VOL. I of II

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
Apr 21 2021
SC Court of Appeals

Appeal from Greenville County
Honorable Robin B. Stilwell, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

OTIS EDWARD GIBSON,

APPELLANT

APPELLATE CASE NO. 2019-002069

RECORD ON APPEAL

ADAM SINCLAIR RUFFIN
Appellate Defender

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

ATTORNEY FOR APPELLANT

ALAN WILSON
Attorney General

AMBREE M. MULLER
Assistant Attorney General

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

W. WALTER WILKINS, III
Solicitor, Thirteenth Judicial Circuit

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

ATTORNEYS FOR RESPONDENT

Pages 1-500

INDEX

INDEX i

TRIAL TRANSCRIPT DATED DECEMBER 2-5, 2019 1

OPENING STATEMENT BY MS. MAJOR 2

OPENING STATEMENT BY MR. SHIPMAN 6

TESTIMONY

THOMAS FERRIS
Direct Examination by Ms. Major 13
Cross-Examination by Ms. Johnson 22
Redirect Examination by Ms. Major 37

JESSICA CRAWFORD
Direct Examination by Ms. Major 38
Cross-Examination by Mr. Shipman 45

CRYSTAL MINWEGEN
Direct Examination by Ms. Major 58
Cross-Examination by Mr. Shipman 69

LALENA JENNINGS
Direct Examination by Ms. Major 74
Cross-Examination by Mr. Shipman 100
Redirect Examination by Ms. Major 113
Recross-Examination by Mr. Shipman 114

REBECCA LINDLER
Direct Examination by Ms. Major 116
Cross-Examination by Mr. Shipman 125

MINOR 1
Direct Examination by Ms. Major 134
Cross-Examination by Ms. Johnson 162

SHAUNA GALLOWAY-WILLIAMS
Direct Examination by Ms. Major 169
Voir Dire Examination by Mr. Shipman 175
Direct Examination by Ms. Major 178

TESTIMONY

SHAUNA GALLOWAY-WILLIAMS (CONT'D)
Direct Examination by Ms. Major 182
Cross-Examination by Mr. Shipman....184
Redirect Examination by Ms. Major....193
Recross-Examination by Mr. Shipman....194

JEANIE COLEY
Direct Examination by Mrs. Major....196
Cross-Examination by Mr. Shipman....201

KATHY LANCE
Direct Examination by Ms. Major 204
Cross-Examination by Mr. Shipman....205

TIMOTHY NAFZIGER
Direct Examination by Ms. Major 206
Cross-Examination by Ms. Johnson 215

JAGANNADHA KANDALA
Direct Examination by Ms. Major 217
Cross-Examination by Ms. Johnson 226

CHRISTINE CARLBERG (IN-CAMERA)
Direct Examination by Ms. Major 229

CHRISTINE CARLBERG
Direct Examination by Ms. Major 232

NANCY HENDERSON
Direct Examination by Ms. Major 237
Cross-Examination by Mr. Shipman....245
Redirect Examination by Ms. Major....249
Recross-Examination by Mr. Shipman....249

ELIZABETH PARKER
Direct Examination by Ms. Major 250
Cross-Examination by Mr. Shipman....293

STATE RESTS....309

MOTION FOR DIRECTED VERDICT....310

RULING BY THE COURT....311

ADVICE OF RIGHTS 312

TESTIMONY

TORRIE GIBSON
Direct Examination by Mr. Shipman 316
Cross-Examination by Ms. Major 320

STATE'S OBJECTION TO PRIOR INCONSISTENT STATEMENT 332

RULING BY THE COURT 340

CHERYL CROMARTIE
Direct Examination by Mr. Shipman 350
Cross-Examination by Ms. Major 357
Redirect Examination by Mr. Shipman 359

GAYE ALLEN-COOK
Direct Examination by Mr. Shipman 363
Voir Dire Examination by Ms. Major 368
Direct Examination by Mr. Shipman 371
Cross-Examination by Ms. Major 381
Redirect Examination by Mr. Shipman 386
Recross-Examination by Ms. Major 389

OTIS GIBSON
Direct Examination by Ms. Johnson 391
Cross-Examination by Ms. Major 407
Redirect Examination by Ms. Johnson 424

DEFENSE RESTS 425

RENEWAL OF ALL MOTIONS 426

RULING BY THE COURT 426

CLOSING ARGUMENT BY MS. MAJOR 429

CLOSING ARGUMENT BY MR. SHIPMAN 445

CLOSING STATEMENT BY MS. MAJOR 470

CHARGE ON THE LAW 476

OBJECTION TO THE CHARGE 489

ADDITIONAL CHARGE 490

VERDICT 492

JURY POLL.....493

SENTENCING 499

DEFENDANT'S EXHIBIT NO. 1 (SUPPLEMENTAL REPORT) 502

INDICTMENTS 508

CERTIFICATE OF COUNSEL 512

THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:
STATE'S EXHIBIT NO. 8 (FORENSIC INTERVIEW)

STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF GREENVILLE	)	2018-GS-23-00069
	)	2019-GS-23-03425A
	)	
	)	
THE STATE	)	
PLAINTIFF	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
OTIS EDWARD GIBSON	)	
DEFENDANT	)	

ORIGINAL

December 2-5, 2019
Greenville, South Carolina

B E F O R E:

THE HONORABLE ROBIN B. STILWELL, Judge; and a jury.

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

ELIZABETH MAJOR, ESQ.
Attorney for the State

CHRIS SHIPMAN, ESQ.
TEAL JOHNSON, ESQ.
Attorneys for the Defendant

APRIL HERRON
Official Court Reporter

opportunity for the attorneys to introduce themselves and their theory of the case. Generally, those opening statements are very short so you can expect them to be fairly short. After that, we'll begin with the introduction of evidence by the State.

Before we got started, I talked to the attorneys, Mr. Major says she has 15 witnesses right now. We may be able to get to as many as seven today depending on how quickly that goes. I don't know if we will, we're going to try to get in, at least, five. But again, it's all going to depend on how quickly those witnesses proceed. Then, the Defense has listed eight witnesses, but I don't know how many of those they will call, if any. So I'll ask them this week as we proceed and we'll know when the time comes.

Okay. So Ms. Major your argument -- excuse me, your opening statement.

OPENING STATEMENT

MS. MAJOR: Thank you, Your Honor.

Good afternoon, ladies and gentlemen. Again, my name is Elizabeth Major. I'm with the solicitor's office or the prosecutor's office. This is Renee Kelly, she's my investigator and she is also with our office.

Ladies and gentlemen, you heard the Judge read the indictments so you know that this case is about child sexual abuse case. Ladies and gentlemen, this case is also about the Defendant breaching trust of people who cared about him and whom he cared about. This case is about the Defendant seeking an opportunity. It's about the Defendant taking advantage of a very vulnerable child. Especially vulnerable due to her family life situation.

Ladies and gentlemen, in 2017, Minor 1, the child in this case, was eight years old. She and her mother, who is Gina Parker or Elizabeth Parker or Gina Barros, Elizabeth Barros, moved in with the Defendant in 2017. Gina had known the Defendant for about 17 years when she moved down to South Carolina from Connecticut. They were family friends. She had moved in beside him, I think he lived next to her grandfather. She trusted him. She depended on him. He offered a point of stability in her sometimes unstable life.

Minor 1 also knew the Defendant. She trusted him. She called him daddy. She even talked about changing her last name to Gibson. He often talked about adopting her. But on November 24th, 2017, Minor 1 told her mother what the Defendant had done. You will

hear that she told her mother that the Defendant stuck his penis in her anus. Gina immediately called police. The Defendant was charged and arrested and that's why we're here today.

Ladies and gentlemen, it's my job to prove to you that he is guilty of these two charges, this crime, beyond a reasonable doubt. Now, beyond a reasonable doubt does not mean beyond all doubt, beyond any doubt. It means that you are firmly convinced of the Defendant's guilt.

Now, the Judge will go over the law at the end of this case, but I would like to briefly outline the elements that I must prove to you. So, criminal sexual conduct with a minor first degree. I've got to prove to you that the Defendant committed a sexual battery on a child under 11. And a sexual battery can be a number of acts. It can be sexual intercourse, it can be oral sex, but it is also anal penetration or any intrusion into the anal opening, however slight, of a child under 11. And that's what we're concerned with in this case, the anal penetration.

So I'd like to go over what you can expect in this case. You've heard that there are a lot of witnesses. I will try to streamline that as much as

possible. You will hear from law enforcement officers who arrived on the scene that night. You will hear from Gina Parker, Minor 1's mother. You will hear from Lana Jennings. Lana Jennings is Gina's first cousin and Minor 1's first cousin once removed. She received custody of Minor 1 shortly after Minor 1 disclosed what happened around November 2017. Minor 1's remained in Lana's custody ever since then. Even today, she still does. You will hear from the forensic officers who tested some evidence in this case. And you will hear from Minor 1.

Lots of witnesses. I know that I will streamline this case as much as possible. Just because there are a lot of witnesses does not mean that this is necessarily a complicated case. If any witnesses seem out of order, I ask that you just bear with me. There's a lot of people, lot of schedules to accommodate. At the end, you will see how each witness' testimony fits into the bigger puzzle.

Just because there are a lot of witnesses in this case does not mean that it's a complicated or convoluted case. The Defense may want you to get sidetracked on background noise in this case. I'm going to ask that you just keep your eye on the ball, remember why we're here. It's because of what this

Defendant did to Minor 1. I ask that you listen carefully to the evidence and that you use your good common sense. And the end, I will ask you to return a verdict of guilty.

THE COURT: Mr. Shipman.

OPENING STATEMENT

MR. SHIPMAN: Thank you, Your Honor. May it please the Court.

THE COURT: Yes, sir.

MR. SHIPMAN: Good afternoon, you've heard this several times today already, but you're here in criminal court. That means your role as jurors here, what you're called to do is to weigh the merits of the State's case. There's going to be evidence presented to you and it's going to be just evidence until you start your deliberations. Then you will decide based on the evidence what the facts are. And you've got to find those facts beyond a reasonable doubt, okay. So that's -- if you want to convict him, that's the [indiscernible]. That's what you're sitting here doing. You're taking this evidence, you're deciding what you believe beyond a reasonable doubt and then you're deciding whether the State's case holds up.

Now, obviously, for the Defendant, our

contention is that the State's case will not hold up. And at the end of all that, you're going to render a verdict guilty or not guilty. I'm going to ask you to render a verdict of not guilty. As we go along here, I believe you will find plenty of reasons to find Mr. Gibson is not guilty.

This is an awesome task you're undertaking. Everybody is telling you what impact you have. I think Judge Kinlaw told you this morning, short of -- you know, he said there's Christmas, there's your anniversary, there's your birthday, above all that is jury duty. In a way, that's very true. A lot of people run down jury duty on TV, it's oh, God, I've got jury duty. It's almost kind of a joke. But it really the core of our democracy. So it is a very serious thing. It is going to take a week of your life, but what you're giving back to this country and what you're doing for rest of us is law. It should be praised.

I want to talk about that for a minute because Otis Gibson is sitting up in here. He's a real person. We're all real people making a decision about other people's lives. That's why this is such a great undertaking. Whether you believe it or not right now, this is going one of the biggest decisions

you make in your life. I mean, I think it's right up there with buying a house, having kids, where you go to school. And the law says that you are to give this decision the same kind of respect that you give the biggest decisions in your own life, okay.

I'm not just saying that because I lack faith in you or I don't think you're going to do the right thing, but I think it helps at the beginning to kind of collect your thoughts and focus your mind on what it is you're doing. Even if you don't believe me that this is going to be one of the biggest decisions in your life, it's certainly going to be the biggest in Otis' life. So if democracy and civics don't persuade you, just remember you're here deciding the fate of somebody else. And that is an awesome task.

Before I turn to the accusations in this case, I would to spend a minute talking about the law and what we're doing. This is a trial by a jury. There's a few things that I think are important to remember when you're dealing with that. The first note is the jury. Kinlaw said it this morning as well that, you know, as far as he knows, the jury goes all the way back. It's a thousand years old or more. This institution has been in the making for a long time. And a jury is only as good as you make

it. I mean, you're going to go back there and you're going to decide. There's not going to be a referee standing over your shoulder. You get to decide what this institution is worth. And I ask you to keep in mind that people have fought and died to sit where you are today. Even if you think it's an inconvenience, it is, as I said before, essential to what we're doing.

Now, the Judge talked to you about presumption of innocence and the robe of innocence sitting over here. That is an important concept. What that means is we decided as a country that liberty is so important that when the State charges somebody with a crime, the State is presumed to be wrong. He's presumed to be innocent and the State is presumed to be wrong about the charge. So that means you are to give the Defendant, whoever he is, every benefit of every doubt in your mind. And we list all the reasons why that's important, but, basically, it's so that people aren't whisk away on mere accusations. So that's what you're here to decide.

