

1 tardies, ISS.

2 Big time screw-up, right?

3 George comes in, says look, you keep messing up, I'm
4 gonna take you away from your mama. I'm gonna take you back
5 to Family Court. I'm gonna have custody changed and all
6 this fun time is gonna end. Okay. That's what he testified
7 to up here. All right. And that's probably about the thing
8 that, that a responsible parent would do. Okay. Even
9 though he may not have been able to get custody.

10 Who knows?

11 Who cares?

12 But then what happens after that?

13 She levies accusations, right?

14 Levies accusations. Okay. She goes to the Durant
15 Center. Goes in on one of those little forensic interviews.

16 Younger Minor goes in one of the little forensic interviews. All
17 right. Remember what Younger Minor said.

18 Younger Minor says that -- sweet little 11 year old Younger Minor no
19 dog in the fight, this never happened. All right. You got
20 to remember Ms. Debbie Elliott got up here, the one that
21 interviewed her in 2004, I said Ms. Elliott, it was, was
22 Younger Minor not heard to remark now, in 2004, when Younger Minor says
23 this stuff is going on, it's cause Older Minor was telling lies. I
24 don't think that's right because he wouldn't do nothing like
25 that. All right. Because he wouldn't do nothing like that.

1 What about -- tell me about your daddy. He's pretty
2 much looks like Indian. He's nice to me. He's nice to
3 Older Minor He's nice to my mama, and that is mainly it. I got
4 no reason to lie on daddy. She relies on the forensic
5 interview. Starts talking. Bus is used for storage.

6 SOLICITOR HOLT: Objection, Your Honor.

7 THE COURT: Hold on.

8 SOLICITOR HOLT: There's an objection, Your Honor.

9 THE COURT: Yes, sir.

10 SOLICITOR HOLT: He's reading stuff that's not in
11 evidence.

12 THE COURT: Yes, sir, I don't know what you're reading
13 from, but if it's not -- unless it's an exhibit, you can't
14 refer to it.

15 MR. SWILLEY: Your Honor, I think it was, I think it
16 was mentioned during the testimony.

17 THE COURT: You can do the testimony, but you can't
18 read from something that the decision's prepared. It's not
19 in evidence.

20 MR. SWILLEY: I understand, Your Honor. I apologize.
21 I didn't---

22 THE COURT: Go ahead.

23 MR. SWILLEY: All right. Then remember the testimony
24 that you heard, all right, didn't happen. Said it didn't
25 happen. Later on, how she grows up, she's a teenager too.

1 All right. Got some boyfriend issues. Got some
2 disciplinary issues.

3 All right. Then these allegations come. Then she's
4 got a dog in the fight. Mad at daddy. Wants to change the,
5 the story. Change it.

6 Okay. These allegations come around. Then, for some
7 reason, two sisters come out of the woodworks saying this
8 stuff happened all along. Come up with some pretty nastier
9 allegations than what she's saying happened.

10 Okay. You heard testimony I think from either Teresa
11 or Angela about he held me at gunpoint to rape me. All
12 right. And then she says I did, I went to the police.
13 Okay. And somehow, and I forget exactly what she said, but
14 she did reference that the matter was taken, it was dropped,
15 it was taken care of. My mom wanted to drop it.

16 All right. Read between the lines here.

17 All right. would a major Metropolitan police station
18 of Charlotte Mecklenburg get information about a rape at
19 gunpoint and do nothing about it?

20 Does that make sense?

21 Does that pan out?

22 Is that something that would happen?

23 seriously.

24 All right. Also, you have the other sister testify,
25 other one of George's sister testify that she once told her

1 parents. Okay. George is out of the house then. Okay.

2 Parents didn't do anything about it.

3 Is that something that parents -- but they testified
4 that they were good parents, they loved their parents, but
5 the parents didn't anything.

6 Is that something that reasonable parents would do?

7 Read between the lines. No. No. All right. Read
8 between the lines.

9 Does that make sense?

10 Does that pan out?

11 Is that logical?

12 All right. Mr. Holt will get up and say what are the
13 odds, what are the odds four people would he say did this?

14 I'd say the odds are pretty good because everybody has
15 something to gain, and it might not be something that you
16 would think you would gain from doing this. But you got to
17 remember, fighting over property, you know, and you may, you
18 may think that a reasonable person wouldn't levy out the
19 allegations over some, about a acres worth of property in
20 McCall. But you never know. Sometimes family quarrels,
21 things can get pretty nasty when it comes to possessions.

22 All right. It gets pretty rough. But everybody's got
23 a dog in the fight that testified before you except for
24 Julia James. All right. And Mr. Holt might say something
25 different. But realistically, she was the only real expert

1 that got up there. All right. She was the only person
2 qualified to testify, and he can't physically do these
3 things.

4 Remember -- recall what she said. Remember about the
5 medicine that he's on, the problems that he has with his
6 stomach, with his heart, with his ruptured testicle. All
7 right. He can't do these things.

8 Now, I'm probably gonna end up talking a little or not
9 as long as I would like to, and there's probably some stuff
10 I know I'm gonna leave out that I wish I wouldn't leave out,
11 for instance, like the fact that they say he doesn't own
12 this home. But he does. All right. It's his.

13 All right. The fact that she says she wasn't allowed
14 to use the camera, but she does, and I just recall my other
15 siblings.

16 See if I've been molesting you the whole time, why
17 would you be writing notes like this?

18 February 14th, '09, if somebody raped you at
19 gunpoint, why would you be going to family functions where
20 that person's present?

21 why?

22 Read between the lines.

23 Is that logical?

24 Does that make sense?

25 No, it doesn't make sense.

1 Okay. The character witness you saw I put up yeah,
2 they're George's, they're George's friends. They're the
3 family members, people that know him very well. You could
4 say they have a dog in the fight. But it would be logical,
5 if somebody really knew about this stuff, okay, if somebody
6 that would know about, if it was really going on because
7 they're there so much, would they get up and testify
8 otherwise?

9 I mean George is a pretty good friend. You remember
10 Mr. Collier, let him stay in his home.

11 Would a reasonable person, would they go anywhere near
12 this situation with a 10-foot pole if they had any idea it
13 was going on?

14 Hu huh, no, hu huh. Not true.

15 All right. Now, there's three things that I went over
16 in opening that are very important principles in American
17 criminal law. Number one, that the State has the burden of
18 proof. Remember the State has to prove -- it's their job to
19 try to prove him guilty. Okay. And they and they alone
20 have the burden of proof. All right. They have to prove
21 him guilty.

22 And has the State carried that burden with what they
23 have presented before you?

24 Okay. which is talk.

25 All right. Number two, that the defendant, Mr. Chavis,

1 was presumed innocent. All right. He doesn't walk in here
2 with -- he doesn't walk in here guilty. He's innocent. All
3 right. Even though you've heard a lot of testimony from a
4 lot of collateral outside sources, he's presumed innocent at
5 all times.

6 THE COURT: All right. Ladies and gentlemen of the
7 jury, let me ask you -- excuse me, Mr. Swilley. Let me ask
8 you to go to your jury room for just a few minutes.

9 (WHEREUPON, the following takes place outside the
10 presence of the jury.)

11 THE COURT: With regard to the matter of the State
12 versus Chavis, during the course of Mr. Swilley's closing
13 argument, Mr. Chavis apparently experienced a medical
14 problem and indicated to Mr. Jones, who is sitting with him
15 at the table, that he wanted the emergency medical personnel
16 called. And, so, I interrupted Mr. Swilley's argument and
17 sent the jury to the jury room, and medical personnel were
18 called, and Mr. Chavis has gone with the emergency medical
19 personnel.

20 I then called a conference of the attorneys involved in
21 this case, and we discussed the options. We discussed the
22 various things that could be done. I think the main thing
23 we need to do now is to wait and see what the professionals
24 say with regard to his medical condition. And, so, I think
25 the appropriate thing to do is to break for lunch at this

1 All right. Anything else before we bring the jury back
2 in and continue on arguments or are you ready to go?

3 MR. SWILLEY: Yes, Your Honor.

4 THE COURT: All right. Bring the jury in.

5 (WHEREUPON, the following takes place within the
6 presence of the jury.)

7 THE COURT: All right. Thank you for your
8 understanding and your patience. I want to tell you that
9 before we broke for lunch, the defendant in this case, Mr.
10 Chavis, had a medical problem and that is been attended to
11 and he is receiving treatment. However, that does not
12 affect the matter of this trial going forward. All of Mr.
13 Chavis' constitutional rights have been met by his having
14 the right to confront the witnesses against him, having the,
15 the right to testify on his own behalf, having the right to
16 have a jury trial.

17 And, so, that if -- so, there's nothing that would
18 prevent this matter from going forward since all of the
19 testimony is in, and we will go forward with it at this
20 time. Mr. Swilley will remain, will resume his closing
21 arguments to you.

22 Thank you.

23 MR. SWILLEY: Thank you, Your Honor.

24 Good afternoon, ladies and gentlemen. Again, I'll,
25 I'll try to be brief. I know I've been up here for a little

1 bit. But if I can recall correctly, I think I was talking
2 about reading between the lines. Okay.

3 Some things that I very briefly, briefly like to bring
4 to your attention, I remember we talked about motivation to
5 fabricate, motivation for things to be proffered during
6 testimony that are not true. We talked about dogs in the,
7 the fight, who has a dog in fight and who doesn't. I
8 thought I talked about how Julie James was the only person
9 who had no dog in the fight, the only person who really
10 didn't want to be here, but was here and talked about Mr.
11 Chavis' inability to do these things.

12 Okay. And if Mr. Chavis had the inability to do these
13 things, why would he have, why would he do the things for
14 which they say he did that he wouldn't need that ability?

15 Okay. Read between the lines. Common sense.

16 Okay. I think Mr. Holt might say what are the odds of
17 four people, what are the odds of four people come here and
18 say the same types of things?

19 Well, first of all, I'd like to call your attention,
20 they're not the same type of things. If you recall, the
21 sister's testimony was that he did things that are much more
22 egregious. Okay. And that's here, once again, to, to
23 clothe, to bulk up the state's case.

24 All right. I want to ask you, remember when Younger Minor
25 levied her, her accusations against Mr. Chavis and George is

1 gone. Julie and Younger Minor went to the house, took a bunch of
2 stuff, and went to Charlotte.

3 Okay. Now, if you really had just learned that your
4 daughter had been sexually assaulted or had, had been
5 sexually assaulted, would you have taken the time to get all
6 that stuff, all those possessions, all those non-necessities
7 that you really don't need, and take them to Charlotte and
8 then sell them later on?

9 Think about that.

10 why?

11 would that be, would that be the most important thing
12 or something that you would take the time to do if you had
13 just discovered that your daughter was sexually assaulted?

14 Okay. I don't think so.

15 Keep in mind, Mrs. Julie Chavis, and George, was tired
16 of taking care of George. Okay. He's in awful condition,
17 which you know from testimony. Okay. Awful health, tired
18 of him, don't want to deal with it anymore. All right.
19 Ready to get divorced. Okay. When you get divorced, start
20 worrying about two things, property and children. Okay.
21 she took both.

22 All right. Hit the road. Got out of Dodge. All
23 right. Think about it. Think about it.

24 All right. I think I actually did get into my, my
25 three principles. The State has the burden of proof. The

1 burden lies on the State at all times. Anything that has to
2 be proven always has to be proven against the State. The
3 defendant didn't have to prove anything.

4 Okay. And that's because the government that's trying
5 to put somebody in jail for something that the government
6 says they did, and that's why the burden rests upon the
7 State. That's why it rests upon the government. Okay.

8 And as we all know, the government is often times
9 wrong. Okay. Happens in Bennettsville. Happens in
10 Columbia. Happens in Washington DC everyday, and it's
11 happening and it is happened in Bennettsville in this case.

12 Okay. Let's see how this case started. All right.

13 Younger Minor accuses George. Okay. Goes to Durant Center.
14 Accuses George again. All right. Criminal charges. That
15 is this case. Okay. This case came to be from allegations.
16 All right. And that's, and that's it. Nothing more is
17 happened since then. This is allegations.

18 The State has the burden of proof. They have to prove,
19 beyond a reasonable doubt, and the defendant doesn't have to
20 prove anything. Let me talk about what's a reasonable doubt
21 real quick.

22 Now, Judge King's gonna charge you on what's a
23 reasonable doubt, and that's, that's what you have to take
24 into consideration. Okay. But what -- let's think about
25 what's reasonable in this situation. Okay. Let's think

1 about all the motivation anybody has to fabricate these
2 things.

3 Let's talk about the biggest reasonable doubt, the one
4 that stands out like a sore thumb, the fact that Mr. Chavis
5 can't perform sexually, and that was testified to by a
6 medical expert. Can't do it. Won't do it. Doesn't want to
7 do it. Hadn't wanted to do it.

8 He's in terrible health, heart can't take it. Private
9 area that's had some bad things happen to it, and I
10 remember -- I'm not gonna go into detail because you
11 remember, you saw, you heard, you saw, you remember what it
12 was. Awful type stuff.

13 Okay. He's got problems with his stomach in the
14 visceral area that you, that you heard testimony about.
15 Okay. That's, that's a huge reasonable doubt.

16 All right. The third form of reasonable doubt I like
17 to take into consideration is that, besides words, there's
18 nothing else. There's no, there's no, there's no tangible
19 form of evidence. There's no DNA evidence. No semen on
20 those sheets. There's no sex toys that were ever found at
21 anytime that they talked about. There's no pornography that
22 was ever proffered. It's not at the house. I mean real
23 pornography. No proof whatsoever that Mr. Chavis had
24 anything to do with these pictures.

25 Holes in the stories. Motivations to lie. All

1 reasonable doubt. The state hadn't, hadn't gone beyond
2 those reasonable doubts. Hadn't happened. Okay. And
3 there's -- but there's a good reason why they hadn't gone
4 beyond that reasonable doubt is because Mr. Chavis didn't do
5 these things. That reasonable doubt would not be there if
6 he had. But he didn't. So, it exists.

7 Okay. And that's reasonable doubt. And Mr. Holt's
8 probably gonna talk about reasonable doubt some too. Okay.
9 But it's important that these things are gone over and that
10 they're realized to be reasonable doubt because they are all
11 reasonable in this case.

12 All right. Now, finally, and it's been a long week. I
13 know you, probably a lot of time you have to be here you
14 didn't want to be here. But I wanted to say if there was
15 anything that came out of my mouth or anything from, from
16 my, my half of the courtroom that was offensive, degrading,
17 rude, obnoxious on my part, or anybody that works with me,
18 let me apologize for that now. Okay. If that was the case
19 at anytime, I am sorry. Please do not take that out on my
20 client. This matter is too important for prejudice such as
21 that.

22 Okay. If there was something that was said that was
23 offensive that would cause you not to decide this case on
24 the merits, I am apologizing now. It's -- if it did it's my
25 fault. Okay.

1 Now, I'm about to sit down, and I'm gonna thank y'all
2 for being here. I know it may not feel like it to you, but
3 this is the most important thing that's ever gonna happen to
4 George Chavis, and that's something I'd like for y'all to be
5 mindful of. All right. Your job in this, this procedure is
6 of the utmost importance. So, I, I very much appreciate
7 your presence and thank you for being here.

8 THE COURT: Mr. Holt.

9 SOLICITOR HOLT: Thank you, Your Honor.

10 May it please the Court, Mr. Swilley, Mr. Jones.

11 Ladies and gentlemen, I told y'all when this case
12 started it would be about the father/daughter relationship
13 and that's true. But it's also about a little bit more.
14 It's about sexual perversion. It's about dominance. It's
15 about one person controlling other people and those around
16 him and bending reality to the special way he sees it, and
17 it's about circumstances and conditions that years of
18 physical abuse, sexual abuse, mental abuse will bring a
19 person down to what, what, how, what kind of home that
20 creates and what kind of life that's gonna make for
21 somebody.

22 And I told you I was gonna be like a bus driver and we
23 were gonna take a trip. Didn't know it's gonna be this
24 long. Been a lot longer than I thought. But we, we're at
25 that part of the trip now where you're in your city and all

1 you have to do is drive the regular streets to get to your
2 house. So, we, we're almost there. We're in the short
3 roads.

4 Now, now, Mr. Swilley came up and he talked a lot about
5 reasonable doubt, and what I want to do is talk with y'all a
6 little bit about how a defense handles a case, and then I
7 want to talk about the time line here. I want to talk about
8 our indictments, and I want to talk about some of the
9 witnesses, and where you bet we'll be done in about 40
10 minutes.

11 And, Mr. Perry, could you go to the reasonable doubt
12 page?

13 And I'm gonna read this for y'all. It's a lot smaller
14 than I normally put it up. But it's what is reasonable
15 doubt. We all heard Mr. Swilley talk about it. It's not an
16 imaginary or a fanciful doubt or a weak doubt. It is a
17 substantial doubt. It is a doubt which the words imply, a
18 doubt for which you can give or assign a reason based on the
19 testimony and the evidence in this case.

20 A reasonable doubt is not any sort of a doubt. You and
21 I know, from every day life experience, that you may have a
22 doubt about any matter that arises. No matter how trivial
23 or serious it may be.

24 Now, Mr. Swilley said anything could be a reasonable
25 doubt. That's not so. Reasonable doubt is a legal term.

1 okay. Here's the definition. The judge is gonna charge it
2 to you later. If anything I say that's against what he
3 says, you go with him, and that's just how the court works.
4 But I am gonna tell you that.

5 Okay. It's not some far out excuse that Mr. Swilley
6 and Mr. Chavis could come up with and it makes a little bit
7 of sense. That don't count. It's a substantial doubt.

8 All right. But screaming reasonable doubt and, and
9 taking a flashlight and looking for it on the ceiling, okay,
10 that kind of stuff is not all lawyers, the defense lawyers
11 do. You know, like I say, you take my words. But I've only
12 been doing it about 18 months, but I've seen what they do,
13 and this is one thing they do. When they can't fight the
14 facts, they fight the person giving them the facts, and let
15 me show you how you do it.

16 If somebody's up there testifying, they're telling you
17 the truth, they're pouring their heart out about how their
18 daddy use to make them go down on him. Okay. They're
19 talking about that. Mr. Swilley does like this. He folds
20 his hands so he doesn't look like he's being aggressive. He
21 puts a look on his face like this, and he starts asking them
22 questions really fast so that they can get confused, and he
23 looks at them like they're stupid, and he looks at them like
24 they're lying. Don't come out and call them a liar, but he
25 talks down to them to try to plant that seed in your mind

1 that they're evil, okay, that they're all fighting over this
2 half acre and some old coins. Okay. He's planting that
3 doubt in your mind, but it ain't a substantial doubt.

4 Okay. Then they talk about everything else under the
5 sun but the evidence. All right. That Nurse James, Julia
6 James, whatever she was, she seemed like a nice lady. Okay.
7 But not a word she had to say mattered.

8 All right. Who wants to talk for, I think I timed it,
9 an hour and 15 minutes about their penis getting hard?

10 Okay. I don't care. There ain't nothing in here we're
11 charging that defendant with that's got anything to do with
12 his penis and its ability to maintain an erection. I don't
13 care. Okay. You don't need an erect penis to make a girl
14 go down on him. You don't need an erect penis to go down on
15 a girl. You don't need an erect penis to put your fingers
16 somewhere. Okay. I'm sitting here talking to y'all this
17 whole time. I -- you don't need that.

18 Okay. Nobody here's talking about that. You don't
19 need an erect penis to show naked photographs of yourself to
20 a girl. You don't need an erect penis to take photographs
21 of a 14 year old child in her bra and panties and tell her
22 that you're excited about her new shoes and you're gonna
23 take some photographs to celebrate that, and in the
24 photographs you can't even see the shoes. But y'all get to
25 see that later.

1 Okay. But then they try to provide an alternative
2 story that all these people out here, okay, the victim,
3 other victims parents, all these people, okay, are in
4 cahoots to steal this acre of land in McCall. All right.
5 I'm sure it's a nice house. But as far as I can tell, it's
6 an acre in the woods with a few sheds and some coins and
7 maybe a painting, okay, that he claims is worth \$3,000.

8 All right. What's the victim's cut?

9 Twenty-five dollars to spend this whole week in here
10 in jail pouring out her story?

11 Okay. Did you see her when she was up there on that
12 stand?

13 She held it together. She's been through a lot in her
14 life. She forced through it. Okay. She held it together
15 right up until they put these photographs in her face and
16 said which ones do you recognize.

17 Okay. I recognize this one, I recognize this one, and
18 it got progressively worse, okay, till right time she was
19 about to cry.

20 All right. You think she did that for her cut of that
21 half acre?

22 All right. That's all I'm saying. It ain't a
23 reasonable doubt.

24 Okay. She told you two things. She said he raped me.
25 She said he made pictures of me.

1 well, guess what we find in the computer?

2 Pictures.

3 Okay. So, if she tells me two things, one of them is
4 true, I'm believing this one. Okay. He's telling me he's
5 some kind of Double 00 agent spy in the Army, Sergeant Angry
6 Bear. It doesn't make any sense, his entire story.

7 Okay. The alternative story is far fetched,
8 unreasonable, and just untrue.

9 Okay. Now, they harp on the fact words, words.

10 How many times did you hear Mr. Swilley say all they
11 got is words, all they got is one person saying this?

12 Mr. Grove, he works with Mr. Swilley, he took one
13 witness, he kept saying and you know that because she told
14 you, right. All we got is words.

15 Let me tell you this, what else have they given you?

16 They've given you some words. They've given you their
17 side of the story.

18 Now, I provided you with the word of the victim, and I
19 verified it. Okay. I provided the word of another victim
20 who was there and saw it. Hey, you come up here and do this
21 so that she knows what to do.