Now, there's also the burden of proof. Now, the State says -- you know, it's right, they've got the burden of proof. They've got to prove this beyond a reasonable doubt. Now, the State calls it background

noise. It's not background noise, it's reasonable doubt. It means a lot. And the way that you're going to do this, as I mentioned before, people are going to come up here to the stand, they're going to testify to you and that's going to be evidence, then you decide what the facts are based on that. And so you weigh it, you assign the value that you think it's worth and then -- you know, we're always using the scale analogy. So the way I like to think of it is you go back there, you take all the evidence, you decide how much it's worth and you start divvying it out.

Now, because this is criminal court, it's not good enough just to tip the scale one way or the other. It's got to be prove beyond a reasonable doubt. So my way of thinking about that if you're kind of a visual learner like I am is that in civil court where you're dealing with contracts and money disputes and injuries and slip and falls and all that, all one side has got to do is prove this case ever so slightly greater than the other. So you go back there and you do all your weighing and if the plaintiff tips the scales, he wins.

But here, after you weigh it out, it doesn't matter how much evidence is on one side of the

scales, if there's one single piece of reasonable doubt that you find, even one, then you put it on the other said of the scale, it outweighs everything that might have been piled up on the other side. And that's the standard of proof, that's the burden of proof in this case.

Now, I promise you I'm going to talk about the accusations a little bit and then we'll get started here soon. I'm not going to waste any more of your time. In November 2017, Otis had known Gina Barros or Elizabeth Parker for about 17 years. About 20 years now. She had moved down from Connecticut, lived next door to him. He kind of knew her from around the neighborhood. She had been back and forth a few times. In the summer of 2017, she had been kicked out of her grandfather's house. This is a man name Gordon Wells, a man that Minor 1 is going to call Poppy. She and her eight-year-old daughter had been kicked out of that house. And Otis took them in, perhaps, against his better judgment.

A couple months later, Gina's aunt had moved in from Connecticut. Then her son moved in from Connecticut. All of a sudden, Otis' house is full of people. He had meant to do a favor to a friend and take them in and the next thing you know, the whole

family is moving in. They're not contributing, they're not cleaning. They're eating him out of house and home and making noise. He's had enough. So he gives them an ultimatum. You've got a month to find a house and move out.

A month later, November 2017, the Friday morning after Thanksgiving night in the early hours, he finds himself sitting in a police car in the front yard of his own house. Been accused of sexually assaulting Minor 1 . Two years later, here we are charged with these two offenses.

These accusations won't hold their own. The trial will show that Minor 1's story does not withstand scrutiny. You're going to see that. And that's what your job is to do, is to scrutinize this story and decide if the State has proven its case beyond a reasonable doubt.

You know, they're going to bring in all kind of witnesses to try to tell you up is down and down is up and to ignore what the facts are and what your common sense tells you. They're going to tell you to ignore your doubts. They're going to call it background noise. Don't ignore the background noise. That's important. You can't just belittle the facts. But if you stick to the facts, you're not going to go

wrong. You can't go wrong. You're going to find that there's one inescapable conclusion of this trial. And that's Otis Gibson is not guilty of both of these counts. Thank you.

THE COURT: Ms. Major, you may call your first witness, ma'am.

MS. MAJOR: Thank you, Your Honor, The State calls Thomas Ferris.

THE CLERK: Mr. Ferris, please come forward. Sir, if you would, please stop at the end of the bench. Place your left hand on the Bible, raise your right hand.

THOMAS FERRIS, after being duly sworn, testified as follows:

THE CLERK: Thank you, please be seated. Would you please state your name for the record.

THE WITNESS: Thomas Ferris.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MS. MAJOR:

Q Good afternoon, Officer Ferris.

A Good afternoon.

Q Where are you employed?

A I work for the Greenville City Police Department.

Q In what capacity are you employed there?

A I'm a patrol officer in uniform patrol.

Q What are your duties as a uniform patrol officer?

A Primarily, responding to calls for service that came in on 911.

Q Were you working -- well, how long have you been with the police department?

A This is my third year with the Greenville Police Department.

Q Were you working November 24th, 2017?

A Yes, ma'am, I was.

Q Do you remember what day that was?

A We actually started that shift on the 23rd, Thanksgiving Day, and continued into the evening of the 24th.

Q Did you receive a call about a possible criminal sexual conduct case?

A Yes, we did.

Q Where did you respond?

A Dispatch provided a location of [redacted] Birnie Street?

Q Is that in Greenville County?

A It's within the city limits of Greenville.

Q And is the city within the county limits?

A Yes, it is.

Q Okay. What did you do when you first arrived?

A When we first arrived, I noticed two individuals standing outside the house near a car. Dispatch had advised us prior to us responding that the complainant, who requested police, was asking to meet us outside of the home because the suspect was still present. When I arrived, I observed a female who identified as Elizabeth Parker and her daughter, who we identified as Minor 1 .

Q Okay. And approximately how old did Minor 1 appear to you? Was she a tiny child?

A She was seven, eight years old.

Q And what was the general reason of you responding there?

A Elizabeth had informed our dispatch --

MS. JOHNSON: Objection, Your Honor.

THE COURT: What's your objection?

MS. JOHNSON: Leading, hearsay.

THE COURT: Restate the question, if you would, please, ma'am.

BY MS. MAJOR:

Q Without saying exactly what she said, what did you do and why did you proceed the way you proceeded?

A The information that had been provided to me was that the call that we were responding to was a sexual

assault involving --

MS. JOHNSON: Objection, Your Honor.

THE COURT: Okay, I overrule the objection. He's not saying what anybody said, he's just stating the nature of the compliant and the reason why he responded.

BY MS. MAJOR:

Q Please continue.

A Like I was saying, our dispatch had advised that the call was in regards to a sexual assault involving a minor and that there was a possibility that the suspect was still on the scene.

Q Okay. So were you -- I guess, did you think that he was still -- the suspect was still on the scene at that time?

A I did.

Q What did you do as a result of that?

A As a result, we moved Minor 1 and Elizabeth a little ways away from the house. And then another officer and I went up to the house to see if we could make contact and find out if the suspect was still on scene. When we knocked on the door, an adult black male answered the door and identified himself as Otis Gibson, the Defendant.

Q Do you see him today?

A I do.

Q And where is he sitting?

A He's seated with the Defense?

Q Okay. All right. I'm going to show you what's been marked as State's Exhibit 7. Do you recognize that?

A I do.

Q What is that?

A It's a still from body camera footage from me approaching the front door of the residence and that is Mr. Gibson in the photo.

Q And what was he wearing that night?

A Red shorts and a red t-shirt.

Q And you made contact with the Defendant?

A I did. We advised him why we were there at the residence, that we were investigating a complaint. And advised him that until we could determine what had happened, I was detaining him. Which I did at that time.

Q Was the Defendant cooperative?

A He was.

Q Where did you detain him? Did you let him change clothes?

A Yes. It was very cold out that night and he had come to the door in shorts, like gym shorts and a t-shirt. I was going to have to secure him in my patrol vehicle, so I did allow him to put on some long pants and a jacket prior to physically detaining him and moving him to my

patrol vehicle while we continued to investigate.

Q Did you go back to the house to investigate?

A After I secured him in the vehicle, I returned to the house so we could continue to interview Elizabeth and Minor 1.

Q And without saying what they said, did you interview Elizabeth Parker, Gina Parker?

A I did.

Q Okay. Who else did you speak with?

A Once we were inside the house, I became aware that there was actually another occupant there as well who was a family member of Elizabeth and Minor 1. Ahkeem Barros was the name he gave me. And I interviewed him about the incident as well.

Q Approximately how old was Ahkeem? Was he a child or was he --

A Ahkeem was, I believe, around 19 or 20, somewhere around there.

Q Okay. What was -- Elizabeth Parker and Gina Parker, I just want to make sure that everybody knows we're talking about the same person here because she goes by Gina and Elizabeth. What was her demeanor like?

A It fluctuated some throughout the time that we were there. Initially on making contact with her, she seemed distraught and upset. The longer we were there and

once I had detained Otis Gibson and removed him from the scene, both she and Minor 1 seemed to calm down somewhat. There was a point later on during our interviewing both Elizabeth and Minor 1 where Elizabeth overheard some of what her daughter was saying. And at that point, she became extremely, extremely upset and angry and began making some threatening comments that concerned us about keeping both her and the suspect in the same area.

MS. JOHNSON: Your Honor, I'm going to object to hearsay.

THE COURT: All right. I don't think it's offered to prove the matter asserted, so I'm going to overrule the objection.

You may proceed.

BY MS. MAJOR:

Q Did you keep Elizabeth Parker separated from Mr. Gibson?

A We had kept them separate. When she overheard those things, she was making an attempt to go find him. And that was part of the reason it became necessary to separate them further.

Q Did you see Minor 1 on scene?

A I did.

Q What was her demeanor like?

A Again, initially, when we first arrived, she was

extremely frightened. The longer we were there and able to keep them separate, she seemed to calm down somewhat. But it was definitely fluctuated at times with her being very scared again.

Q Were other officers on the scene?

A There were several officers, particularly, initially. Due to dispatch advising us that the suspect might still be present, we responded with several of other officers.

Q Did you collect evidence from the scene?

A I did. I collected a handwritten note that was provided to me by Elizabeth Parker. I also collected the clothes that the Defendant was wearing.

Q What did you do with those items?

A Those items were all taken to our property and evidence secured facility at the law enforcement center and documented and entered into property and evidence.

Q If you'll just explain to us so we understand, what is property and evidence in a general sense?

A It's a secured storage facility where we can maintain a chain a custody of evidence that's collected on the scene of a crime. And it's kept secure there and monitored by staff 24/7.

Q Okay. Did a forensics officer arrive on the scene?

A We did. Due to the nature of the call, we requested a forensic officer response so they could further document any physical evidence on scene through things like photographs or collect any other physical evidence that might require special storage, things like that. And a forensic officer did respond on scene that night.

Q Okay. Did a female patrol officer arrive on the scene?

A Yes. Sergeant Crawford was my supervisor that night and she was responding to the call anyway, but also due to the nature of the call and the victim being a female, we had requested a female officer in case we needed to interview the female victim. Sometime it's more comfortable for the victim that way.

Q Was the Defendant arrested that night?

A Yes, he was.

Q Where was he transported to?

A After being placed under arrest, we transported him to the Greenville County Detention Center.

MS. MAJOR: Thank you. Please answer any questions that the Defense may have.

MS. JOHNSON: May it please the Court?

THE COURT: Yes, ma'am.

CROSS-EXAMINATION

BY MS. JOHNSON:

Q Good afternoon, Officer Burney [sic], this night in question, you had your body came on, right?

A I did.

Q And have you had a chance to review your body cam footage from that night or produced from that night?

A I have.

Q So [redacted] Birnie Street, whose house was that?

A To my recollection, it was the house of the Defendant, Otis Gibson.

Q Okay. And you responded -- it's like 1:00 in morning; is that right?

A That's correct.

Q Like a little after 1:00, and this is 1:00 in the morning on Thanksgiving, the day after Thanksgiving?

A That's correct.

Q Okay. So you pull up and you are greeted by Ms. Parker, or Ms. Barros, Elizabeth Parker, a/k/a Regina Barros?

A That's correct.

Q She comes to you in the street. Do you remember that she had a phone on her, a phone to her ear?

A I don't recall that distinctly, no. It could be.

Q Okay. You never found out who she was talking

to at that point?

A Not to my recollection.

Q Okay. So let's talk about what you did that night. You talked to Ms. Parker or Ms. Barros first?

A Yes.

Q And as you're talking to her, a little girl and, I guess, a man get out of a car that's parked in front of the house. And it's like one of those old station wagons from the 80's, a wood covered in wood paneling; is that right?

A That's correct.

Q So she's giving you this verbal statement and Minor 1 comes up to the car -- or excuse me, comes up to her mother as she's talking to you?

A Uh-huh.

Q But then you direct everybody to go back in the car and wait while you go talk to Mr. Gibson?

A Correct.

Q Is that right? Okay. And you go up to Mr. Gibson, he answers the door, and as you said, he's compliant. He gets dressed, puts his clothes on and, basically, goes with y'all?

A Correct.

Q You don't have any problems with him at that point?

A No, he was cooperative.

Q Okay. He follows you to your police car. Apparently, your police car was parked a little ways down the street?

A Uh-huh.

Q And he walks with you, again, follows you all, correct?

A I don't know if he followed me, but we walked together to my patrol car. I had parked a short distance away due to the nature of the call for officer safety reasons.

Q I hear you. And you advise Mr. Gibson at one point that you are detaining him?

A That's correct.

Q To conduct an investigation. Was an investigator ever called in this case?

A We did notify an on-call investigator.

Q Who was that?

A I couldn't tell you. That was handled by our supervisor, so I'm not sure who the on-call detective was that night.

Q So you didn't handle that?

A No.