22 Did you see her breakdown when she said that?

23 She toughed through all of that story and stood through
24 it, and then the minute those two girls started talking
25 about the time they shared him, both of them hit the skids.

1 Okay. I got two other sisters who said it happened to
2 them just like that. All right. Two other sisters, and
3 that's important for another reason. I'm not harping up
4 here, like Mr. Swilley said, talking about I got four people
5 who say it. That's important for another reason, and we'll
6 get to that later.

7 All right. But I got all that. I got medical experts
8 from two different centers, four people total, that came up
9 here and gave you the exact story that they gave. All
10 right. Those are just words. I'm not talking about that.
11 All right. I've got all those words.

12 But then you know what else I've got?

13 I've got the proof. He touched me. He took
14 inappropriate photos of me. Okay. We look on the computer,
15 here they are.

16 All right. Do you know what else is in there?

17 I don't see no pictures of her and her friends in
18 there. All right. I don't see no pictures of her and her
19 family in there. But George Chavis has photos in there of
20 his family, of his cousin, of his penis. Okay. George
21 showed me naked photos of himself before we did it, and then
22 he looked at the naked photos with me.

23 Well, guess what's in there?

24 A naked photo of George in his 70's looking like Magnum
25 P.I. It's well before she was born.

1 How does she have that photo?

2 How does she have control of any of that?

3 Okay. And then they come and bring you this picture
4 from 1973 of her, of Julie with a camera cause she's, it was
5 some big coo they had, they were gonna get you with this
6 camera. This is the evil woman now. This is the evil woman
7 that's out to get his land. Look at that. I couldn't
8 believe it, and look at this camera right here. It's one of
9 them old wind up things my mama use to have and the film
10 goes into that. I don't even know how to work.

11 All right. Julie says I don't know how to work a
12 digital camera.

13 well, what is George got, dude?

14 George is got that photo that he downloaded, printed
15 off, wrote her a evil letter on, showed her the picture of
16 him with the, the gun, and he downloaded that.

17 But then Mr. Swilley, who says Mr. Chavis has nothing
18 to hide, okay, did you see, excuse me, did you see George
19 when I asked him that?

20 Okay. How long did it take him?

21 I timed it, four minutes to get out of his mouth that
22 he don't know who downloaded it. Somebody downloaded it.
23 He don't know who printed it off. Somebody else printed it
24 off. He wrote on the back of it and gave it to her. He, he
25 had to admit that. His name's signed at the bottom.

1 But who printed it off?

2 All right. That's all I'm saying.

3 where are them nice people who was there for him maybe?

4 I don't know.

5 Okay. You paraded those people around, the defense

6 did, just to say he was a good guy. God bless them, they

7 seem like really nice people.

8 But what do you know about people, okay, if you're not

9 sleeping in the bed?

10 Younger Minor said George would make up excuses for her to be
11 in the shower with him. None of those people are there when
12 he was taking a shower. George took photos. None of them
13 people in none of them photos. You share time with your
14 family around the house when nobody else is there.

15 Okay. And what bit of difference about the price of
16 tea in China does it make if you think he's a good man or
17 not?

18 I don't care. Okay. I got somebody saying he did
19 this. I got photos to prove it. I got them screaming about
20 he's a super nice guy, but you get him up here, and he's got
21 nothing to hide.

22 I said did you sleep in the bedroom with Younger Minor

23 Does anybody here know the answer?

24 Cause it took him, and I timed it, seven minutes to
25 answer me.

1 Does anybody have any idea what his answer was?

2 He talked a long time about his medicine. He talked a
3 long time about being sleepy. He's talking about being in
4 front of his computer at odd hours of the night. But I
5 could not get him to give me an answer.

6 Okay. This girl right here, I didn't ever see a time
7 when she stuttered. I didn't ever see a time where she
8 stopped. Okay. She told the truth. But apparently her,
9 okay, this little girl right here, and this lady are
10 involved in a diabolical scheme to take his property. Okay.

11 You know why she took that junk when she left May
12 31st?

13 Okay. Cause she didn't have a pot to pee in or a
14 dollar to her name.

15 And you know how I know that?

16 Remember when I was talking to George about that money?
17 What did he say?

18 George, did you share money?

19 I gave her anything she wanted.

20 That's not the question. George, did she have access
21 to the money?

22 Anytime she wanted it I gave it to her.

23 Once again, he didn't answer my question. This lady
24 right here, okay, had to get everything she got from George.
25 He said I use to let her cash my check, and then bring it

1 back home to me. Like I'm not gonna hear the last part,
2 George, and bring it back home to you. And then he's
3 talking like he's got \$6,000 in a safe. He ain't even
4 working.

5 Okay. Julie's working.

6 Where is George getting -- if he's got six grand, don't
7 you think he'd have some nicer stuff?

8 Don't you think he'd have a big screen TV?

9 Don't you think he'd have something?

10 Okay. \$6,000. Come on now. That don't make no sense.

11 Then Mr. Swilley wants to talk about DNA, wants to pick
12 these up, pick these up. Didn't put them into evidence.
13 wants to talk about porn on the computer.

14 Okay. It's a fact, 95 percent of Americans got porn on
15 their computer.

16 I, I didn't bring it in because what kind of argument
17 is that?

18 Adult porn is legal. All right. I ain't putting
19 nobody up here for adult porn and it look cool. This case
20 was gross enough already, people.

21 Okay. But what did Valerie Williams say, lead state
22 investigator?

23 Of course we found porn on the computer. We didn't
24 think it appropriate. We didn't think it mattered.

25 All right. There's your answer. But Mr. Swilley wants

1 to talk about it like I ain't paying attention to him. I
2 don't understand that. Okay.

3 Now, I tell you what you can figure out from looking at
4 the dates, is that when she turned around, told the police
5 on George, that day, May 31st, and there's a big deal
6 about that day, I want to talk about that later, when she
7 told them that date, it had been two weeks since George had
8 been messing with her. All right. You're not gonna get no
9 DNA evidence two weeks later.

10 Okay. You know why?

11 People wash their sheets. Okay. She didn't find it.
12 Big deal. You started an investigation off by looking at
13 everything. Okay. Then you find what's important and
14 that's what you bring up here to court. Okay. You, you,
15 you can't know -- they don't know what's out there in the
16 beginning. It's not a television show. They out there
17 looking for evidence. And just cause they look in one door
18 and that evidence ain't there, okay, public defender can't
19 go well, they looked in this door, they're not telling you
20 what they saw cause it's nothing. It don't matter.

21 Okay. Talked about the porn. George Chavis, nothing
22 to hide. You saw in the answer, ask, ask him question after
23 question after question. I couldn't believe it. You're not
24 gonna get an answer out the man. You're gonna talk about
25 the Iroquois. He wants to talk about, you know, the photo.

1 This is a divorce totem.

2 Okay. Maybe it is a divorce totem.

3 But you know what else it is?

4 It's a picture of him with a gun on his hip with her
5 hair cut off on a dead cow. Okay. And it's a fence. And
6 he's got that little bit of property he's worried about
7 fenced up.

8 Okay. What you think it is you been controlling a
9 woman, been sleeping with her child, been controlling both
10 of them for going on ten years now, all right, and you send
11 her a photo of you standing with a gun?

12 What's that mean, dude?

13 That's common sense, man. That's aggression, all
14 right, on submissive basis. It's aggression. See it for
15 what it is. It ain't a reasonable doubt.

16 Mr. Perry, can we go to the time line?

17 And we're gonna talk real quick about the time line.

18 And this is Older Minor That's the second
19 victim, the first two victims, okay, and this is very
20 important you remember this, two sisters, growing up in the
21 house. When I was little, George molested me, he fingered
22 me, he would pull out, jack off in front of me. Well, put
23 his stuff on me and that's about the most egregious thing
24 that can happen. Anytime you put your fluids on another
25 person, all right, and unless it's essential -- I ain't

1 judging that, but I'm saying.

2 Okay. Then they get to a certain age, they get a
3 little bit older, you know what happens then?

4 What did the sister who was closest in age to her?

5 That's when he started having sex.

6 Okay. George ain't having sex with the little ones.
7 George is fondling, oral, that kind of stuff, don't want to
8 talk about it. Getting to a certain age, then it's rape
9 time. Okay. If you got something to say about it, I'm
10 gonna handle you. If I can kind of weasel and connive it,
11 that's how I'll do it. But if you gonna fight back, I'm
12 gonna fight back too.

13 Y'all heard that testimony. Okay. Throw that out --
14 think about this. Now, this is where we started.

15 [Redacted Older Minor] gone. This is [Redacted Older Minor] now this ain't the victim,
16 this is [Redacted Older Minor] and I tell you why all the other victims are
17 important is because they create the time line. [Redacted Older Minor]
18 remembers being about four years old when the abuse started.
19 Here's 1993, all right, George and Julie get back together,
20 she's about seven or eight years old. Okay. [Redacted Older Minor] is forced
21 to have sex with 11. But at seven, that's when the fondling
22 begins from my victim, [Redacted Younger Minor] okay. And don't forget
23 that. It goes fondling, then it goes sex.

24 All right. [Redacted Older Minor] visits every other weekend. George's
25 alone time in the bus, and I don't know who was here for the

1 bus questions, but at the very beginning, bus was too full,
2 nobody was ever on it. Then he goes home, he sleeps, he
3 comes back today, Mr. Swilley's talking with him, well,
4 sometime the bus was cleaned out for this or that, and well,
5 the children did play in it, and hold on, I take it back,
6 you know, you, you go back and forth with George and then
7 finally, okay, the kids slept in it. So, yesterday, too
8 full, nobody ever used it. Today, and I hope everybody was
9 paying attention, the kids used the bus.

10 All right. If we go to the next one, Mr. Perry.

11 Now, there we go. [Younger Minor] around 11, 2003, she starts,
12 and she testified to this, starts doing things without [Older Minor]
13 Very important that you remember this. Okay. Is the time
14 when he takes you away, and then it's one-on-one because
15 [Older Minor] at her mama's. She ain't there.

16 2004, they get into [Older Minor] complaints. Look what time
17 George has the heart problem. 2004. Okay. George becomes
18 excited that [Younger Minor] shaped like her mother, 2005. I can't
19 have sex right now. My mind's so messed up. I'm on
20 medication.

21 All right. That's where these photos, you're gonna
22 see, of her and her mama where their butts compared. Okay.
23 He's got so much control over this lady, over an 11 year old
24 child, he's got them walking around in their panties. All
25 right. Three people live in that house. The photos are of

1 two people together. You'll continuously see a theme here.

2 Okay. A random neighbor's not coming by and taking
3 photographs in the middle of the afternoon. A woman don't
4 walk around like that without her husband there. Okay. A
5 daughter doesn't walk around like that in front of company.

6 who you think is orchestrating this?

7 The same man that's controlling every facet of every
8 dollar that she can touch and every person she can talk to.
9 That's who's controlling this.