Q Okay. But let's go back to Otis. He gets in your police car; is that right?

A That's correct.

Q And there was some problem with him getting in the car. He's a bigger man. He told you he needed to go to the bathroom, do you remember that?

A Uh-huh.

Q You just hold it. I understand. But I think he had to be double cuffed; is that right?

A I like to use two sets of handcuffs since the Defendant is larger to try make it a little more comfortable for him while he was being detained.

Q He had a hard time maybe getting in the car?

A Yeah, there's not a lot of room in the backseat of the patrol car.

Q But he sits in this car for, basically, about an hour?

A Probably close to it.

Q Okay. While you're talking to people in the house?

A Uh-huh.

Q So after you put Mr. Gibson in your car, you drive back to [redacted] Birnie?

A I moved the car closer to the house, yes.

Q Okay. Then you walk to [redacted] Birnie?

A That's correct.

Q And you talk with some officers out front. Did

you talk to -- or do you remember talking to Officer Crawford, I think you said Sergeant Crawford about calling an investigator?

A (The witness nods.)

Q That wasn't done again? Again, that wasn't done, calling an investigator that night?

A I couldn't tell you for sure. Like I said, I requested a supervisor and I believe an attempt was made of an on-duty investigator respond.

Q But you --

A I never spoke to an investigator on scene that night, no.

Q Okay. But you didn't make an attempt to get an investigator?

A Again, usually, that's handled by the supervisor. The sergeant on scene would be the one to notify an investigator.

Q So you go back inside the house and you talk to Ms. Parker again, or Ms. Barros. And Ms. Parker and her children are already back in the house; is that right?

A To the best of my recollection, yes.

Q Okay. Do you remember that Ms. Barros is seated in Otis' bedroom?

A I know we, at one point, moved Elizabeth and

 into different rooms so we could interview them

separately. I don't recall off the top of my head which bedroom was which.

Q Was she seated and, at that point, you ask for a written statement from her?

A That's correct.

Q And when you were asking for a written statement, Ahkeem, her son, or Minor 1's brother, is in that room?

A Correct.

Q Okay. And Minor 1's in and out of the house, do you remember that?

A I believe I stayed with Elizabeth primarily, so I'm not really sure where Minor 1 was moving around while I was talking to Elizabeth.

Q Do you remember at one point Regina wanted to make sure Minor 1 was still in the house?

A I don't recall.

Q Okay. So you proceed to take a written statement from Ms. Barros. And again, Ahkeem is in there. At some point, he says, Hi, Minor 1. Do you remember watching that from your body cam?

A I don't recall.

Q Okay. And they had an exchange, but Minor 1 goes off. And do you remember Minor 1 coming into the room talking about how cold it was? She was quivering?

A Again, I don't recall that particular instance. I know Minor 1 was in and out of the room, but I was primally focused on interviewing Elizabeth and trying to get a written statement from her.

Q Okay. She was at some point interrupting her mother even and then going back out?

A Yes, uh-huh.

Q Also, do you remember Minor 1 coming in and her mom, basically, saying, I need you to get out of here. Go with your auntie?

A Yeah, I do remember -- I think while we were still trying to get a written statement, at some point, we were trying to either find another officer or someone who could kind of keep Minor 1 occupied. Because she was kind of distracting, interrupting her mother.

Q At one point, she even says, Go sit down and take a breathing treatment to her daughter?

A I don't recall that specifically.

Q Minor 1 said, I'm bored.

A (The witness nods.)

Q Okay. Do you remember Minor 1 talking to you while you were talking to Ms. Barros or getting a statement from Ms. Barros?

A I know Minor 1 and I interacted some while I was getting a statement from her mother.

Q And Minor 1's kind of loud. You can hear her in your body cam? You can hear her in the house?

A I mean, at the time, it struck me as kind of normal child behavior. I'm not sure exactly what you're referring to.

Q No, I'm just asking you about your observations that night. And again, Minor 1s, you know, around or in and out while you're talking with Ms. Barros?

A Correct.

Q Okay. So you talked about trying to separate Minor 1 and Ms. Barros. At one point, Officer Crawford comes in the room y'all are in with Minor 1 and says can y'all get out so that I can talk to her, correct?

A I believe so, yes.

Q So you go to another room right down the hall and finish taking these statements?

A At one point, I think we were actually in the hallway, but we may have moved into another room to finish the statement.

Q And then Minor 1 comes in the den at one point. Do you remember that?

A I don't remember the exact layout of the house, but the main thing that stood out was I do remember Sergeant Crawford coming with Minor 1 to the room we were in and indicating to me that Minor 1 had wanted to show her

something in that room.

Q And that room was also where Ms. Barros was and Ahkeem was?

A That night with me?

Q Yes.

A I believe they had been in that room as well.

Q Okay. And besides taking the statement from Ms. Barros, you take other statements?

A I collected a written statement from Ahkeem as well.

Q Now, there was another male on the scene besides Ahkeem. He's walking around in white shorts and flip-flops, an African American male?

A I don't recall specifically. I know at one point, there was a phone call that another officer had been made ware of that there might be some other family members coming over, which was concerning to us given the nature of the call. But as I said, primarily, I was focused on collecting a statement from both Ahkeem and Elizabeth. I don't recall specifically who you're referring to.

Q You didn't take a statement from the unknown person?

A I believe the only statements I took that night were from Elizabeth and from Ahkeem.

Q Okay. Or even try to find out what this person was or what they were doing in this house?

A I don't believe I spoke to the person you're referring to. Like I said, we did have multiple officers on scene. We were dividing the tasks and responsibilities there. I'm not sure if someone else may have spoken to him or not.

Q But as far as you're concerned, you didn't talk to him?

A Not that I recall.

Q Ms. Barros' aunt, I think she goes by the name TaTa, she was also in the house that night?

A I do believe there was a female family member there. I don't recall having any extensive conversation with her myself.

Q Is it your understanding that she also lived there?

A I don't recall that she did.

Q You never took a statement from her?

A I did not, no.

Q And at one point, you go back to the bedroom where, I guess, you began your written statement with Ms. Barros, but then you were removed to the den by Officer Crawford. And Regina is somehow back in that room?

A I don't recall specifically, but she may have been.

Q Okay. And she's on the phone again. You don't know who she was talking to?

A No, at the time, like I said, I was focusing on collecting a statement from Elizabeth and talking to Ahkeem.

Q I understand. She's -- Regina is asking you questions, but she's also got the phone in her ear? That's a yes?

A Again, I don't recall specifically. We were out there for approximately an hour. And there were a number of us on scene, officers, and a number of people that I spoke to that night. I don't recall that interaction specifically.

Q Do you remember Minor 1 grabbing the phone and saying, Hey -- is it Trishi or?

A I don't know.

Q Okay. When did you watch your body cam?

A I reviewed it a couple of times since the incident occurred. Primarily, when we initially were advised that we would be coming to court a couple months ago.

Q So a couple of months ago?

A I reviewed it some since then, but I don't

recall the specific interaction. Oftentimes, a body camera captures things that may be in the field view of the camera, but may not actually be something that the officer is actually paying attention to at the moment. So I don't recall the specific interaction you're describing.

Q But when you watch it, though, you're able to, I guess --

A When I view it personally, my preference is to try and pay attention to what I'm at dealing with on the scene and not allow something that may have been captured on video that I didn't actually observe at the time, then effect my recollection.

Q And as far as the other side of the story, you never talked to Mr. Gibson?

A We advised him of the nature of why we were there. And when I advised him of that, he didn't act surprised or ask any questions or make any protest about it. At the time that we transported him to detention, I, as well as the other officers on scene, believed we had sufficient probable cause. And at that point, I still was not aware of whether or not a detective was responding to be conduct a further interview. So I did not conduct an in-depth interview with the Defendant at the time. But he offered no explanation for the nature of why we had been called out there.

Q Well, did you ever Mirandize him?

A On the way to detention, I did.

Q Okay. And Otis said he'd answer questions?

A Uh-huh.

Q But you didn't ask him any?

A Like I said, I didn't go into an in-depth interview with him because I wasn't sure if we had a detective responding who would handle that after we had taken him to detention.

Q He has -- again, getting in the car, he has a real hard time getting in and out of the police car and that's all captured on your body cam. He needs help getting out of the car?

A I believe so. I mean, we, typically, try and assist folks getting in and out of the car. Anyone who is in my patrol car is in my custody, I'm responsible for their wellbeing. So whether that's required or not, I, typically, assist someone getting in and out of my patrol car.

Q And he has to, at one point, slide out?

A Yeah, there's not a whole lot of room, like I said, in the back of a patrol car.

Q Okay. And he showed you those red shorts?

A I mean, he was wearing them when he came to the door.

Q I understand, but there was no issue with you taking those red shorts?

A At the time I took the red shorts, he was already in custody.

Q I understand, but there was no protest or anything?

A No.

Q Okay.

MS. JOHNSON: Beg the Court's indulgence.

THE COURT: Yes, ma'am.

BY MS. JOHNSON:

Q Officer, I asked you if Regina had the phone to your ear, but you said you were focused on Elizabeth. You realize that's the same person?

A I thought you were talking about the aunt, or who they called aunt who was there.

Q No.

A Elizabeth, when I spoke to her, the name she gave me was Elizabeth. I think Ms. Major mentioned she does also go by Gina.

Q Regina?

A I never heard Regina that night that I recall. I identified her as Elizabeth.

Q You weren't aware that that's her alias?

A At the time, I don't believe so.

Q Okay. But --

A But I didn't realize that's who you were referring to.

Q Regina, a/k/a Elizabeth was on the phone a lot of the time while you were at [redacted] Birnie Street?

A Again, I don't recall specifically her making phone calls. She may have, but that wasn't the focus of my attention.

Q But your focus was on Elizabeth, who was also Regina?

A Correct, trying to get a written statement from her and trying to understand in her verbal statement what had happened. It's not uncommon for us in a situation like this where the complainant feels a crime just occurred for their attention to be divided. My attempt was to try and get her attention back to me and provide me with a written statement and a verbal statement of what happened.

Q I understand, but you want to make sure everything is correct, all the information you're getting is correct?

A That's correct.

MS. JOHNSON: Thank you, Your Honor.

Thank you, Officer.

THE COURT: Yes, ma'am, redirect?

MS. MAJOR: Briefly, Your Honor.

REDIRECT EXAMINATION

BY MS. MAJOR:

Q Officer Ferris, was Elizabeth Parker/Regina Parker Barros, was she directing your investigation at the scene?

A No.

Q Was she telling you what to do?

A No.

Q Was Elizabeth Parker/Regina Parker, was she following Minor 1 around, telling her what to do?

A No. That was the purpose of us separating them so that we could get stories, which is routine for us any time we're investigating something. We'll separate the parties so we can get stories without them influencing each other and then we can compare them for inconsistencies. And that's what we did that night.

Q And was Elizabeth Parker/Regina Parker, was she okay with that? Did she insist on being right there by Minor 1?

A No. We had no issue separating Minor 1 to allow an officer to interview her separately.

Q Through your investigation, did you learn that these allegations had happened in the past?

A We did. That were, at least, two specific

incidences that were mentioned by both Minor 1 and Elizabeth.

Q Had they happened immediately that night?

A No.

MS. MAJOR: No further questions.

THE COURT: Recross?

MS. JOHNSON: No, Your Honor.

THE COURT: All right. Thank you, Officer, appreciate it, sir. Appreciate your being here. No objection, you may be excused.

You can call your next witness.

MS. MAJOR: Thank you, Your Honor. The State calls Jessica Crawford.

THE COURT: Anyone need to take a break at all? Everybody good? Okay.

Go ahead.

MS. MAJOR: The State calls Jessica Crawford.

THE CLERK: Ma'am, if you please come forward. Please pause at the end of the bench, place your left hand on the Bible, raise your right hand.

JESSICA CRAWFORD, after being duly sworn, testified as follows:

THE CLERK: Thank you, please be seated. Please state your name for the record.

THE WITNESS: Jessica Crawford.

DIRECT EXAMINATION

BY MS. MAJOR:

Q Where are you employed?

A Greenville City Police Department.

Q In what capacity?

A Right now, I'm the sergeant for patrol.

Q What are your duties as a sergeant for patrol?

A I supervise the power shift, which is the 3:00 to 3:00, 3:00 p.m. to 3:00 a.m shift. So I have a couple of employees that work the power shift.

Q Were you working the night of November 23rd and into November 24th in 2017?

A Yes, ma'am.

Q Okay. Was there anything significant about that night in the calendar? Was it a holiday?

A I think it was Thanksgiving on the Thursday night. This went from Thursday night to Friday morning.

Q Did you respond to a call about a sexual assault on a child?

A Yes, ma'am.

Q Where did you respond?

A [redacted] Birnie Street.

Q Were officers already on the scene when you responded?

A Yes, ma'am.

Q Do you remember approximately what time you

responded?

A I think it was about 1:30.

Q A.m.?

A A.m. And there were, at least, three officers already on scene?

Q What was your general understanding of what was going on?

A A female child was sexually assaulted by an adult male.

Q Who was on the scene as far as -- beside police officers, who did you first make contact with?

A The female child and her mother were sitting on the porch.

Q Were there other people inside as well?

A Yes, ma'am.

Q What was the general, I guess, vibe is the best way I can use when you walked up?

A When I first walked up, I asked the juvenile how she was doing. She said she was mad. But everyone seemed pretty calm.

Q Do you know how many other people were there?

A I know, at least, a male, who I think was -- I don't know if it was the juvenile's blood brother, but she referred to him as her brother, I believe. That's the only person I know that was in the house.

Q What role did you undertake when you arrived on the scene?

A Initially, I was a master patrolman, so I was like the first line supervisor on scene. But as a master patrolman, we don't have the same responsibility as the sergeant. So I did end up calling the sergeant later on.

Q Did you speak with Minor 1?

A Yes, ma'am.

Q What was her demeanor? You said when she first walked up, she --

A When I first walked up, I asked her how she was and she said she was mad.

Q Okay.

A At what her daddy did to her.

Q Okay.

A And so, I eventually ended up talking to her and she seemed to open up to me.

Q Where did you end up talking to her?

A She was in the room with her mother and her brother, and I asked her to come into a separate room and talk to me as a female. I figured I was the best one to just ask her the basics of who, what, when, where and why. So I pulled her into -- the other only room that I knew was that front room, which is where is the actual bed -- the incident occurred.

Q Had you been there for a while at that point or did you immediately walk up and pull her in?

A No, ma'am, I had been there for a while. Made some phone calls, some notifications, then decided to -- somebody needed to ask her to actually get the basics on what actually happened.

Q And you said you pulled her into the bedroom?

A Yes, ma'am, the front bedroom, which is where she -- her mother and her daddy, as she called him, that's where they slept.

Q Okay. How did she -- did she appear to be acting like a typical child?

A Yes, ma'am.

Q Did Minor 1 disclose sexual abuse to you?

A She did.

Q All right. How many times did she say it happened?

A Twice.

Q When did she say that it happened?

A She said it first happened a couple of months ago when her grandfather had a heart attack. Then the second one occurred, as she described it that night, last Sunday when her mom was away with her auntie.

Q What date would that have been?

A That would have been November 11th.

Q Are you sure?

A No, the 19th, sorry. It was 11/19/17, sorry.

Q Where did she say that it happened?

A In the bed. She pointed -- I asked her just -- I asked her, Do you know why I'm here? She began telling me. And she pointed to the bed and I asked her did it happen in that bed?

And she said, yes.

Q Who was with you at that point when y'all were talking?

A It was just her and I.

Q Did Elizabeth Parker/Regina Barros, she's been referred to as different names, what did you know the mother's name as?

A Ms. Parker.

Q I'm sorry?

A Ms. Parker.

Q Yes. Was that the mother?

A Yes, ma'am.

Q Okay. Was she overbearing over Minor 1 while you were there?

A No, ma'am. Initially, she was calm.

Q Was she directing your investigation at all?

A No, ma'am. I kept her -- she was in a separate room writing a statement while I was talking to Minor 1.

Q Did she obey y'all's orders as far as writing a statement and. . .

A As far as I know. I wasn't really around her much.

Q Okay. Did you report what Minor 1 had told you to other officers on the scene?

A Yes, ma'am.

Q Were forensic officers there?

A Yes, ma'am.

Q Did you speak with that forensic officer?

A Yes, ma'am.

Q What is the point of that?

A Trying to determine what needed to be collected for evidence. We were trying to determine what clothing or bedding needed to be collected.

Q Is that typical protocol, to communicate with the forensic officers?

A Yes, ma'am.

Q What was your observation of Elizabeth Parker, the mother's demeanor on scene, if you recall?

A The mother was sitting on the front porch with Minor 1 in her lap when I first arrived. She didn't say anything. And then they pulled her into a different room to write a statement. Then as I was talking to Minor 1, Minor 1 walked out and told her mother another detail about what

her daddy did to her and the mother became outraged and starting cursing and yelling and trying to go find him and hurt him.

Q Was the Defendant on the scene at that point? Or in the house at that point?

A He was not in the house. To my understanding, he was outside in the car. I was with Minor 1 the entire time, so I don't know at what point they transported him.

Q Were you able to hold Elizabeth Parker back?

A Yes, ma'am. I held my arm out and stopped her. Eventually, she calmed back down and went back into another room, I don't know which room, and I went back to talk to be Minor 1 again.

Q Did you ever see the Defendant on scene or had he been removed before?

A He had already been removed before I got there.

Q All right. And what happened after that? Did that conclude your involvement on the scene?

A Yes, ma'am.

MS. MAJOR: Please answer any questions that the that Defense has.

CROSS-EXAMINATION

BY MR. SHIPMAN:

Q Good afternoon, Sergeant Crawford.

A Good afternoon.

Q Now, you said when you first arrived that Minor 1 was on the front porch with her mother?

A Yes, sir.

Q Are you sure it wasn't her aunt?

A I believe it was her mother.

Q You had a body camera going that night?

A Yes, sir.

Q Did you review that before you came to court?

A Yes, sir.

Q When's the last time you reviewed that?

A I reviewed it last night?

Q If I showed you a shot from your body camera, would that refresh your recollection about who was on the porch?

A Yes, sir.

MR. SHIPMAN: Your Honor, may I approach the witness?

THE COURT: You may.

THE WITNESS: I did not know there was an aunt on scene.

BY MR. SHIPMAN:

Q Do you recognize that image there?

A Yes, sir.

Q Is that from your body camera?

A Yes, sir.

Q Can you recognize this woman here?

A That does not appear to be her mother, but I do not remember seeing or speaking to that woman. I did not know she was there.

Q So that was not the mother that you came up on the porch with?

A No, sir.

Q Okay. That was about 1:30 in the morning when you arrived?

A Yes, sir.

Q This would have been, I guess, you know, most people call it the night of Thanksgiving, but it was actually Friday morning next?

A Correct.

Q You said that Minor 1 was calm when you arrived?

A Yes, sir.

Q Then you spoke to Minor 1 yourself for about 15 or 20 minutes; is that right?

A I don't know how long it was.

Q But you spoke to her long enough to kind of get the gist of what she had been saying?

A Yes, sir.

Q And you asked Minor 1 to show you how she and Gibson had been lying on the bed?

A Yes, sir.

Q Did she demonstrated that for you?

A Yes, sir.

Q Okay.

A She didn't climb on the bed, but she explained to me how she was laying and how he was laying.

Q She told you that his butt was towards her; is that right?

A Initially, she did.

Q Okay. And you asked her what she was wearing on that Sunday?

A Yes, sir.

Q So that would have been November 19th that we're talking about?

A Yes, sir.

Q She gave you a set of Frozen pajamas?

A Yes, sir.

Q And Frozen, like a Disney character; is that right?

A Yes, sir.

Q Did you collect those pajamas or did someone else collect them?

A I did not.

Q Did you alert someone from forensics to collect those?

A I tried to identify what kind of evidence could

be contained from that night. And so I told the forensics officers that allegedly she was wearing the Frozen pajamas.

Q Did you handle them at all or did someone else come in and take them?

A I did not process them, but I think Minor 1 was handing me clothes.

Q So you handed it off to the next officer?

A Yes, sir.

Q Okay. And you collected those because Minor 1 told you that her butt felt wet during the incident?

A Yes, sir.

Q So you suspected it might contain evidence?

A Yes, sir.

Q You also collected the bed sheets and the comforter?

A I did not collect them, I just alerted the forensic officer what could possibly have evidence on it.

Q You just kind of flagged them, I guess, for lack of a better word?

A Yes, sir.

Q Okay. Now, I believe at one point -- well, excuse me. So now, you had Minor 1 in the front bedroom; is that correct?

A Yes, sir.

Q And Ms. Parker, as she was known to you, was in another room of the house?

A Yes, sir.

Q Was she -- during that time that you were talking to Minor 1, could you hear Ms. Parker or Ms. Barros yelling, screaming or anything?

A I was talking to Minor 1 and Minor 1 disclosed another incident that happened. And she asked can she go tell her mom and I said, We'll go tell her in a minute. And Minor 1 decided to walk out of the room and tell her mother this -- that he touched her pocketbook. At that time, she became pretty upset and irate.

Q So Minor 1 just kind of went on her own?

A Yes, sir. Her being a child, I was just letting her move around and she -- I didn't think she was going to walk out and tell her mother at that time.

Q Now, when you arrived on the scene, you said there were about three other officers on scene?

A Yes, sir.

Q Where was Ms. Parker during the time that you arrived, do you know?

A I'm not sure. I honestly thought it was on the front porch. I don't know where she was.

Q But she wasn't yelling or screaming then?

A No, sir.

Q And she wasn't yelling and screaming when you first asked Minor 1 about what was going on?

A I don't know because I don't know where she was.

Q Okay. And she didn't stay mad for long, did she? It was only like a minute or so episode?

A Correct.

Q When Minor 1 disclosed this second incident, did Ms. Parker immediately start yelling and screaming or did she ask some questions first?

A She was on the phone. She was talking to somebody.

Q Okay. Then she asked Minor 1 a few questions?

A She asked me which car was he in. And that's when she stood up and began cussing.

Q But it wasn't an immediate reaction?

A No, sir.

Q And it was over, again, in about a minute?

A Yes, sir.

Q Do you remember what she asked Minor 1?

A The mother?

Q Yes.

A She asked which car was he in.

Q Do you remember -- when Minor 1 told this, do you remember what her mother asked her? Do you remember if she asked her, Why didn't you scream? Why didn't you tell

your brother?

A Yes, sir. Why didn't you tell your -- or somebody that was in another room. I don't remember exactly what family member, but she said somebody else was in another room.

Q And you said you probably couldn't have told your brother because he would have kicked you out of the room.

Do you remember that?

A No, sir.

Q So she was -- again, she was on the phone when she heard this. She asked a few questions. She stayed on the phone and then she put on this display?

A Yes, sir.

Q And then she was calm again about a minute or so later?

A Yes, sir. And then I didn't see her again, so I don't know what happened after that.

Q Okay. When's the last time you said you reviewed your body camera footage?

A I reviewed it last night and I was having -- I watched it over the last three days. And myevidence.com kept freezing, so I had to watch [indiscernible] and it would give me the busy signal. I'd try to restart and it would freeze.

Q Okay. So you recall seeing Minor 1 kind of around the house, is that right, kind of wandering around the house as all the police are around doing their jobs?

A Just when I was with her from that front bedroom to where she walked in to get her Frozen outfit and then back to the front bedroom.

Q Did you see her walk out off the front porch down to the car at any point?

A (There was no response.)

Q If I showed you --

A Yeah, on my body cam, I do remember she was at the car that was parked outside the front door.

Q Not with her mother, though?

A Not with her mother.

Q And that's what I'm asking, not necessarily did you see it at the time yourself, but since you've had the luxury of reviewing the video, you noticed this?

A Yes, sir.

Q And there were a few times when she was standing on the front porch, just kind of swinging her arms, smiling, laughing?

A Yes, sir. She had decorations on the windows and she was showing me the decorations.

Q And then she was just kind of going room to room as well?

A I don't think I was with her when she was going room to loom. I had my body cam on mute while I was making phone calls.

Q Do you recall seeing how much -- do you recall her mother being on the phone a lot during this incident as well? And do you know who she was speaking to?

A No, sir.

Q You never spoke to the mother, so you wouldn't have had the chance to find out who she was speaking to?

A I remember her being on the phone?

Q Okay.

Beg the Court's indulgence?

THE COURT: Sure.

BY MR. SHIPMAN:

Q Again, this was the early morning hours of the next day after Thanksgiving; is that right?

A Yes, sir.

Q It's 1:30 a.m. and Minor 1 was still awake?

A Yes, sir.

Q Do you recall her eating candy while she was doing this?

A Yes, sir.

Q At one point, I believe she had a plate of, I think it was chimichanga, burritos or something like that. Do you recall that?

A I don't. I remember her having candy.
Q I believe --
A I do, I told her to eat it, it was going to get cold. I didn't know what it was. It was something --
Q Yeah, it was some kind of microwave dinner; is that right?
A Yes, sir.
Q That she was still eating?
A Yes, sir.
MR. SHIPMAN: Okay, no further questions.
THE COURT: Redirect, ma'am?
MS. MAJOR: No, Your Honor.
THE COURT: All right, thank you, Officer. You may stand down. You may be excused if there's no objection. Thank you for being here.
Okay, we are going to take a very brief break. And we'll came back in and we'll resume the testimony in just a few minutes. Please refresh yourselves, don't discuss the case, we'll come back in shortly. Thank you.
(WHEREUPON, the jury left open court at approximately 3:15 p.m.)
THE COURT: Okay, we'll be in recess for about five minutes.
(WHEREUPON, a short break was taken.)