10 All right. Now, a picture of George and Younger Minor with
11 clothes on. He's hugging her. You know, at his computer
12 desk -- it's this little desk in the middle of the house
13 where he controls everything. Okay. It's -- his computer
14 is there. He sits over that house and that's his throng.
15 These are his servants. That's how that house operated.

16 Okay. Now, can we go to the next one, Mr. Perry?

17 You look at all the pictures, and don't worry about all
18 that right now. Younger Minor comes home, she testified, with some
19 shoes she got for eighth grade graduation. You gonna see
20 the photos of her modeling the shoes. Okay. She testifies
21 George says why don't we take some pictures. She gets
22 excited. Then George goes in your bra and panties. And
23 you're gonna see the photos, okay, and what I want you to do
24 is when you see her modeling those shoes, you look at how
25 much of that shoe you can see on that picture, and you think

1 about what the person who was running that camera was really
2 taking a photograph of.

3 You'll see all them. You're gonna take them back there
4 with them. These are things I want you to remember. Okay.
5 Picture with mom, bra, see them, other pictures. The last
6 time Younger Minor remembers it, okay, this is right before we go,
7 right before everything blows up, okay, right before, here
8 we go, the end of 2009 -- go ahead and go, Mr. Perry, to the
9 next one.

10 All right. Good. And that, that part was the last
11 part, and this is what I want you to know. This is what I
12 want you to never forget. This is what those other victims
13 were important for. George has a style. He has a way he
14 does things. You've seen this developed. When you are
15 little, he will pull your dress up, masturbate on you, okay,
16 force you to give him oral sex when you are little. Then
17 when you get older, he will full on rape you, and the
18 medical profession backed that up, and I'll talk about that
19 in a minute.

20 But, as George got older, he got a little smarter.
21 Okay. And now he doesn't -- he will separate and two of
22 them together.

23 what did Older Minor say?

24 she said her daddy told her to come over there and suck
25 it so that her little sister would know how to do it, okay,

1 and that's when they broke down crying. That's when they
2 couldn't take it. All right. So, that's how George is
3 doing it now, and that's when [Older Minor] test result showed
4 positive with tears in the vagina, and they do a vagina like
5 this, and you'll think about it, and it's not that nice,
6 three to nine, that's where the tears are. About around the
7 same time [Younger Minor] [Older Minor] said he was raping her because when
8 he makes that switch, when you go from a little girl who's
9 sucking on him, to it's rape time, he's got another little
10 girl, he makes the switch, [Older Minor] you're right here, now I'm
11 bringing [Younger Minor] in, [Older Minor] you're up here, and it's rape
12 time. Okay. He made that switch. And that's what those
13 girls were crying about. He passed that torch.

14 May 31st, 2009, I repeatedly asked George Chavis did
15 Jamie leave the home with them. The answer, of course we
16 know from Julie and [Younger Minor] was yes.

17 Did Jamie have a daughter, Arial?

18 Yes.

19 Did you invite Arial and [Younger Minor] over to that house
20 alone with you while everyone else was at the other house
21 you were moving into, and that's when all this tension of
22 this little girl building up over the last ten years or so
23 being raped by her daddy exploded and she took off.

24 Whether [Younger Minor] herself knows or not, I don't know, but
25 you know what was happening, you know, what was coming, you

1 know what she knew?

2 Okay. She said I'm not gonna have to pass this torch
3 to this other little girl. It's gonna be Arial's time now
4 for the oral and the things and all the other stuff. All
5 right. And you know what time it is for me. It's time for
6 me to get raped, and that's coming at that house. And I
7 can't take it no more, I got to go.

8 Okay. You're telling me this girl right here is
9 looking for some coins out of George Chavis' house?

10 Her mama loaded up that van with every gun she could
11 get her hands on, a generator, and some clothes, y'all.

12 George Chavis makes it out like he was out to get her.

13 Okay. My daughter's about to get raped, I'm taking the guns
14 of a man who's out to get me, okay, and I'm running. This
15 man's been controlling me for ten years. He's got every
16 dollar I got locked up.

17 What you think, she had that key to that safe?

18 You think, Julie, you think this woman right here could
19 put her hands on a dollar in that house in those little
20 compounds that George built up there?

21 Dude, why you think it blew up at that house?

22 All right. And you know what else I got besides words
23 and besides pictures?

24 I got the testimony of the police. William Parker,
25 testified about 15 minutes, only had to get in one thing I

1 wanted him to talk about.

2 where were those guns when you pulled up?

3 All right. If you're setting up some grand conspiracy
4 to get a man, then you're not really scared of him. So,
5 you're just sitting in the house.

6 Does this woman have the sense to hide in the woods and
7 make it look like she's scared?

8 Are you thinking this woman is scared, she's in the
9 woods, y'all. They got to call 9-1-1 to come back up here
10 and get him. Tell them to come on, it's safe, the police
11 are here.

12 All right. And who goes with them that day?

13 George, you got another daughter?

14 Jamie.

15 She love you?

16 She loves me a lot. She took her little girl to
17 Charlotte. Jamie wasn't taking no chances. Okay. What she
18 knows we'll never know.

19 But I know one thing, she didn't move into that house,
20 did she?

21 If you ask George, five times did she move into that
22 house?

23 No, well no, no, somebody moved into that house. My
24 daughter don't live in that house. Jamie didn't move into
25 that house.

1 You know why?

2 And did you really pay attention to the story?

3 They made it sound like, Mr. Swilley made it sound like
4 she packed up a trailer and a truckload of George's valuable
5 Indian memorabilia and jumped ship. Okay. Jamie was moving
6 from house to house. They had Jamie's stuff in the trailer,
7 y'all. Okay. She went and got his guns so he couldn't get
8 them. That's it. They had to sell them guns to eat.
9 They'll be living at her son's place, man, with Jamie, with
10 Jamie's kids.

11 Did you hear that?

12 How many people living in the little condo in Charlotte
13 with some guns because you're trying to scheme on a half
14 acre lot in McCall?

15 You know, take it, take it out -- defense wants to say
16 it. You don't make sense, and I'm gonna, not gonna hit on
17 every point because we're running -- but let's hit on my
18 indictments.

19 Can we go there?

20 That's my place.

21 That there. You can look at five indictments. Not a
22 single one of those indictments involve him putting his
23 erect penis in her vagina.

24 Okay. Criminal sexual conduct in the first degree,
25 September 6th, 2000, September 5th, 2004. Younger Minor was

1 seven to the day before she turned 11. All right. She
2 testified that abuse started when she moved into the house
3 with that man. That's her testimony right there. The actor
4 engages in sexual battery. All right. It don't get much
5 more battery then you forcing your penis inside of your
6 daughter's vagina, and I don't care if it's hard or soft or
7 anywhere in-between.

8 Can we go to the next one?

9 This is in the second degree, and all this has to do
10 with is age. The course of conduct continued, and you heard
11 the testimony, and you saw the time line. From the time she
12 was seven to two weeks before 2009 when they hauled tail and
13 she was around about 15. This is from 11 to 15, which is a
14 separate crime in the law because of the girl's age, and he
15 was raping her then or molesting her then too. So, I'm
16 charging him with that too.

17 Okay. Can we go to the next one?

18 Same thing. Okay. Just another charge.

19 And you know why it is?

20 Because you engage in a sexual battery with a victim
21 who is 14 years of age, but less than 16, and in a position
22 of familial, custodial, or official authority, and let me
23 tell you something. No truer words have been spoken cause
24 he controlled that woman. He controlled her daughter. He
25 controlled every dollar that went into that house, every

1 decision they made, and everywhere they went he had his
2 hands in it. Okay. And the law says if you're a man in
3 charge of a young girl, you don't get to have sex with her,
4 and that's the way it should be, and I charged him with that
5 too.

6 Can we go to the next one?

7 Lewd act upon a child. I don't think I have to explain
8 what that is. Lewd or lascivious conduct. Okay. Of
9 course, it was present. She testified to it.

10 All right. Let me go to the next one. Delinquency of
11 a minor. To comport himself or herself is to willfully
12 injure or endanger his or her morals. You can't endanger a
13 little girl no more, no more than you can when you take her
14 innocence at seven years old.

15 All right. But look at the dates. January 2007/2009.
16 Showing her nude photographs. Taking these photographs of
17 her, and you heard all day from them. Okay. That's what
18 he's charged with.

19 Now, can we go to the next photograph?

20 All right. Everybody knows what this photograph is.

21 And you can go ahead and take it off, Mr. Perry.

22 But I want everybody to see that. Yeah, put that down.
23 I want everybody to see that photograph because I want you
24 to look at her face. This girl wasn't happy when that
25 photograph was taken, and that photograph was taken from

1 the, the computer that the rest of these were in, and that
2 is probably, aside from the reasons she got excited May
3 31st and they all took off to Charlotte, probably the
4 second most important thing about this case.

5 That photograph goes to show that those photographs are
6 owned by Mr. George Chavis. Okay. He's got his face in
7 that photograph. You look through those photos, if a child
8 or a mother has a photo album, they are some pictures in
9 there for the child and the mother, and y'all know this
10 through your good common sense, but they are together and
11 happy and smiling and laughing.

12 And if you look through these photographs, and Mr.
13 Chavis, and never went to work, never left the house, was
14 always there when a dutiful husband, I love how he played
15 that up, but somehow somebody broke in and planted all these
16 photos on him. Very easily could of been an enemy of his
17 from when he was in the army. Some type Double 007, James
18 Bond guy. We didn't get from agencies. Okay. He don't
19 want, have no paperwork to back any of that. I don't even
20 know how it came out.

21 But when you start questioning him seriously about
22 something, everything fades away into a reason why he's not
23 guilty or he didn't do it. All right. Trust me and believe
24 me when I tell you that the evidence shows they ain't out to
25 get properties. All right.

1 All right. Now, Mr. Perry, let me get this up.

2 Now, this photographs here, these will be the only
3 other photograph that is not in here is the woman in here,
4 and you see those, and George Chavis admitting that that is
5 his cousin. Not any of these people.

6 Okay. So, George's got a naked photo of himself, 20
7 something odd naked photos of his daughter, and a photo of
8 him and a family member and a photo of one of his favorite
9 family members in a file. But obviously those photos are
10 somebody else's. It doesn't make any sense, and I'm not
11 gonna put Younger Minor photographs back up here. They're
12 on here. They're on here. I was gonna go through it.
13 Younger Minor been through enough. She's seen her and heard more
14 than she should have, and it certainly started before this
15 trial.

16 But when I do, I want y'all to know and look at these
17 photographs because I've seen a lot of this kind of stuff in
18 my 18 months, and nothing's really upset me, but you look.

19 THE COURT: Five minutes. Five minutes.

20 SOLICITOR HOLT: Yes, sir.

21 when you look at these photographs that made her cry,
22 and you look through them, okay, I want you to look to the
23 expression on her face, and I want you to think, if a girl
24 was making these photographs for a friend, for herself,
25 would her face look like this?

1 And I promise you it is not something you will soon
2 forget. These photographs like this were based on trickery.
3 These photographs, she looks like she's just coming out the
4 shower. Can't take a shower in George's house without
5 George getting something out of it.

6 All right. And then this photograph is in there. It
7 shows George at his computer. All right. The little desk
8 where he controlled everything. Okay. It shows her
9 touching George. I can guess as to why George looks happy,
10 but that's a happy memory and he wants to keep it in there.
11 But the photograph where she says he posed her is right
12 here.

13 It's not a flattering photograph. It's not a pose of
14 the young lady would think of. It's a pose that George put
15 her in and I got two or three minutes, and I want you to
16 look at this one. This is it right here.

17 Okay. I want you to look at this little girl's face
18 and I want you to think is she happy with what she's doing
19 right now?

20 And you got that good common sense. I want you to use
21 it.

22 Okay. Is this girl happy with what she's being forced
23 to do right now, all right, or is she sitting there scheming
24 about how she's gonna get Sergeant Angry Bear's half acre in
25 the woods?

1 what you think she's sitting there thinking about?

2 All right. I brought words and that's all I brought
3 aside from my photographs, aside from the evidence that the,
4 the police gave us, aside from the evidence through the
5 medical professionals who, when Older
Minor say she was getting
6 raped, the tear from nine to three. Aside from all that, I
7 brought words from a lot of people forth who say the same
8 kind of thing happened to them.

9 All right. Mr. Swilley was looking up on the ceiling
10 for his reasonable doubt. They proposed a preposterous
11 story to y'all that didn't even make good sense.

12 Now that -- that was like the second time I've
13 cross-examined somebody. Okay. I don't know what I'm doing
14 anymore than anybody else, and I could never get the truth.

15 Did Older
Minor sleep in your bed?

16 Did you sleep in her bed?

17 Was there a bus?

18 You get answers from all over the place.

19 Did your daddy rape you?

20 Yes.

21 Did your daddy take photographs?

22 Yes.

23 You saw it. Okay. You saw her. You saw him. You saw
24 this.

25 Ladies and gentlemen, the judge told me I got to sit

1 down and I got to, and I, I apologize if I got worked up
2 during this. I got worked up today. I can't tell you why.
3 I've decided because we're at the end.

4 This is not a case that I enjoy. Today's the last day,
5 and I hope, I hope y'all go back there and you think about
6 it, and you think about what the judge is gonna tell you the
7 reasonable doubt is. You think about these charges. You
8 think about the time line. You think about all the people
9 you heard. Just words, except for evidence, ladies and
10 gentlemen.

11 Thank you.

12 THE COURT: All right. Mr. Foreman, and ladies and
13 gentlemen of the jury, if you will give me your attention.
14 You have listened very attentively to all of the, to the
15 presentation of the evidence in this case. Now I thank you
16 for that. You've also listened to the able arguments made
17 by the solicitor and by Mr. Swilley on behalf of the
18 defendant, and I also appreciate your attention to that.

19 It now becomes the duty of the trial judge and the
20 Constitution of this state to charge and instruct you on the
21 law applicable to this case, and it is your duty, as jurors,
22 to accept and apply the law as the Court will now state it
23 to you. And, as jurors, it was your exclusive duty to
24 decide all of the issues of fact in this case and for that
25 purpose, to determine the effect, the value, the weight, and

1 the truth of the evidence presented.

2 Both the State and the defendant have the right to
3 expect that you will conscientiously consider and evaluate
4 the evidence and apply the law of the case thereto to the
5 end that both the State of South Carolina and the defendant
6 will receive and obtain a fair and impartial trial. When I
7 use the word defendant in these instructions, I refer, of
8 course, to Mr. George Chavis.

9 Now, there are five indictments in this case, and by
10 these bills of indictments, the State charges the defendant
11 with one count of criminal sexual conduct with a minor in
12 the first degree, with two counts of criminal sexual conduct
13 in the second degree, with the crime of committing or
14 attempting to commit a lewd act upon a child, and, finally,
15 with the crime of contributing to the delinquency of a
16 minor, and I'm gonna summarize these indictments for you for
17 just a minute.

18 But the Indictment Number 759 charges the defendant --
19 well, that's not the one I want to start with. Excuse me a
20 minute.

21 Indictment Number 218 charges the defendant with the
22 crime of criminal sexual conduct with a minor in the first
23 degree by alleging that, on or about September the 6th of
24 2000 through September the 5th of 2004, that the defendant
25 committed the crime of committing criminal sexual conduct

1 with a minor in the first degree by engaging in sexual
2 battery with a minor who is less than 11 years of age.
3 Specifically [Younger Minor]

4 Indictment Number 759 charges the defendant with
5 criminal sexual conduct in the second degree alleging that
6 September 6th, 2004, through September the 5th of 2008,
7 that the defendant did commit criminal sexual conduct with a
8 minor in the second degree by engaging in sexual battery
9 with a minor who is 14 years of age, but who was 14 years of
10 age or less, but was at least 11 years of age. Again, with
11 [Younger Minor]

12 Indictment Number 760 charges the defendant did, in
13 Marlboro County, on or about September the 6th, 2008,
14 through May 30th of 2009, willfully and unlawfully commit
15 criminal sexual conduct with a minor in the second degree by
16 engaging in sexual battery with a minor who is at least 14
17 years of age but less than 16 years of age. Again, [Younger Minor]
18 [Younger Minor] and that is the crime of criminal sexual conduct in
19 the second degree.

20 Indictment Number 761 charges the defendant with, in
21 Marlboro County, on or about September the 6th, 2003,
22 through May 30th of 2009, willfully, lewdly, commit or
23 attempt to commit, a lewd or lascivious act upon a child
24 under the age of 16 years. Specifically, [Younger Minor] And
25 that is a charge of committing or attempting to commit a

1 lewd act upon a child.

2 And, finally, in Indictment Number 762, the State
3 charges the defendant, Mr. Chavis, did on or about or from
4 January 1st of '07 through May 30th of '09, knowingly and
5 willfully encouraged, aid, or caused, or influence a minor
6 to violate the law or so to deport herself as to willfully
7 injure or endanger her morals or health including but not
8 limited to engaging in sexual conduct and/or photographs of
9 a sexual nature.

10 Now, those are the five charges against the defendant.
11 To those charges, Mr. Chavis has pled not guilty. The
12 defendant, Mr. Chavis, is presumed, in the law, innocent of
13 the charges contained in each of these indictments. It is a
14 cardinal and important rule of the law that, that a
15 defendant, irrespective of the enormity of the charges
16 against him, will always be presumed innocent of the crime
17 for which he is indicted unless and until the guilt of the
18 defendant has been proven by evidence which satisfies you,
19 the jury, of his guilt beyond a reasonable doubt.

20 The presumption of innocence is not just a -- it is not
21 a mere legal theory. It is not just a legal phrase. The
22 presumption of innocence is a substantial right to which
23 every accused is entitled. Our supreme court has declared
24 the presumption of innocence is like a robe of righteousness
25 placed about the shoulders of this defendant, and it remains

1 with him, assigns to him that class, the innocent, until
2 that presumptive robe of righteousness has been stripped
3 from his person by evidence satisfying you, the jury, of his
4 guilt beyond a reasonable doubt.

5 The presumption of innocence accompanies the defendant
6 from the time of his arraignment and appearance in this
7 court and continues with the defendant until you retire to
8 the jury room and deliberate your verdict. The presumption
9 of innocence continues in existence to the benefit of the
10 defendant until you, the jury, believes that the State has
11 proved the guilt of the defendant beyond a reasonable doubt.

12 Now, the State is not required to prove the guilt of a
13 defendant beyond all doubt or beyond every doubt, but beyond
14 a reasonable doubt.

15 what is a reasonable doubt?

16 It's not an imaginary or fanciful doubt or a weak
17 doubt. It is a substantial doubt. It is a doubt which the
18 words imply, a doubt for which you can give or assign a
19 reason based on the testimony and evidence in this case.

20 A reasonable doubt is not any sort of a doubt. Then I
21 know, from every day life experiences, that you may have a
22 sort of a doubt about any matter that arises. No matter how
23 serious it may be or how frivolous it may be. A reasonable
24 doubt is a doubt which makes an honest, sincere,
25 conscientious juror, in searching for the truth, hesitate to

1 act. Proof beyond a reasonable doubt is proof which leaves
2 you firmly convinced of the defendant's guilt. If you have
3 a doubt for which you can give or assign a reason as to the
4 guilt of the defendant, then he is entitled to a verdict of
5 not guilty.

6 Reasonable doubt may arise from evidence which is in
7 the case or from the lack of evidence in the case. You, the
8 jury, must make the determination of whether or not
9 reasonable doubt exists as to the guilt of the defendant.
10 The very fact, however, that a jury engages in a full and
11 free discussion of the issues of guilt or not guilty, with
12 the normal conversation of ebb and flow on these issues,
13 does not automatically mean that there, that reasonable
14 doubt exists in this case or in any other case.

15 I charge you that the defendant is entitled to every
16 reasonable doubt arising in the whole case, arising in any
17 defenses asserted by the defendant. If, upon any issue of
18 fact essential to conviction and a verdict of guilty, you
19 have a reasonable doubt as to how that issue should be
20 resolved, it would be your duty to resolve that doubt in
21 favor of the defendant.

22 A defendant, ladies and gentlemen, is not required to
23 prove his innocence. But the state is required, by law, to
24 prove every essential element of the offense charged against
25 the defendant by evidence which satisfies you, the jury, of

1 his guilt beyond a reasonable doubt before you can convict
2 the defendant and find him guilty. If then, upon the whole
3 case, you have a reasonable doubt as to guilt or innocence
4 of the defendant, he is entitled to that reasonable doubt
5 and would be entitled to an acquittal and a verdict of not
6 guilty. So, on the other hand, if, upon the whole case, you
7 find the State has proven, by evidence that satisfies you,
8 the juror, of the guilt of the defendant beyond a reasonable
9 doubt, then, in such circumstances, it would equally be your
10 duty to convict the defendant and find him guilty.

11 Now, I instruct you that the indictments in this case,
12 all five of them which I have in my hand, are not evidence
13 in this case, and can not be considered by the jury as
14 evidence in this case. The indictments are simply the
15 formal written instruments which contain the charges against
16 the defendant, and they serve as the formal documents by
17 which this case is brought to trial.

18 During this trial, each of us, you and I, have separate
19 duties to perform. As the trial judge, it is my
20 responsibility to preside over the trial of this case, and I
21 also have the duty to rule upon or pass upon the
22 admissibility of evidence offered through the parties in the
23 trial. You are to consider only the evidence before you,
24 and you are to disregard or disabuse from your mind any
25 testimony ordered stricken from the record of this case

1 during the progress of the trial if there be any, and you
2 are to consider only the testimony which has been presented
3 from this witness stand, together with any exhibits admitted
4 into the record of this case and any stipulations of counsel
5 made into the record if there are.