MS. MAJOR: As a matter of housekeeping, I would like to admit State's Exhibit 7 into evidence, I don't think I actually moved it into evidence.

THE COURT: Okay.

Any objections?

MR. SHIPMAN: No, Your Honor.

THE COURT: Okay. All right. Then it is so admitted without objection.

(WHEREUPON, State's Exhibit No. 7 was admitted into evidence.)

THE COURT: Will you bring the jury in, please?

(WHEREUPON, the jury came into open court at approximately 3:36 p.m.)

THE COURT: All right, ladies and gentlemen, I neglected to tell you when we started, we will take fairly routine breaks about every hour to every hour and a half, depending on where we stand with witnesses. With all of the people in the courtroom, there's always going to be somebody who needs to take a break. So if -- just know that about every hour to hour and 15 minutes or hour and a half, we'll take a break.

If for whatever reason any one of you needs to take a break at a different time, even if we're back on the record for five or ten minutes, just let me

Also, when you go back into your jury room and you begin your deliberations, understand that one person's notes is not preferred over another person's recollection. One of the reasons there are 12 jurors is because 12 people generally can remember every single thing that happened in a case. And that's why there's more than two and more than three and even more than six. There's been some real significant and substantial studies done about why 12 is the right number. So just know that just because one person has notes doesn't mean that you should all default on what those notes say because those notes are not any better than your recollections. Okay.

All right. Having said that, ladies and gentlemen, we'll proceed.

Ms. Major, you may call your next witness.

MS. MAJOR: Thank you, Your Honor, the State calls Crystal Minwegen.

THE CLERK: Ma'am, if you'll please come forward. If you'll pause at the end of the bench, place your left hand on the Bible and raise your right hand.

CRYSTAL MINWEGEN, after being duly sworn, testified as follows:

THE CLERK: Please state your name for the

record.

THE WITNESS: My name is Crystal Minwegen.

DIRECT EXAMINATION

BY MS. MAJOR:

Q Officer Minwegen, I butchered your name earlier, Minwegen. Where are you employed?

A Greenville County forensics.

Q So what are your duties?

A We go to scenes and we collect, preserve, document crime scenes.

Q What is your title?

A My title is forensics evidence technician.

Q What is your educational background?

A I have a Bachelor's Degree from Virginia Commonwealth University in forensic science, specializing in biology.

Q How long have you worked for the Greenville County forensics?

A I've been employed doing crime scene duties for a little over three years.

Q Where did you work before?

A I worked at Quantico, Virginia.

Q How long did you work there?

A Six months or so.

Q Okay. And what did you do after that?

A I came to Greenville County as a forensic evidence technician.

Q What are your duties as a forensic evidence technician?

A I document, collect and preserve evidence.

Q Okay.

A Of scenes.

Q Of crime scenes?

A Yes.

Q Were you working on November 24th, 2017?

A Yes.

Q Where did you respond?

A [redacted] Birnie Street.

Q What was the nature of that call?

A It was a criminal sexual conduct case.

Q Do you remember about what time of day you responded?

A It was early morning hours.

Q Okay. What did you do when you first got there?

A I made contact with Officer Ferris and he gave me the initial information that I needed to be able to process my scene.

Q Okay. What did you do?

A He provided the information and then I started -- then I made contact with Sergeant Crawford and

then we processed the scene from there.

Q Okay. What did you do first in processing the scene?

A I photographed.

Q Okay. All right. I'm going to show you what's been marked as State's Exhibits 1, 2, 3, 4, 5, and 6. Would you look through those and tell me if you recognize those photographs?

A Yes, I do.

Q And what are those photograph of?

A Photographs of the residence, particularly the front bedroom.

Q Did you take those photographs?

A Yes.

Q Do they fairly and accurately represent what you observed that night?

A Yes.

MS. MAJOR: Your Honor, at this time, the State would move to admit State's Exhibits 1 through 6 into evidence.

THE COURT: Objection, sir?

MR SHIPMAN: No, Your Honor.

THE COURT: All right, without objection, the same is admitted.

(WHEREUPON, State's Exhibits Nos. 1-6 were

admitted into evidence.)

MS. MAJOR: Your Honor, I would request permission to publish these to the jury as I discuss them?

THE COURT: Yes, ma'am, you may.

BY MS. MAJOR:

Q First, if you can tell us what State's Exhibit 6 is.

A It's the front of the residence, specializing on the front door.

Q If you could tell us what State's Exhibits 4 and 5 are, just the broad picture of that?

A Three is walking into the frame of the bedroom of the front door -- the front bedroom is the door leading into the front bedroom. This is an overall picture of the front bedroom.

Q Okay. Why did you take pictures of that room?

A I was advised that's where the incident occurred.

Q Okay. All right. After you took pictures, what did you do?

A I collected evidence.

Q And specifically, what items did you collect?

A I collected a pair of pajamas that I was told the victim was wearing during the incident and the bedding

where the incident occurred.

Q Okay. Let me show you what's been marked as State's Exhibit 1. Is that the pajamas that you collected?

A Yes.

Q And I'll show you State's Exhibit 2 and State's Exhibit 5, is that the bedding that you collected?

A Yes.

Q Okay. And can you tell what design is on that bottom bedding?

A It looks like a beach themed bed, has shells, starfish.

Q Again, why did you collect that bedding?

A I was advised that that's where the incident occurred.

Q Okay. Did you collect any of Minor 1's underwear?

A I did not.

Q And why not?

A I was advised that her underwear was washed prior to my arrival.

Q Okay. What did you do -- well, how do you collect evidence on the scene? What do you do when you take evidence from a scene?

A We take photographs of it with and without a placard. We do overall, mid-range and close-up of them.

Once we take a photograph of them, we package them into paper bags and seal them with the proper information on the bag.

Q Is that what you did in this case?

A Yes.

Q All right. How did you package these items that you collected?

A Into a brown paper bag.

Q How did you mark them?

A The pajamas was marked as CM-1, my initials, and then the bedding was CM-2.

Q Okay. Did you put it in the paper bag?

A Yes, and sealed it.

Q All right. Where did you take those items of evidence?

A When I was done with the scene, I responded back to my office and I stored them into my secured evidence locker until I could get to them to examine them further.

Q Was all of the bedding put into one item number?

A Yes.

Q And what was that?

A CM-2.

Q Let's go back to the scene, did you speak with Elizabeth Parker that night, Elizabeth Parker, Regina Barros, the mother of this victim?

A Not that I remember.

Q Do you recall several people on the scene?

A I do.

Q Do you know who she was, which one of those people she was?

A I was pointed and shown who she was, but I wouldn't be able to point her out today.

Q Did she ever come up to you and try to talk to you?

A No.

Q Did any of the adults try to talk to you?

A No.

Q Did any of them direct you what to do, where to go?

A No.

Q Was anybody -- could you tell if any other officers were holding these people back from talking to you?

A No.

Q Did you speak to Minor 1 on the scene?

A I did.

Q Okay. What was the point of you talking to her?

A From what I recall, I remember asking her name, her date of birth. I asked her to show me where the pajamas were. She had them in her hand. I don't remember

where she grabbed them from, but.

Q Is your duty to talk to witnesses on the scene?

A Primarily, no. Sometimes we do, yes.

Q And what would be the purpose of you talking to a witness on the scene?

A To get more information.

Q Okay. So you took items -- the pajamas. And what did you mark them as?

A CM-1.

Q And took them back to your office, you said?

A Yes.

Q And what did you do with them?

A I placed them in my evidence locker.

Q And where is that?

A Located at my crime scene office.

Q Is that a secured location?

A Yes.

Q Describe the security measures there.

A You have to have a key card to get in. You can't just walk in there. And my evidence locker is secured by a lock and key. I'm the only one that has a key to get into my locker.

Q What did you do next in this case?

A On December 12th, I removed the evidence from my locker and I used a light source, forensic light source,

to see if I could spot any semen or bodily fluid on any of the items that I did collect.

Q Describe this light source. What do you do and what do you see? It's dark, it's light?

A It's in the dark and it's a machine that has different wave lengths to allow you to see different types of bodily fluids. There could be gunshot residue. You use different wave lengths to look at sheets. Certain stuff will fluoresce under certain light exposures.

Q And for this case, what were you looking for?

A Bodily fluids and semen.

Q Okay. Did you examine the pajamas?

A Yes.

Q Did you find anything?

A No.

Q What did you do with the pajamas after that?

A I packaged them up and submitted them to our property and evidence.

Q Okay. Did you examine item number CM-2?

A Again, what was that?

Q The bedding.

A Okay.

Q Did you find anything on the bedding?

A Yes.

Q What did you do?

A Multiple areas fluoresced. And then I utilized an AP presumptive semen test strip on the fluoresced areas, which produced positive results.

Q Tell us what that is.

A It's just a presumptive test to test for semen.

Q How did you put it on there? What do you do?

A So I photographed it -- using an orange filter, I photographed the fluoresced stained. There was four stains I remember specifically. I labeled them A through D. And I did test the test strip on those. You pour some water on it and you dip the test strip and in a couple of seconds or minutes, it will turn a color if it's a positive result.

Q Okay. And how many stains do you remember seeing?

A Four.

Q Okay. Do you remember on what bedding you saw the stains?

A It was a multicolored comforter.

Q What did you do after that?

A I packaged them up and submitted them to our property and evidence.

Q Did you take all of the bedding that you had collected and submitted?

A Correct.

Q Okay. How did you package that back up?

A Into a paper bag.

Q And what did you do with it?

A I packaged it, sealed it, put a bar code on it and submitted it to our property and evidence, where it stays in their secure location until somebody else needs it.

Q Is the property and evidence different from your evidence locker?

A Correct.

Q What is property and evidence?

A Our property and evidence is located at 4 McGee Street, at the law enforcement center. That's where all of our evidence goes when we're done with it. It's like a storage facility for evidence.

Q Do you have to log in the item numbers?

A Yes.

Q And how did you log in these item numbers?

A I used a system FileOnQ. You fill out the information, date, time, where you collected it from, a brief description of the items, then you print out a bar code. You put it on the front of the evidence like a label. Then you transport it to the property and evidence and then they take in from there.

Q Okay. Do you have to submit items sealed?

A Yes.

Q What would happen if something is just sealed and not labeled and you try to take it to property and evidence?

A They would probably not take it.

Q Did that conclude your involvement in this case?

A Yes.

MS. MAJOR: Thank you. Please answer any questions that the Defense may have.

MR. SHIPMAN: Your Honor, may it please the Court?

THE COURT: Sure, yes, sir.

CROSS-EXAMINATION

BY MR SHIPMAN:

Q Officer Minwegen, I guess you would arrived later than most of the other officers; is that right?

A Correct.

Q Is that what I should call you, officer? Do you have a title, sergeant? I don't know what to call you in shorthand?

A You can call me Crystal if you'd like.

Q Okay, Crystal. You arrived about an hour or so later; is that right? Do you recall?

A I don't recall. I know that there were people still on scene when I was there.

Q You did a crime scene investigation report as part of this?

A Yes.

Q Okay. And you said you collected CM-1 and CM-2. And that would be the pajamas as 1 and the bedding as 2?

A Yes.

Q And you put out in parenthesis, after 0241 hours. Is that the time you would have collected it or is that the time that you would have --

A That's the time I would have collected it.

Q So that's about 2:41 in the morning; is that right?

A Roughly.

Q And then you collected the bedding a couple of minutes after that, 2:43?

A Yes.

Q Okay. Was Minor 1 still in the house at that time?

A She was when I first arrived.

Q Okay. Did you collect the evidence immediately or was that something you did later on?

A I mean, I get the initial information first and then I will collect stuff.

Q Okay. Do you remember about what time you actually got there?

A It's on my report what time I got there.

Q So could you show it on here to me? I didn't actually see that in the report.

A Right here. I arrived at 2:15.

Q So you arrived at 2:15 in the morning and you left about 3:05, is that what cleared means?

A Yes.

Q Okay. You were slightly less than an hour?

A Yes.

Q Is that right? Okay. And while you were there, you spoke to Minor 1 for a little bit. You got her name and date of birth. And you got the pajamas from her or did someone else hand them to you?

A I believe she had them in your hand. I mean, initially, I think they were on the floor and she picked them up.

Q So you photographed them first and then she handed them to you?

A Yes.

Q You did not speak to Regina Barros?

A Not that I can recall.

Q Did you speak to any other adults on the scene who weren't police officers?

A Not that I recall.

Q Now, the solicitor asked you if Regina was directing your investigation and, obviously, she wasn't,

but do you take directions from just random people on any scene that you go to?

A I mean, if they're police officers.

Q I mean, if someone who walked up who was a civilian and just started telling you what to do, you wouldn't start following their directions, would you?

A I mean, I would offer help, yes.