6 I have the additional duty to charge you the applicable
7 law in this case. As the presiding judge, I am the sole
8 judge of the law in the case, and it is your duty to accept
9 and apply the law as I now state it to you. If you have a
10 preconceived idea on what the law is or what the law ought
11 to be, and it does not agree with what I tell you the law
12 is, you are obligated, under your oath, to abandon this
13 preconception on your part because you are sworn to accept
14 the law precisely as the Court instructs it to you.

15 In every case tried before this Court, tried in this
16 court before a jury, the jury becomes the sole and exclusive
17 judge of the facts. You, the jury, are the judge of the
18 facts in this case. The Court is the judge of the law. The
19 Constitution of this state has declared that the trial judge
20 shall not intimate, state, or comment upon or make any
21 statement to the jury trial about the facts of the case.
22 You are not to infer from anything that I have said during
23 the progress of this trial or ruling upon the admissibility
24 of evidence or otherwise or anything I say now during the
25 course of these charges to you that I have any opinion about

1 the facts in this case. I do not. The law does not permit
2 me to have an opinion about the facts. This is a matter
3 solely for you, the jury, to determine.

4 As jurors then, it is your duty, as I have said, to
5 determine the effect, the value, the weight, and the truth
6 of the evidence presented during the course of this trial.
7 Necessarily then, you must assess the credibility of the
8 witnesses who have testified in this case.

9 Credibility is simply a legalistic term meaning
10 believability. It becomes your duty then to analyze and
11 evaluate the evidence and to determine that evidence which
12 convinces you of its truth. I charge you that, in
13 determining the question of credibility or believability of
14 the witnesses, you may believe one witness as against
15 several witnesses or several witnesses as against one
16 witness. You may believe part of the testimony of the
17 witness and reject the remaining part of the testimony of
18 that same witness. You may believe the testimony of a
19 witness is, in its entirety or you may reject the testimony
20 of a witness in its entirety.

21 You may consider whether any witness is exhibited any
22 interest, any bias, or any prejudice in the case, and you
23 may consider the demeanor of the witness. That is the
24 appearance of a witness on the witness stand, and you may
25 consider the opportunity for knowledge concerning those

1 things about which a witness testified. These
2 considerations you do not exercise arbitrarily. But in your
3 good judgment and in sound reason in the record for so
4 doing. Because your obligation, ladies and gentlemen, is to
5 find the truth. Your objective is to find the truth. It
6 is -- whether it comes from a witness or witnesses for the,
7 the State of South Carolina or a witness or witnesses for
8 the defendant, and in doing so, exercising your mental
9 process, and in determining what you consider to be true.

10 The law simply requires that you exercise your good
11 judgment, your common sense, your sense of logic and reason,
12 and your experiences in life. You then apply these
13 attributes of ability to the evidence and determine what you
14 consider to be the truthful evidence, and to these true
15 state of facts as determined by you, the jury, taking and
16 apply the law as the court will now give it to you, and thus
17 arrive at a true verdict in this case.

18 Now, as I have said, there are five indictments in this
19 case. The defendant is charged with several different
20 crimes, and I want to define these offenses for you.

21 First of all, on here, get my paper here, in Indictment
22 Number 218, the defendant is charged with the crime of
23 criminal sexual conduct in the first degree. The charge
24 pending against the defendant is a statutory charge. That
25 means it is a part of the statutory law of South Carolina.

1 It is contained in the Code of Laws of South Carolina as
2 passed by the General Assembly as Section 16-3-655(a) of
3 the, the Code of Laws of South Carolina, and it sets forth
4 the statutory provisions for first degree sexual conduct
5 with a minor as follows: A person is guilty of criminal
6 sexual conduct with a minor in the first degree if the actor
7 engages in a sexual battery with a victim who is less than
8 11 years of age.

9 Section 16-3-651(a) defines actor as a person accused
10 of criminal sexual conduct.

11 Section 16-3-651(i) provides victims, victim means a
12 person alleging to have been subject to the criminal sexual
13 conduct.

14 The first element, the first element the State must
15 prove beyond a reasonable doubt is that the defendant
16 engaged in a sexual battery with the victim.

17 What is a sexual battery?

18 Section 16-3-651(a) of the code defines sexual battery
19 as the following: Sexual intercourse, cunnilingus,
20 fellatio, and intercourse, or anal intercourse, or any
21 intrusion, however slight, of any part of a person's body or
22 of any object into the genital or anal openings of another
23 person's body except when such intrusion is accompanied for
24 medically recognized treatment or diagnostic purposes.

25 If you find the State has not proven, beyond a

1 reasonable doubt, that sexual battery occurred, you must
2 stop deliberating and find the defendant not guilty of this
3 charge. If you find the sexual battery did occur, then you
4 must decide whether the State has proven, beyond a
5 reasonable doubt, that the defendant was less than 11 years
6 of age at the time of the sexual battery.

7 Indictment Numbers 759 and 760 both charge the
8 defendant with criminal sexual conduct with a minor in the,
9 the second degree. Again, that is a statutory charge, and
10 it is contained in our Code of Laws, and is defined by the
11 code as unlawful.

12 A person is guilty of criminal sexual conduct with a
13 minor in the second degree if, one, the actor engages in
14 sexual battery with a victim who is 14 years of age or less
15 but at least 11 years of age or the actor engages in sexual
16 battery with the victim who is at least 14 years of age or
17 who has, but who is less than 16 years of age, and the actor
18 is in a position of familial, custodial, or official
19 authority to coerce the victim to submit or is over the
20 victim. Again, this section defines actor as a person
21 accused of criminal sexual conduct, and defines victim as
22 the person alleging to have been subject to criminal
23 sexual conduct.

24 The first element the State must prove beyond a
25 reasonable doubt is that the defendant engaged in a sexual

1 battery with the victim; and I have already defined sexual
2 battery as sexual intercourse, cunnilingus, fellatio, anal
3 intercourse, or any intrusion, however slight, of any part
4 of a person's body or any object into the genital or anal
5 openings of another person's body except when done for
6 medically recognized purposes.

7 If you find the State has not proven, beyond a
8 reasonable doubt, the sexual, that sexual battery occurred,
9 you would stop deliberating and find the defendant not
10 guilty of these two charges, either of these two charges.
11 If you found that the battery did occur, you must then
12 decide whether the State has proven, beyond a reasonable
13 doubt, one, that the victim was at least 11 years of age,
14 but not more than 14 years of age at the time of the sexual
15 battery, or the victim was less than 16 years old and at
16 least 14 years old at the time of the sexual battery, and
17 the defendant was in a position of familial, custodial, or
18 official authority to coerce the victim to submit or the
19 defendant was over the victim.

20 The next indictment that you would consider, and you
21 are, ladies and gentlemen, to consider each one of these
22 indictments separately, and each one will be, and each one
23 will require a separate verdict.

24 In Indictment Number 761, the defendant is accused of
25 committing or attempting to commit a lewd act upon a child

1 under 16, and, again, the South Carolina Code defines that
2 offense as follows: It is unlawful for a person over the
3 age of 14 years to willfully and lewdly commit or attempt to
4 commit a lewd or lascivious act upon the body or its parts
5 of a child under the age of 16 years with the intent of
6 arousing, appealing to, or gratifying the lust or passions
7 or sexual desires of the person or of the child, and that is
8 willfully done and done voluntarily and intentionally and
9 with the specific intent to do something the law forbids.

10 Lewd means obscene, lustful, indecent, lecherous,
11 intending to moral intrusion. Lascivious means tending to
12 excite the lust, indecent, obscene, tending to deprave the
13 morals and respect of sexual relationship, relations.

14 In order to convict the defendant of committing or
15 attempting to commit a lewd act upon a child, the statutory
16 provisions must be proven beyond a reasonable doubt. The
17 State must prove that the defendant is over 16 years of age,
18 that the defendant is over 14 years old, that the defendant
19 willfully and lewdly committed or attempted to commit a lewd
20 act on the child from or with the part or body parts of the
21 child under 16 years old, with the intent of arousing,
22 appealing to, or gratifying the lust, passions, or sexual
23 desires of the defendant or of the child. The State must
24 prove all four elements, beyond a reasonable doubt, before
25 you can convict the defendant of this charge.

1 Now, finally, the defendant is charged with the offense
2 of contributing to the delinquency of a minor. Again, that
3 is a statutory offense, and the law, statutory law of South
4 Carolina reads as follows: It shall be unlawful for any
5 person over 18 years of age to knowingly and willfully
6 encourage, aid, aid or cause to do any act which shall cause
7 or influence a minor to so comport himself and herself as to
8 willfully injure or endanger, endanger his or her morals or
9 health or the morals or health of others. An act is
10 willfully done if done voluntarily and intentionally and
11 with the specific intent to do something the law forbids.

12 In order to convict a defendant of contributing to the
13 delinquency of a minor, the State must prove, beyond a
14 reasonable doubt, that the defendant was over 18 years of
15 age, that the defendant knowingly and willfully encouraged,
16 caused, or did any act which caused or influenced the minor
17 to so comport herself or himself as to willfully injure or
18 endanger his or her morals or health or the morals or health
19 of another.

20 Now, ladies and gentlemen, they're several other
21 principals of law that I want you to keep in mind and to
22 apply in deciding your verdict. First of all, in regard to
23 the elements of an alleged bad act on another occasion, this
24 evidence is limited to consideration by you as it relates to
25 a common scheme or plan embracing the commission of two or

1 more bad acts are so related to each other that proof of one
2 tends to establish the other. The evidence is limited to
3 those purposes of uses. The evidence is not to be used for
4 any other purpose. This type of evidence must not be
5 considered in any other fashion.

6 Now, ladies and gentlemen, there are generally two
7 types of evidence that are presented in a case. Direct
8 evidence and circumstantial evidence.

9 Direct evidence is evidence, is testimony of a person
10 who asserts or claims to have actual knowledge of a fact
11 such as an eye witness.

12 Circumstantial evidence is proof of a chain of facts
13 and circumstances indicating the existence of a fact. The
14 law makes absolutely no distinction between the weight or
15 value to be given to either circumstantial or direct
16 evidence nor is a greater degree of certainty required of
17 circumstantial evidence than of direct evidence. You should
18 weigh all of the evidence in this case, and after weighing
19 all of the evidence, if you are not convinced of the guilt
20 of the defendant beyond a reasonable doubt, then you would
21 find the defendant not guilty.

22 I also want to tell you, and, of course, this would
23 be -- the charges in this case are criminal sexual conduct,
24 and I want to tell you that South Carolina law provides that
25 the testimony of a victim in a criminal sexual conduct

1 prosecution need not be corroborated by other testimony or
2 evidence.