Q But if they said this is how you're going to conduct this investigation, you wouldn't accept that, would you?

A I guess not, per se.

Q So that's pretty standard practice then just to -- I mean, you're a professional and you know how to conduct your own investigation; is that right?

A I mean, no. I mean, I arrive on scene due to the nature of the scene. I let the officers deal with the mother and the child. I get information from them so that the story doesn't get constantly repeated.

Q So what I'm asking is, basically, you arrive on scene, you're briefed by the officers who are already there. That way you know what you need to do?

A Yes.

Q Then you carry that out?

A Correct.

Q And you don't just take directions from a random

passersby or anything like that or even people who are civilians on the scene?

A No, unless they offer me some important information.

Q Okay. Now, you scanned the bedding under this light source and you photographed the -- you photographed the fluorescent; is that right?

A Correct.

Q And that's -- you found the -- you used the test strip to find the presumptive seminal fluid or however that works. You know what it's actually testing for?

A It testing for semen.

Q Okay. And that cannot -- that test doesn't tell you how long it's been there, does it?

A No.

Q Okay. Now, with the pajamas, you put that under fluorescent light as well?

A Yes.

Q Did you photograph those?

A I didn't photograph under the light source because there was nothing there to. . .

Q Okay.

MR. SHIPMAN: Beg the Court's indulgence.

THE COURT: Yes, sir.

MR. SHIPMAN: No further questions, Your Honor.

THE COURT: Redirect, ma'am?

MS. MAJOR: No, Your Honor.

THE COURT: Okay. Thank you, Crystal. I appreciate it. You may be excused if there are no objections.

Yes, ma'am, you may call your next witness.

MS. MAJOR: Thank you, Your Honor, the State calls Lalena Jennings.

THE CLERK: Ma'am, if you'll please pause at the end of the bench, place your left hand on the Bible, raise your right hand.

LALENA JENNINGS, after being duly sworn, testified as follows:

THE CLERK: Please state your name for the record.

THE WITNESS: Lalena Jennings.

DIRECT EXAMINATION

BY MS. MAJOR:

Q Ms. Jennings, if you'll make sure that you speak into that microphone so we can all hear you. Ms. Jennings, where do you live?

A Easley, South Carolina.

Q Where are you from originally?

A Connecticut.

Q How old are you?

A Forty-eight.

Q Forty-eight, okay. How long have you lived in South Carolina?

A Three years.

Q So what year did you move?

A I moved here October of 2016.

Q And why did you move to South Carolina?

A Family.

Q Who lived here?

A My grandfather and Gina.

Q Okay. Let's go to your family tree -- how many children do you have?

A Three.

Q Three biological children?

A Yes.

Q How old are they?

A Thirty-three, 30 and 25.

Q Okay. Let's go over your family tree. Tell us, I guess, if you could start with your grandfather and grandmother and branch down.

A Poppy is my grandmother's second husband.

Q Okay. And your grandmother, who are her children?

A My mom and Gina's mom are sisters.

Q Okay. What's your mom's name?

A Cynthia.

Q And what is Gina's mom's name?

A Marie.

Q Marie. Okay. Did y'all all live in Connecticut?

A Together.

Q Okay.

A We were raised together.

Q All right. How old is Gina -- okay, is Gina Parker, Elizabeth Parker, Regina --

A Regina Marie Barros is my cousin. She changed her name to Elizabeth Renee Parker.

Q Okay. But we are talking about the same person?

A Yes.

Q So y'all grew up together in Connecticut. How old is she?

A Forty-four, I think.

Q Okay. Were y'all --

A Close.

Q Close, and were you kids growing up together?

A Yes.

Q Was your mother and Gina's mother, were they close?

A Yes.

Q Okay. So you grew up with Gina there?

A Uh-huh.

Q How many children did Gina Parker give birth to?

A Five.

Q Okay. And who are those children?

A Ahkeem, Deja, Vincent S., Miguel and Minor 1.

Q Okay. So that's four boys and then a girl?

A Yes.

Q What are the, I guess, the approximate ages or were there, like, sets of children that were born that you could group by age?

A Ahkeem and Deja are 26 and 25. I'm not sure of Vincent S. and Miguel, maybe 16, 14, and Minor 1's now ten.

Q Where were the two older boys born?

A Connecticut.

Q So you are related to Minor 1 , which she, I guess, would be your first cousin once removed?

A Yes.

Q Something like that?

A Yeah.

Q Do you have custody of Minor 1 currently?

A Yes.

Q Yes?

A Yes.

Q The reason I want to make sure the court reporter gets down every answer. How long has she been

living with you?

A She's been living with me since December 2017.

Q Is that shortly after these allegations came out?

A They came out on Thanksgiving night. Because Gina was staying with me right after that.

Q Who is Minor 1's father?

A Don't know.

Q Okay. As she ever had a biological father in her life?

A Biological, no.

Q So we don't know who Minor 1 --

A No, I don't know.

Q All right. What was your relationship like growing up as children with Gina?

A I've always loved Gina.

Q Okay.

A But I've also been -- she was dependent on me.

Q How is that?

A Although we're not much different in age, we're much different. And I started life young, so she lived with me. I took care of her, fed her.

Q How old were you when that happened?

A Oh, goodness, when Gina started living with me, I think I was 18. So Gina was 15, 14. She was young.

Q Why did she not live with her mother?
A Issues.
Q If you can expand a little bit on that. Between the two of them?
A Yes.
Q Were they fighting?
A Yes.
Q But were y'all still in the same city in Connecticut?
A Yes.
Q Did Gina -- do you remember when her two older boys were born?
A We lived in different towns then.
Q Did know that she had two children?
A Yes. Oh, yes.
Q Did she ever have custody of those two boys?
A She had Ahkeem, but she gave Deja to my aunt, her mom like a couple days -- immediately after birth, couple days.
Q Is Deja older?
A No, Deja is the youngest -- well, the second boy. He's 25.
Q So Ahkeem always lived with his grandmother?
A No.
Q Okay. You said that she gave up custody of

Ahkeem --

A Of Deja.

Q Of Deja.

A She had Ahkeem and then she gave Deja to my aunt immediately, like two days after home. And then I'm not really sure when Ahkeem went to live with my aunt, but I know it was quickly after.

Q How old would Ahkeem have been?

A Young.

Q Young?

A Little. Two or younger.

Q Did she ever have custody of those two?

A For a short time, maybe a year.

Q Before he was two years old or after he turned two years old?

A After that, she had got custody. Gina was living with me and she brought my aunt back to court and my aunt agreed to give Gina custody of her children as long as she lived with me.

Q So she had custody for like a year?

A Yes.

Q Then what happened?

A We all moved to Florida.

Q Okay.

A And Gina had them out there, but then I came

back home to Connecticut. And I don't know what happened, but I know my aunt ended up back with them. And right there is where Gina and I separated. Because she came to South Carolina and I went home. And that was in 2001, I think.

Q So in 2001, Gina moved to South Carolina?

A Yep.

Q Where are her boys?

A With my aunt.

Q In Connecticut?

A Yes.

Q Has she had the other two boys yet?

A I don't know.

Q Okay. Again, what where their names?

A Vincent S. and Miguel?

Q Okay. Did she lose custody of --

A Yes --

Q -- Vincent S. and Miguel? I'm sorry?

A Yes.

Q When did that happen?

A I knew it, I knew the year. I don't remember.

Q Do you know about how old they were?

A Huh-uh.

Q Were they older than five years old?

A Maybe around there.

Q Why did she lose --

A Oh, I remember. It was in 2006. I bought the house.

Q How do you remember that that's when she lost --

A Because she called me and wanted me to take custody of them and I was living -- I owned a three family house and I only had two bedrooms there. So I bought a one family house so I would have enough space for them, but they ended up not allowing me to have them because of the interstate case and because of the situation with my family, like with my aunt and Gina and I were close. And it was just too risky.

Q Why did she lose custody of them?

A I believe it was medical neglect. She didn't bring them to appointments. She didn't bring herself to appointments. Psychological.

Q Do you know if authorities were involved at that point?

A The police?

Q The court system?

A Yes.

Q Do you know if the court system was ever involved with the other two boys?

A Yes.

Q Okay. So in 2006, she loses custody of Vincent S.

and --

A Miguel.

Q -- Miguel; is that correct?

A That's correct.

Q Where did they go?

A Foster care.

Q And has she had custody of them since?

A No.

Q Okay. Were they -- were her rights terminated?

A Yes.

Q How was Gina as a mother to those two boys?

A Neglectful.

Q From what you could tell, did she love her children?

A Yes.

Q How were her parenting skills?

A Neglectful.

Q Okay. Now, were these boys out of her custody by the time Minor 1 was born?

A Yes.

Q When was Minor 1 born?

A 2009.

Q Okay. Where was -- where was Minor 1 born?

A Connecticut.

Q Where was Gina living at the time up until her

birth?

A South Carolina.

Q What happened for her to go up to Connecticut? Did she have to get into Connecticut?

A She went up to have Minor 1.

Q To give birth?

A Yes.

Q What happened after Minor 1 was born?

A She came back home to South Carolina.

Q Did she come with -- did Minor 1 come with her mother?

A Yes.

Q All right. Where does the name Minor 1 come from?

A It was a friend of Gina's. The friend's name is Teia Simone Wideman. My Minor 1 is Minor 1 .

Q Okay. Did you know who this other Teia Wideman was?

A No.

Q Was she at all--

A I knew that she was a woman that raised Minor 1.

Q Okay.

A But I had never met her.

Q When Minor 1 was born and named after this lady,

did you know who she was?

A No.

Q Was that odd to you?

A Yes.

Q How come?

A She's not a [redacted]. Well, Minor 1 wasn't originally born a [redacted]. She was born a [redacted]. Her name was Minor 1 . Then Gina changed her name to the other name, the current name.

Q Did you have a relationship with Minor 1 when she was born?

A Not much of one.

Q Because where were you living at the time?

A Connecticut.

Q How often would you see Gina and Minor 1?

A Gina had only come to the house -- well, she came when she first gave birth to her and then she came back when she was about five. And then I saw her again when I moved down here. But I couldn't really -- it was too hard having them visit.

Q How come?

A Oh, boy. Because Gina is quite loud and Minor 1 was horrible.

Q What do you mean by horrible?

A Loud, obnoxious, out of control.

Q How old was she at that point?

A She's ten now, so I came down here in -- six, so yeah, she was young. In Connecticut, she would terrorize my animals.

Q Was she -- did Gina discipline her at all?

A No. No.

Q How is Gina as a mother to Minor 1?

A She treated her more like a friend than a child.

Q Okay. Did Minor 1 live with -- did they move around a lot?

A Yes. By the time I got Minor 1, she was is the third grade and she had already been in 11 schools.

Q Okay.

A In third grade.

Q What did you think about that?

A I mean, it was normal for Gina. Gina doesn't work. You know, she just bounces from house to house.

Q How does she support herself?

A Others. Food stamps.

Q Has she ever had a steady job?

A Not that I know of. I mean, I don't know her to work.

Q Do you know the Defendant?

A I met him one time at my house at a party.

Q When was that?

A Maybe Fourth of July.

Q What year?

A Oh, good question. I don't know.

Q Was it before you moved down here or after you moved down here?

A No, no, here.

Q You had moved here?

A Yeah. They were living together. Minor 1 was calling him daddy.

Q Did you know of him before that?

A Just Gina's friend. And I would see videos of them on Facebook, but I did not know him, no.

Q What did you think their relationship was?

MR SHIPMAN: Objection, Your Honor, calls for speculation.

THE COURT: All right, I'll overrule the objection.

You can answer that question.

BY MS. MAJOR:

Q Before you moved down here, what did you think their relationship was? Did you know who he was?

A Not before I moved down here.

Q Had you seen videos of him on Facebook?

A I was here by then.

Q Okay.

A Gina and Minor 1 were living with him.

Q And what did you --

A I thought it was strange.

Q How come?

A Well, I would hear Minor 1 calling him names, like she would hit him and say crackhead. I was thinking woof, you know, lifestyles are different, you know. But I always heard good things about him. You know, he took care of Minor 1. He bought her everything. He provided for her.

Q When was that?

A When she lived with him?

Q All right. Did you ever hear Minor 1 or Gina speak negatively of the Defendant?

A Prior to?

Q Prior to this?

A No.

Q How did the relationship appear to you between -- among the three of them?

A What I heard was it was good.

Q Okay.

A Gina's neglectful and I hear Otis was doing everything for Minor 1, you know. Gina didn't work.

Q Did you know if there was a boyfriend romantic relationship between Gina and the Defendant?

A Gina says no.

Q Okay. And Minor 1, did she call him -- what did she call him?

A Daddy.

Q What did you think about that?

A The normal for Gina.

Q Okay. Did it appear that they had a father/daughter-type relationship?

A I only saw them once.

Q Okay. Okay. Did Gina appear to love Minor 1?

A Yes.

Q Did Minor 1 live with this big Teia, Teia Wideman, at some point, the other Teia Wideman?

A Did she live with her?

Q Yes. Did you know about that?

A Yes.

Q Okay.

A Minor 1 told me she lived with big Teia most of the time. Gina lived with them sometimes.

Q Okay. And once you moved down here, what was your relationship like with Gina?

A I didn't really have one with her then. She came to my house once and that was that just enough for me.

Q Your house in South Carolina?

A Yeah.

Q What happened? What do you mean by that?

A They were both just loud, just out of control, you know, dirty. Just destructive.

Q Both of them?

A Both of them, yes, yes.

Q Was that before these allegations came out?

A Yes. After, I had no choice with Minor 1.

Q So when did you learn about the allegations Minor 1 had made against the Defendant?

A I cannot tell you exactly when, but I know it was before November 30th. I can only remember because my ex, the father of my children passed away. So we had to go to Connecticut and that was November 30th.

Q And you knew about the allegations then?

A I knew about it before I left.

Q Okay. Do you remember who you heard the allegations from?

A Minor 1.

Q Minor 1 told you?

A Yes. Gina did not want me to know.

Q Okay.

A She was keeping it a secret. Then finally, she had nowhere else to go, so she had that call me. She was trying to send Minor 1 back to big Teia.

Q Okay.
A To keep her safe.
Q And Minor 1 did not go back to big Teia's house.
A No, huh-uh.
Q Do you know if big Teia has children?
A She does.
Q Do you know their names?
A Yes.
Q What are their names?
A Cory W. and David W..
Q Where does big Teia live? Does she live in South Carolina?
A South Carolina.
Q Greenville?
A I don't think -- I think it's Simpsonville.
Q But relatively close?
A Yes.
Q Not Connecticut?
A No.
Q Okay. At some point, did you get custody of Minor 1?
A I have custody of Minor 1.
Q Right, but back in December 2017 after your -- where did you go to your funeral, up in Connecticut?

A Connecticut.

Q Did you come back down?

A Yes, they -- DSS texted me, called me when I was in Connecticut and asked me if I would take kinship of Minor 1.

Q Why did DSS take Minor 1 away from Gina?

A Because someone called and said that Gina was leaving Minor 1 with Otis for days at a time. And then they did a drug test on her and she failed for cocaine.

Q Okay. What did you think when DSS called and asked you to take custody of Minor 1?

A Well, I didn't really think anything of it because I thought that it was going to be short term. I thought that Gina was going to get her child right back. I was like, all right, sure, you know, it's a couple months. Do what you have to do.

Q Did you talk with Gina about DSS getting involved in her life and taking Minor 1 away?

A Gina told me she knew what was coming. So of course, I told her, you know, I'll help you, of course, I will help you. You know, I really thought that she was going to do what she had to do. My daughter is 25. I wasn't thinking about having a ten-year-old.

Q How old was Minor 1 at the time --

A Eight.

Q I'm sorry?
A Eight.
Q Eight years old?
A Uh-huh.
Q What happened next as far as Minor 1 moving in with you? Did she come to live in your house?
A Yes. She came to stay in my house and Gina stayed in the RV. Gina was supposed to still take care of Minor 1, but with my supervision.
Q Where is the RV?
A It's in my yard, like, in the front of my house, in my driveway. So -- and DSS was aware of that. She just couldn't be alone, unsupervised. So that was December 7th that I came back and they started living with me. January 2nd, I never saw Gina again.
Q When did Minor 1 move in with you?
A December 7th.
Q And when did Gina move in with you?
A December 7th.
Q Okay. Then what happened in January?
A January 2nd, Gina was gone.
Q Where did she go?
A I think to Poppy's house.
Q Do you know why she left?
A No. She said -- she gave many reasons, but she

said that she had to go there because she had to do the classes to get Minor 1 back. But that was January and she didn't start classes until April, so.

Q Okay.

A I'm unsure.

Q Did Gina, while she was living there, living in the RV on your property, did she ever have unsupervised contact with Minor 1?

A No. She wasn't allowed.

Q And did you comply with that?

A Yes, uh-huh.

Q Was that ordered by DSS?

A Yes.

Q While y'all were living there, did Gina ever bring up the allegations against Otis?

A No.

Q Did she ever talk about it in front of Minor 1?

A She didn't allow Minor 1 to talk about it.

Q Did Minor 1 try to talk about it?

A Yes.

Q What would Gina do?

A Tell her to be quiet, You don't have to tell everybody about that, Minor 1.

Q Okay. When Gina left your place, you don't know exactly where she went?

A Probably Poppy's.

Q Did she ever get in touch with you after that?

A Gina probably -- from the time she left until the time I got full custody of Minor 1, she probably visited Minor 1 six times.

Q Was that always under your supervision?

A Yes. To this day, she can't be left alone with her. Still supervised.

Q Before it became obvious that she was not complying with DSS, was Gina making any attempt to comply with DSS or telling you that she was?

A She did a few of the classes, but the main class that she needs to do was probably the reason why she lost the two prior children. Her own psychological evaluation.

Q And she would not do that?

A Huh-uh.

Q When did you get permanent custody of Minor 1?

A October.

Q What was going on before that time? What was the plan?

A For Gina to get her back.

Q Okay.

A You mean the therapy part?

Q The therapy part and DSS's plan, what was your understanding of what would happen?

A They were trying for them to be back together as a family.

Q And when she didn't do that, what happened?

A Then they asked me if I would keep her.

Q Okay.

A And they gave me full custody of her.

Q Have rights been terminated as to Minor 1?

A No, they have not.

Q In order for Minor 1 -- excuse me, Gina to get custody of Minor 1, would she have to go to court?

A Yes, she would have to pay the full cost. They won't help her from this point on.

Q Has she made any inkling that she is going to do that?

A No. As of right now, I don't allow her to call my house or come to my house because she's disruptive.

Q To who?

A To both of us. She say things to Minor 1 that moms shouldn't say. Like, she's a friend to Minor 1, not a mom. And she doesn't know where to draw the line.

Q Does she ever bring up sex with Minor 1?

A No. No.

Q So when you say she's a friend, there's never -- she doesn't --

A No, not like that. No, no.

Q Okay. Do you fight with Gina or argue when y'all have --

A Yes.

Q -- communication. Over what?

A Her lies.

Q Okay. Does she ever talk to you about the Defendant?

A No. She does not talk about that at all. That is not something she can handle.

Q Okay.

A That's like the forgotten thing. That's like a no-no word in Gina's brain.

Q Okay. How is Minor 1 doing now?

A Much better.

Q Okay.

A They tested her in school. And she's special needs, so she gets special education. She's on social security, she has been -- she's been evaluated. She has ADHD, ODD and sexual assault. Those are her diagnosis -- that's her diagnosis. And of course, we're still in counseling therapy and still finding more.

Q When you say she has special needs, is she -- does she have learning disabilities?

A She does.

Q But does she -- I guess, can she -- how special

needs does she -- does she understand the world and what's going on as a ten-year-old would?

A No.

Q How so?

A Minor 1, it's a disability, but, I guess, a blessing as well. No matter what happened to Minor 1, I don't care what it is, how bad it is, Minor 1 is going to smile. You know darn well something bad just happened, but she's going to smile. Like she doesn't comprehend. She has comprehension disabilities in all aspects.

Q Does she have friends at school?

A Not many. She's socially disabled as well.

Q Okay.

A She more comfortable with adults.

Q Can she have a conversation with an adult -- could she have a conversation with an adult?

A No, she does not make sense.

Q Okay. Is she in public school?

A Yes.

Q Okay. Did she lose weight after you --

A Yes.

Q -- got custody?

A Yes, she did.

Q Tell us about that.

A When she first came with me, she would steal

food. She would hide it in her bedroom. I mean, a lot of food. I would say, Minor 1, what are doing? That was her own food she's stealing, her own snacks. I would tell her, You can have these snacks, they're yours. She, for a long time -- now, finally she doesn't do it. We just buy two bags of chips at a time, so she doesn't do it anymore. And she's very active. She plays with my grandson. So she's doing better. Now, that I actually think about it, she's doing better even having friends. She's getting along better with people.

Q Did she lose weight?

A A lot of weight. Uh-huh, yeah. When she first came to me, she had 14 diagnoses from the doctor and a whole bunch of different medication. She's not on medication now. Expect for her ADHD, she has to have that.

Q Does that keep her focused?

A Yes. Yes.

Q Did you ever see -- I just want to be clear about this, Gina whispering to Minor 1 about anything about the Defendant?

A Gina doesn't know how to whisper, no.

Q What are your feeling toward Minor 1? Do you love Minor 1 now?

A I love Minor 1 dearly.

Q How is your connection with her now?
A Very close.
Q How does she view you as far as she can tell?
A I am her caretaker.
Q Do you discipline her?
A Oh, yes.
Q Do you provide for her?
A Absolutely.
Q Do y'all have a loving relationship?
A Very much so, uh-huh.
Q Are you planning on keeping custody of Minor 1?
A Forever.
Q Forever?
A Uh-huh. Not forever, forever.
Q Until she turns 18?
A Yes.

MS. MAJOR: All right, thank you. Please answer any questions the Defense has.

MR. SHIPMAN: May it please the Court?

THE COURT: Yes, sir.

CROSS-EXAMINATION

BY MR. SHIPMAN:

Q Ms. Jennings, how you doing?
A Fine, thank you.
Q The solicitor asked you if Gina loved Minor 1. You

said that it appeared that she did?

A Uh-huh.

Q Does Minor 1 love Gina back?

A Yes.

Q And still to this day?

A Yes.

Q Does she look up to her?

A (The witness nods.) She loves her.

Q Does she look up to her?

A No. She knows her mom makes bad choices.

Q And she's learned that from you?

A No.

Q Okay.

A Minor 1's in deep therapy.

Q Okay.

A That is part of therapy.

Q Okay. So this is something that she has come to realize since she's been away from her mother?

A With therapy.

Q Okay. I'm trying to get this family tree straight here myself. So your grandmother is Gina's grandmother, so you're first cousins?

A Yes.

Q Then your grandmother's second husband was Poppy.

A Yes.
Q And that's Gordon Wells?
A Yes.
Q And he lives down here as well?
A Yes.
Q Did your grandmother ever live down here?
A Well, she did, but not with Poppy, no.
Q Okay. Gina has had five kids?
A Yes.
Q There's Ahkeem, Deja, Vincent S., Miguel and then Minor 1's the youngest?
A Yes.
Q And she's -- she, more or less, abandoned Ahkeem and Deja, is that right, to her mother?
A No. They were also removed. I don't know if it was probate court or DSS.
Q So --
A She gave --
Q I'm sorry, I didn't mean to interrupt.
A She gave Deja to my aunt, but I'm sure it went through court.
Q Okay. So there was government involved with giving Deja and Ahkeem to your aunt, who is her mother?
A Yes.
Q And Vincent S. and Miguel, you said that was 2006?

A Uh-huh.
Q Had you moved down here by then?
A No.
Q But they were born in Connecticut as well?
A I think they were born here.
Q Okay.
A I think.
Q Okay. Did you ever meet them?
A I met them a couple of times. Oh, they might have been born in Connecticut and then she moved them down here. I think, yeah.
Q Okay. And then -- so I'm mixing this up. So she was -- they moved -- did she move to Florida with Ahkeem and Deja?
A Yes.
Q She was supposed to watch them with your supervision; is that right? Or am I mixing this up?
A She didn't have to be supervised. My aunt said as long as she lived with me, she could have her boys because she'd be stable. But then time passed and Gina and I separated and Gina was on her own. She lived in a rent subsidized apartment.
Q Okay.
A So we were separated.
Q No, did Connecticut, I don't know what they call

them, the child protective services, did they have a case open on Ahkeem and Deja?

A They were part of the system their whole entire life.

Q So she just picked up and moved to Florida while that case was open?

A No, I'm sure. No. My aunt had custody of them, not Regina. Gina did not have custody of the children.

Q So then, Ahkeem and Deja weren't in the picture by the time she had Vincent S. and Miguel?

A No.

Q Okay. And you said that she lost custody of them in 2006. Vincent S. was about five at the time?

A Maybe. I really don't know their ages.

Q Was Vincent S. born [redacted], 2000, does that sound about right?

A I really don't know.

Q Miguel is a couple years younger?

A Yes.

Q Are you familiar with Gina's Family Court case involving them and how she came to lose them?

A Yes.

Q Okay. You said it was medical and physical neglect?

A I'm not sure the physical part. I'm positive of

the medical because the baby had kidney problems.

Q That's Miguel?

A Yes. And she did not bring him to the doctors. And she would say she didn't have a ride or.

Q Okay. Did she keep him in nice clothes and good hygiene as well?

A I don't know.

Q Okay. And we don't know who Minor 1's father is; is that right?

A Correct.

Q And she was originally named Minor 1 ?

A Minor 1 .