3 Now, there's also been testimony in this case which we
4 call expert testimony. Although lay witnesses are limited
5 to testifying about facts which are within their knowledge
6 and they're not allowed to give opinions, certain witnesses,
7 who by their training, education, and experience, are
8 considered experts in a particular field may give their
9 opinions. These opinions constitute evidence to be
10 considered by you in connection with all of the other
11 testimony in this case. You may consider the expert's
12 opinion just as you do other evidence in this case. It's
13 for you, the jury, to give it such weight, as you, in your
14 experience and discretion, may determine it deserves. You
15 must weigh such evidence and accept it or reject it in the
16 same manner as you treat all other evidence in this case.

17 And, finally, ladies and gentlemen, I will tell you
18 that when a person is charged with a crime, the law permits
19 that proof of his good character and reputation is allowed
20 because, under some circumstances, a person might be
21 entitled to a verdict of not guilty taking into
22 consideration his good character and reputation when,
23 without it, a verdict of guilty might be authorized.
24 Evidence of good character and reputation may, in and of
25 itself, create a doubt as to guilt to be considered by the

1 jury along with all of the evidence in determining the guilt
2 or innocence of the defendant. The weight that you give
3 that testimony, like all other testimony in this case, is
4 for you to determine and decide in your good judgment.

5 Now, ladies and gentlemen, I have about finished my
6 instructions to you, and I will tell you that you are not
7 partisans or advocates of the State of South Carolina or for
8 this defendant. It is been said that you do not serve on a
9 jury to reward your friends or punish your enemies.
10 Obviously such a perverted system of justice would not be
11 tolerated. You have been selected by both the State and the
12 defendant as a fair and impartial jurors, and it is your
13 duty then, by your joint deliberations, to determine the
14 truth in this case giving to the defendant the benefit of
15 every reasonable doubt to each and every case. And then to
16 the facts that you determine to be the truth, you then take
17 and apply the law, which the Court has given to you, and
18 arrive at a verdict which does speak the truth because the
19 word verdict, ladies and gentlemen, comes from the Latin
20 veredicto meaning to speak the truth or truth et cetera.
21 And when you have done that, you have accomplished these
22 responsibilities and, and satisfied both, and would have
23 discharged your duties to this Court.

24 Now, Mr. Foreman, I will instruct you on the forms of
25 verdict in this case. So, ladies and gentlemen, I'm going

1 to instruct you on the forms of verdict in this case. You
2 will consider each indictment separately, and that you make
3 a decision on the indictment. If the State has failed to
4 prove the guilt of the defendant beyond a reasonable doubt
5 on that particular indictment, your verdict would be two
6 words, not guilty. If the State has proven the guilt of the
7 defendant beyond a reasonable doubt of that particular
8 indictment, your verdict would be one word, guilty. The
9 verdict that you render in this case must be the verdict of
10 each and every juror. It must be your unanimous verdict.
11 All 12 must agree on the verdict that you authorize as your
12 verdict.

13 Now, Mr. Foreman, I have prepared, on a sheet of paper,
14 five separate verdict forms. One for each of the
15 indictments in this case, and I want to tell you and all
16 members of the jury that the form in which I have put the
17 possible verdicts on this verdict, on this verdict form has
18 absolutely no significance whatsoever, and you should not
19 infer, from the form in which I have put the possible
20 verdicts on, on this paper, that I have any opinion as to
21 what your verdict should be. I do not. The law does not
22 allow me an opinion. But obviously I'm putting something
23 down on paper. I had to put something first and something
24 second.

25 But on each one of them they contain the State, the

1 county, and the formalities that go with General Sessions,
2 the indictment number, the name of the case here in South
3 Carolina, Mr. George Chavis and verdict, and on each one,
4 George Chavis is charged on each one, but let's look first
5 at the Indictment Number 218. We, the jury, by unanimous
6 agreement, on the charge of criminal sexual conduct in the
7 first degree with a minor, [Younger Minor] between
8 September 6th, 2000, and September 5th, 2004, find the
9 defendant, George L. Chavis, either guilty or not guilty and
10 you simply put a check, an X, and whichever is the, the
11 unanimous verdict, and sign your name and date it, and, and
12 you will be through with that indictment.

13 Same thing on the next indictment, which is the first
14 criminal sexual conduct with a minor second degree that
15 [Younger Minor] being September 6th, 2008, and May 30th,
16 2009, find, George L. Chavis, guilty or not guilty and sign
17 your name.

18 On Indictment Number 759, it's the second CSC with a
19 minor second degree, that [Younger Minor] between
20 September 6th, 2004, and September 5th, 2008, find the
21 defendant, George Chavis, guilty or not guilty and sign your
22 name, and then you can do the same with the charge of
23 committing lewd act upon a child, guilty or not guilty, and
24 with the contributing to the delinquency of a minor, guilty
25 or not guilty, and as I would say, the verdict on each and

1 every one of these has to be unanimous.

2 Now, I am going to ask you to go to your jury room, but
3 I'm gonna ask that you not begin your deliberations just
4 yet. The law requires that I take up certain matters of law
5 with the attorneys in this case. If it is not necessary
6 that I return you to the court with additional instructions,
7 the bailiff will bring you the verdict forms and also bring
8 you the exhibits in this case, and tell you to begin your
9 deliberations. When you have reached a verdict, simply
10 knock on the door and notify the bailiffs, and we will
11 return you to the courtroom as promptly as possible.

12 So, I would ask the 12 principal jurors, if you would
13 go to your jury room at this time, and ask the alternates to
14 stay with me, but do not begin your deliberation just yet.

15 Thank you.

16 You may go with the bailiff.

17 (WHEREUPON, the following takes place outside the
18 presence of the jury.)

19 THE COURT: Any additions or exceptions on behalf of
20 the State, Ms. Miles or Mr. Holt?

21 SOLICITOR HOLT: Your Honor, there are none.

22 THE COURT: By the defense?

23 MR. SWILLEY: There are none, Your Honor.

24 THE COURT: All right. Counsel, check the exhibits and
25 make sure that they, the right exhibits are going to the

1 jury room.

2 (WHEREUPON, the alternate jurors were dismissed at this
3 time, and the jury began deliberations at 2:33 and returned
4 with a verdict at 3:12.)

5 THE COURT: All right. Back on the record with regard
6 to the matter of the State versus George Chavis. I have
7 been advised that the jury has reached a verdict.

8 Anything before we bring the jury in, Ms. Miles?

9 SOLICITOR MILES: Nothing from the State.

10 THE COURT: Mr. Swilley.

11 MR. SWILLEY: Nothing from the defense, Your Honor.

12 THE COURT: All right. Let me remind everyone here
13 that I must require that order and decorum be maintained in
14 the courtroom when the verdict is published. I can not
15 tolerate any kind of outburst in motion clapping or any kind
16 of reaction to the verdict whatsoever. If anyone who thinks
17 that they can not sit quietly during the publication of the
18 verdict, I would require that you leave the courtroom now.

19 All right. Thank you.

20 Bring, bring the jury in.

21 (WHEREUPON, the following takes place within the
22 presence of the jury.)

23 CLERK: All right. Have y'all reached a verdict?

24 THE COURT: All right. I have the verdict form. The
25 verdicts appear to be correct. They are in chronology or

1 numerical order, and, Mr. Clerk, you may publish the
2 verdicts.

3 CLERK: Indictment Number 2010-GS-34-218, the State of
4 South Carolina versus George L. Chavis, we, the jury, by
5 unanimous agreement on the charge of criminal sexual conduct
6 with a minor first degree with [Younger Minor] between September
7 the 6th, 2000, September the 5th, 2004, find the defendant,
8 George L. Chavis, guilty.

9 Mr. Foreman.

10 THE COURT: Publish the number of that one, please, the
11 indictment number on the correct one?

12 CLERK: 2010-GS-42-218. Dennis Rivenbark, foreman.
13 March 17th, 2011, Bennettsville, South Carolina.

14 Indictment 2010-GS-34-759, we, the jury, by, unanimous
15 agreement, on the charge of criminal sexual conduct with a
16 minor second degree with [Younger Minor] between September the
17 6th, 2004, and September the 5th, 2008, find the defendant,
18 George L. Chavis, guilty. Dennis Rivenbark, foreman.
19 March 17th, 2011, Bennettsville, South Carolina.

20 Indictment 2010-GS-34-760, we, the jury, by unanimous
21 agreement on the charge of criminal sexual conduct with a
22 minor second degree with [Younger Minor] between September the
23 6th, 2008, and May the 30th, 2009, find the defendant,
24 George L. Chavis, guilty. Dennis Rivenbark, foreman.
25 March the 17th, 2011, Bennettsville, South Carolina.

1 Indictment 2010-GS-34-761, we, the jury, by unanimous
2 agreement on the charge of committing or attempting to
3 commit a lewd act upon a child, [Younger Minor] between
4 September the 6th, 2000, and May the 30th, 2009, find the
5 defendant, George L. Chavis, guilty. Dennis Rivenbark,
6 Foreman, March 17th, 2011, Bennettsville, South Carolina.

7 Indictment 2010-GS-34-762, we, the jury, by unanimous
8 agreement on the charge of contributing to the delinquency
9 of a minor, [Younger Minor] between January 1 of 2007 until May
10 the 30th, 2009, find the defendant, George L. Chavis,
11 guilty. Dennis Rivenbark, Foreman, March the 17th, 2011,
12 Bennettsville, South Carolina.

13 Is this your verdict, so say you all by raising your
14 right-hand.

15 (WHEREUPON, all jurors raise their hands at this time.)

16 CLERK: Thank you.

17 THE COURT: All right. Thank you.

18 Anything before the jury is excused, Mr. Swilley?

19 MR. SWILLEY: Yes, Your Honor.

20 May I poll the jury or I request that the jury be
21 polled?

22 THE COURT: All right. Mr. Clerk.

23 (WHEREUPON, all the jury was polled and all jurors
24 responded in the affirmative that this is their verdict and
25 still their verdict at this time.)

STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSION
 COUNTY OF MARLBORO) 2010-GS-34-00218
) 2010-GS-34-00759
) 2010-GS-34-00760
) 2010-GS-34-00761
) 2010-GS-34-00762

STATE OF SOUTH CAROLINA)
) PLAINTIFF)
 vs.) TRANSCRIPT OF RECORD)
))
 GEORGE CHAVIS)
) DEFENDANT)

March 18, 2011
 Bennettsville, South Carolina
SENTENCE OF THE COURT

B E F O R E:

THE HONORABLE HOWARD P. KING, JUDGE; and a jury.

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

BETHANY MILES, COMMISSION ON PROSECUTION COORDINATION
 Attorney for the State

MATTHEW SWILLEY, PUBLIC DEFENDER
 Attorney for the Defendant

RICK JONES, PUBLIC DEFENDER
 Attorney for the Defendant

HATTIE O. GORDON
 Circuit Court Reporter

1 And I give a lot of thoughts to the sentences that I
2 impose. Very often the sentences that we impose do not
3 satisfy everyone. Sometimes they don't satisfy anyone.
4 We don't have -- we're not clairvoyants. We can't foresee
5 the future. All we can do is impose the sentence based on
6 what we hear by way of evidence and what the law charges
7 us with the responsibility of doing. I have done that in
8 this case and will now publish those sentences.

9 On Indictment Number 2010-GS-34-218, for the
10 conviction for criminal sexual conduct with a minor first,
11 the sentence of the Court is Defendant is committed to the
12 State Department of Corrections for a term of 25 years.

13 With regard to criminal sexual conduct with a minor
14 second in Indictment Number 2010-GS-34-0759, the sentence
15 of the Court is Defendant is committed to the State
16 Department of Corrections for a term of 20 years to run
17 concurrent with the other charges.

18 On the charge of Indictment Number 2010-GS-34-0760,
19 the criminal sexual conduct second, the sentence of the
20 Court is Defendant is committed to the State Department of
21 Corrections for a period of 20 years to run concurrent
22 with the other charges.

23 On Indictment Number 2010-GS-34-0761, lewd act upon a
24 minor, the sentence of the Court is Defendant is committed
25 to the State Department of Corrections for a term of 15

1 years to run concurrent.

2 And on the charge of 2010-GS-34-0762, contributing to
3 the delinquency of a minor, the sentence of the Court is
4 Defendant is committed to the State Department of
5 Corrections for a term of three years to run concurrent.

6 What all that means, Mr. Chavis, bottom line is that
7 there is a 25 year sentence on the C.S.C. first. All the
8 other sentences are 20 or 15 or whatever they may be and
9 they all run concurrent. So it's basically a 25 year
10 sentence. This will conclude the hearing, and we are
11 adjourned.

12 MS. MILES: Thank you, Your Honor.

13 MR. SWILLEY: Thank you, Your Honor.

14 END OF TRANSCRIPT OF RECORD

15

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24

25

Val [Signature]

WITNESSES

SLED

Law Enforcement Case #:

011

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
MAR0056

ARRESTED ON: 0000-00-00

ACTION OF GRAND JURY

True Bill
William B. Tate
Grand Jury Foreperson

Date *9-30-2010*

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2010-GS-34-0762

The State of South Carolina

County of Marlboro

COURT OF GENERAL SESSIONS

Term:
September 2010

THE STATE

vs.

George L Chavis

INDICTMENT FOR

Contributing to the Delinquency of a Minor

§16-17-0490

CDR Code: 0048

William B. Tate
CLERK OF COURT
MARLBORO COUNTY

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA) INDICTMENT FOR
COUNTY OF MARLBORO) Contributing to the Delinquency of a Minor
§16-17-0490

At a Court of General Sessions, convened on September 30, 2010, the Grand Jurors of Marlboro County present upon their oath:

CONTRIBUTING TO DELINQUENCY OF MINOR
CDR: 0048 16-17-0490

That George Chavis, a person over the age of eighteen years, did in Marlboro County, on or about January 1, 2007 through May 30, 2009, knowingly and willfully encourage, aid, or cause, or influence a minor to violate the law or so deport herself as to willfully injure or endanger her morals or health, including but not limited to: did encourage Young [redacted], date of birth [redacted] to engage in sexual contact and/or photographs of a sexual nature, in violation of S.C. Code Section 16-17-490.

FILED
2011 MAR 18 AM 11 40
WILLIAM B. FROSTENBURK
CLERK OF COURT
MARLBORO COUNTY, S.C.

CLERK OF COURT
MARLBORO COUNTY

William B. Frostenburg

Handwritten signature

WITNESSES

V. Williams

SLED

Law Enforcement Case #:

011

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

**ARREST WARRANT NUMBER
MAR0055**

ARRESTED ON: 0000-00-00

ACTION OF GRAND JURY

True Bill

William B. Tatum

Grand Jury Foreperson

9-30-2010

Date

VERDICT

Petit Jury Foreperson

Date

**DOCKET NUMBER:
2010-GS-34-0761**

The State of South Carolina

County of Marlboro

COURT OF GENERAL SESSIONS

**Term:
September 2010**

THE STATE

vs.

George L Chavis

INDICTMENT FOR

**Committing or Attempting LEWD Act Upon
Child**

§16-15-0140

CDR Code: 2468

ACCEPTED
William B. Rogers, Jr.
**CLERK OF COURT
MARLBORO COUNTY**

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF MARLBORO) Committing or Attempting LEWD Act Upon Child
§16-15-0140

At a Court of General Sessions, convened on September 30, 2010, the Grand Jurors of Marlboro County present upon their oath:

COMMUTING OR ATTEMPTING LEWD ACT ON A MINOR CHILD

CDR: 2468 16-15-0140

That George Chavis, a person over the age of fourteen (14) years, did in Marlboro County, on or about September 6, 2000 and May 30, 2009, willfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child under the age of sixteen (16) years, to wit: Younger Minor, date of birth [redacted] with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of himself or of said child, including but not limited to acts of touching and/or engaging child in photographs of a sexual nature, in violation of Section 16-15-140, S.C. Code Of Laws 1976, as amended.

FILED
2011 APR 18 PM 11 40
WILLIAM B. FURBERBURK
CLERK OF COURT
MARLBORO COUNTY, S.C.

A CERTIFIED COPY

William B. Furberburk

CLERK OF COURT
MARLBORO COUNTY

William B. Furberburk

Val Hill

WITNESSES

SLED

Law Enforcement Case #:

011

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

**ARREST WARRANT NUMBER
MAR0054**

ARRESTED ON: 0000-00-00

ACTION OF GRAND JURY

True Bill
Grand Jury Foreperson *William B. Rogers, Jr.*

Date *9-30-2010*

VERDICT

Petit Jury Foreperson

Date

**DOCKET NUMBER:
2010-GS-34-0760**

The State of South Carolina

County of Marlboro

COURT OF GENERAL SESSIONS

Term:
September 2010

THE STATE

vs.

George L Chavis

INDICTMENT FOR

Criminal Sexual Conduct With Minor Second Degree

§16-03-0655(B)(2)

CDR Code: 0397

RECEIVED
CPT
William B. Rogers, Jr.
CLERK OF COURT
MARLBORO COUNTY

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF MARLBORO))
INDICTMENT FOR
Criminal Sexual Conduct With Minor Second
Degree
§16-03-0655(B)(2)

At a Court of General Sessions, convened on September 30, 2010, the Grand Jurors of Marlboro County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR
SECOND DEGREE

CDR: 0397 16-03-0655(B)(2)

That George Chavis did in Marlboro County, on or about September 6, 2008 through May 30, 2009, willfully and unlawfully commit criminal sexual conduct with a minor in the second degree by engaging in sexual battery with a minor who was at least fourteen (14) years of age but who was less than sixteen (16) years of age, to wit: Younger Minor date of birth [redacted], and the Defendant was in a position of familial, custodial, or official authority to coerce the victim to submit or was coerced by the victim, in violation of Section 16-3-655(B)(2), S.C. Code of Laws (1976), as amended.

FILED
OCT 18 PM 11 40
WILLIAM B. ROGERS, JR.
CLERK OF COURT
MARLBORO COUNTY, S.C.

A CERTIFIED
TRUE COPY
William B. Rogers, Jr.
CLERK OF COURT
MARLBORO COUNTY

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

William B. Rogers, Jr.
WILLIAM B. ROGERS, JR.
SOLICITOR

600

STATE OF SOUTH CAROLINA)
)
 COUNTY OF MARLBORO) Criminal Sexual Conduct With Minor Second Degree
 §16-03-0655(B)(1)

At a Court of General Sessions, convened on September 30, 2010, the Grand Jurors of Marlboro County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR
SECOND DEGREE

CDR: 0396 16-03-0655(B)(1)

That George Chavis did in Marlboro County, on or about September 6, 2004 through September 5, 2008, willfully and unlawfully commit criminal sexual conduct with a minor in the second degree by engaging in sexual battery with a minor who was fourteen (14) years of age or less but who was at least eleven (11) years of age, to wit: Younger Minor date of birth [redacted] in violation of Section 16-3-655(B)(1), [formerly 16-3-655(2)], S.C. Code of Laws (1976), as amended.

FILED
 2011 MAR 18 AM 11 40
 WILLIAM B. FURBERBURN
 CLERK OF COURT
 MARLBORO COUNTY, S.C.

A CERTIFIED
 TRUE COPY
William B. Furberburn
 CLERK OF COURT
 MARLBORO COUNTY

William B. Furberburn

WITNESSES

[Handwritten signature]

SCHIP Aggressive Criminal Enforcement

Law Enforcement Case #:

[Handwritten case number]

284

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER

J727750

ARRESTED ON: 2009-12-14

ACTION OF GRAND JURY

True Bill

William B. Tate

Grand Jury Foreperson

Date

2-25-2010

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:

2010-GS-34-0218

The State of South Carolina

County of Marlboro

COURT OF GENERAL SESSIONS

Term:

FEBRUARY 2010

THE STATE

vs.

George L Chavis

INDICTMENT FOR

CRIMINAL SEXUAL CONDUCT WITH MINOR-FIRST DEGREE

§16-03-0655(1)

CDR Code: 0385

CERTIFIED TRUE COPY

William B. Sundquist
CLERK OF COURT
MARLBORO COUNTY

William B. Rogers, Jr., Solicitor

602

STATE OF SOUTH CAROLINA)
)
 COUNTY OF MARLBORO) CRIMINAL SEXUAL CONDUCT WITH MINOR-
 FIRST DEGREE

§16-03-0655(1)

At a Court of General Sessions, convened on FEBRUARY 25, 2010, the Grand Jurors of Marlboro County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR
FIRST DEGREE

CDR: 0385 16-03-0655(A)(1)

That George L Chavis did in Marlboro County, State of South Carolina, on or about September 6, 2000, through September 5, 2004, willfully and unlawfully commit the crime of Criminal Sexual Conduct with a Minor in the First Degree by engaging in sexual battery with a minor who was less than eleven (11) years of age, to wit: Younger whose date of birth is [REDACTED], in violation of Section 16-3-655(A)(1), [formerly Section 16-3-655(1)], S.C. Code of Laws, 1976, as amended.

FILED
 2011 MAR 18 AM 11 40
 WILLIAM B. FORTNERBURK
 CLERK OF COURT
 MARLBORO COUNTY, S.C.

A CERTIFIED
 TRUE COPY
William B. Rogers, Jr.
 CLERK OF COURT
 MARLBORO COUNTY

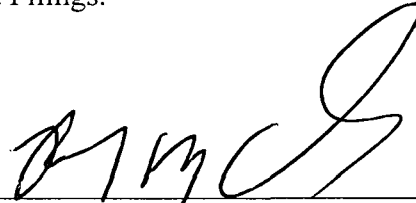
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

William B. Rogers, Jr.
 WILLIAM B. ROGERS, JR.
 SOLICITOR

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 August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

April 1st, 2013



Robert M. Dudek
Chief Appellate Defender

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

ATTORNEY FOR APPELLANT