Q Who is Ward?

A Her mother's boyfriend.

Q Okay.

A My Aunt Marie's boyfriend, ex-boyfriend.

Q Okay. I see. You said that Gina moved in with you when she was pretty young?

A Oh, yeah.

Q I think you described her as dependent?

A Yeah.

Q How long did she live with you when y'all were young?

A Always.

Q Okay.

A Until I moved out of Connecticut. She got her boys back in '99 -- so '98, she got her boys back. So then we left. We went to Florida, in '99, we went to Florida. So she stopped living with me in 2001, I believe.

Q And that's when she --

A That's when we separated.

Q So she lost the boys at that point? When she left you?

A Yes, she stayed in Florida for a short time, her and her mom. Then when they came back, my aunt had them.

Q Okay. I think you said it was hard to have them visit; is that right?

A Oh, yes.

Q Gina was loud?

A Her and Minor 1.

Q And at the time, you described Minor 1 as horrible, loud, obnoxious, out of control?

A Yes.

Q And she would terrorize animals back in Connecticut?

A Yes.

Q You said that Gina doesn't work?

A No.

Q Okay. And you said others support her?

A Always.

Q And you said you don't know her to work. When is the last time you've known her to have a job?

A I don't know. She talks about Concenture [ph] or something, I don't know. But I don't know.

Q Was she ever a nurse?

A A nurse?

Q Yeah.

A A CNA.

Q Was she ever a CNA?

A Yes, she was.

Q And she lost that job?

A Oh, you know what, she did work here in South Carolina since I've been here. She worked at an assisted living place. And she worked 11:00 to 7:00 shift and she was fired for being too loud.

Q Did she fail a drug test?

A I don't know. Just with DSS.

Q She failed a DSS drug test?

A Yes.

Q As far as you know, Otis was paying all the bills for Gina and Minor 1?

A Yes.

Q Do you know if Ahkeem was working?

A Ahkeem was working with Otis. Otis got him a

job.

Q Do you know if he kept that job?

A Probably not. Ahkeem has mental illness.

Q Ahkeem's had some trouble with the law back in Connecticut, too; is that right?

A Yes.

Q I believe he got out of prison shortly before he moved down to South Carolina?

A Yes.

Q What was that for?

A I don't know.

Q Was he stealing cars?

A No.

Q Was he running from the police?

A No. That -- he has schizophrenia. The majority of the time he's arrested is for singing and flailing.

Q Okay. But he did get out of prison; is that right?

A Yes.

Q Okay.

A Well, I don't know if it's called prison, jail.

Q Could he leave?

A No.

Q Okay. So that was right before he moved to South Carolina?

A I believe so. I believe that they released him to come down here.

Q Okay.

A But he wasn't supposed to be living with his mom, I think. I think that's the time -- I don't know, they come and go, like, so often. Like, I could be wrong at the time I'm thinking of.

Q So Ahkeem is still kind of in her life?

A Right now?

Q Well, I guess, in 2017, he still was?

A Oh, oh, oh. He's never really -- yes, yes.

Q Okay. So has he been back and forth?

A Yes. He comes down for a short time. He's very mean to his mom and he goes home, then he comes back again.

Q But she never really raised him as a mother?

A No.

Q What about Deja, is he still around?

A He's in jail.

Q Do you know where Vincent S. and Miguel might be?

A No. They're in South Carolina somewhere.

Q You said that Minor 1 told -- said that she lived with big Teia most of time?

A Yes.

Q And that was before they moved to Poppy's and

then before they moved to Otis'; is that right?

A Yes. I think, I can't be positive on this, but I believe that big Teia took Minor 1, Minor 1 as an infant, as a newborn. I think she raised her. It's very difficult because, you know, Gina's the only one that can give us the story.

Q You said they came to your house once, was that here in South Carolina?

A No, they came to Connecticut. Gina moved them to Connecticut.

Q You said that was enough for you?

A That was enough for me.

Q Did they live with you? Or how long did they stay with you?

A Yes, they lived with me. For, I don't really know how long it was, a couple months.

Q You said they dirtied up the house, destroyed property?

A Very messy, loud, obnoxious. It's just their personalty.

Q Yeah. And I know this is horrible to say, you said after the allegations, you felt like you didn't have a choice but to take Minor 1 in?

A Right, I didn't. Gina had no other family. There was just her and I.

Q So you kind of hesitated to -- you would have hesitated to take her in?

A Yes. My daughter is 25. I don't have a mortgage. I came down here just to have fun.

Q Okay. After the allegations, Gina first tried to send Minor 1 back to big Teia?

A Yes.

Q Then big Teia wouldn't take her back?

A She didn't have a phone number. Big Teia had changed her number. She couldn't get in touch with her.

Q You said that Gina has tried to kind of shush Minor 1 when she talks about --

A Always.

Q Then Gina said that she was going to stay in the RV and take her classes and try to get Minor 1 back?

A Well, no. So she had to stay in Greenville to do the classes because she doesn't have transportation, so she would not be able to get back and forth.

Q Okay.

A But she didn't start classes until April.

Q But that's the excuse she gave you?

A That was the excuse.

Q Okay.

A Uh-huh.

Q So sounds like, I mean, she's kind of lived off

other people, given excuses. Have you known her to lie to you?

A Gina to lie to me?

Q Yes.

A Probably.

Q Probably?

A Yes.

Q Okay. So you would kind of hesitate to take her word for something if she told it to you?

A Yes.

Q And I believe you had a conversation with the solicitor at some point. I don't know when these would have come about, but you said that you've known Minor 1 herself to tell lies around the house?

A Uh-huh.

Q Okay. And she's been in counseling since then?

A Oh, yeah. She's still in therapy.

Q So she's not -- I believe you gave an example of a pool part breaking and you asked her about it and she lied to you about that?

A Right.

Q And I think the quote here that you gave to the solicitor was that Gina is crazy and you don't know what to believe from her?

A Correct.

MR. SHIPMAN: Your Honor, no further questions.

THE COURT: Redirect, ma'am?

MS. MAJOR: Briefly, Your Honor.

REDIRECT EXAMINATION

BY MS. MAJOR:

Q What type of things does Minor 1 lie about? I think there was the pool example?

A Right.

Q Tell us about that.

A The pool, you said?

Q A pool part was broken?

A Right. She just lies, like, typical kid stuff. Like, she didn't eat the chips. Mainly food.

Q She will lie about food?

A Food, yes. That's her big problem, food. She's working on that in therapy. It sounds silly, but it's big. It's a thing.

Q So does she lie to get herself out of trouble?

A She doesn't really do anything wrong.

Q Did she break a pool part?

A She did break the pool part, but --

Q Did she lie about that?

A She did. But she broke it cleaning the pool. It was the skimmer and she just hit it too close. So it wasn't a wrong thing. She was doing something good and it

was an accident, but she's like afraid to get in trouble. She doesn't really do anything wrong.

Q Has she lied to get other people in trouble?

A No, huh-uh, no.

MS. MAJOR: Thank you, no further questions.

THE COURT: Any recross, sir?

RECROSS-EXAMINATION

BY MR. SHIPMAN:

Q You said that Minor 1 looks up to her mother still? Or she loves her still?

A She does love her mom.

Q And her mom's still untrustworthy?

A Yes, I'm assuming. I don't know.

Q Well, as of the last time you saw her? Last time you saw Gina before she moved away?

A Untrustworthy?

Q Yeah.

A I don't know what you mean by that.

Q You said at one point --

A As a mom? Is she an untrustworthy mom?

Q Was she an untrustworthy person?

A (There was no response.)

Q I think you told the solicitor you had conflicts with Gina over her lies?

A Right.

Q So you had issues with this? It's not a new thing for Gina?

A To tell a lie?

Q Right.

A Right.

MR. SHIPMAN: Okay, no further questions.

THE COURT: All right, thank you, I appreciate it. You can step down.

Okay, Ms. Major, I know you were going to try to get in five witnesses today, so we've done four. Do you have one who's going to take less than a half an hour?

MS. MAJOR: Um --

MR. SHIPMAN: Beg the Court's indulgence.

THE COURT: Okay.

I'll ask y'all, by a show of hands, how many of you want to get in another witness today if it's less than a half hour?

(WHEREUPON, members of the jury raised their hands.)

THE COURT: Well, it went from zero to 13. Okay. So let's see, let's try to do one more. Okay.

Y'all think you're good on that time?

MS. MAJOR: Yes, Your Honor.

THE COURT: Okay. All right, well, you told the

jury that you can do it within a half hour, so it's on y'all now.

MS. MAJOR: Your Honor, the State calls Rebecca Lindler.

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

REBECCA LINDLER, after being duly sworn, testified as follows:

THE CLERK: Thank you. Please be seated. State your name for the record.

THE WITNESS: Rebecca Lindler.

DIRECT EXAMINATION

BY MS. MAJOR:

Q Where are you employed?

A Greenville Police Department.

Q How long have you been at the police department?

A Twenty-one years.

Q And what is your title now? What's your role there now?

A I'm an investigator.

Q What type of cases do you investigate?

A Mainly, violent crime against children.

Q How long have you been doing that particular investigation role?

A Probably about six years.

Q What are your duties as an investigator?

A Normally, we'll get a case from patrol that -- there will be a disclosure, allegations made. So we'll have the child interviewed. We'll interview the suspect and if it's appropriate to make charges, charges will be made.

Q What are the ways, different ways, which you can receive a case?

A We can get DSS referrals, patrol going out on calls, making reports, families calling in. We have adults that will call in to make reports of being abused as children. So, many different ways.

Q When you use the term disclosure, what do you mean by that?

A Where they report that something has happened to them.

Q Okay. All right. Did you investigate this case?

A I did a followup on this case.

Q Okay. Generally, what did you know about the allegations in this case?

A I got the report after Thanksgiving break as a followup. I knew patrol had already made an arrest. So I sent the child -- or I requested a forensic interview of the child.

Q Okay. What is a forensic interview?

A It's done through the Julie Valentine Center. And basically, they're trained to sit down and talk to children about things that have happened to them.

Q And what's the Julie Valentine Center?

A It's the child advocacy center for Greenville County.

Q So did you make a referral in this case?

A I did.

Q Okay. What documents did you already have from the patrol officers?

A I had the incident report. I watched the body camera two years ago. So I -- once I read the incident report that she had made allegations, I sent in for forensic interview to make sure there were no other abuse or anything to be followed up on more than what they had already done.

Q When did Minor 1 have that forensic interview done?

A February the 6th was her interview.

Q In what year?

A 2018.

Q Is that longer than usual, average? What is --

A Usually, there's probably two to four weeks delay on a forensic interview before they do forensic interviews for the entire county.

Q Was this a longer delay than usual?

A It was. And a lot of times when there's custody issues with the biological parent not having the child, paperwork needs to be signed that may not get signed immediately. If I remember correctly, we had snow around that time, so there were a lot of days that were closed. If the child gets sick, they'll reschedule. It's really not unusual, but that's from, you know, two months.

Q On average, is that above average of the delay between disclosure and forensic interview?

A It's a little bit longer than normal.

Q Did you review the forensic video -- well, I guess, is the forensic video recorded?

A It is.

Q And is it done at the Julie Valentine Center?

A It is.

Q Okay. You were not the forensic interviewer, correct?

A Correct.

Q Did you review the video of that interview?

A I did.

Q What did you do next?

A So after reviewing the video, I discovered there were some additional agencies that needed to be involved in this case, so they were contacted.

Q Okay. Did Minor 1 disclose abuse by another perpetrator?

A She did.

Q Did that abuse happen in Greenville city?

A No, it did not.

Q What is your jurisdiction?

A My jurisdiction is Greenville city and this was another jurisdiction that abuse occurred in.

Q Do you remember what jurisdiction it occurred in?

A I think it was Simpsonville.

Q So did you contact that agency?

A I did. I contacted that law enforcement agency and let them know that a disclosure has been made and then they have access to her forensic interview.

Q Did the other perpetrator -- did the incident with the other perpetrator have anything to do with the incidents with this Defendant?

A No, ma'am.

Q Okay. So by making that referral to the other agency, did you have anything to do with that investigation?

A No, ma'am.

Q Okay. What did you do after that?

A So after that, there was a hearing, a Schmerber

hearing.

Q Okay.

A And DNA was requested of the Defendant. So I met with the public defender, I'm not sure if it was Mr. Shipman or not, I can't remember. But I did collect Mr. Gibson's buccal swab or DNA sample.

Q What is that? What is a buccal swab?

A So a buccal swab is, basically, a Q-tip in a container. And you just swab the inside of your mouth to get saliva. It's sealed and then sent to the lab.

Q How big is the Q-tip -- or how big is the whole --

A It's just a long tube. The Q-tip's, like, longer than a regular Q-tip you would use at home.

Q But the handle of it, how big?

A The one we have is like plastic, so it's in a place tube and you unseal it, swab your mouth, seal it back. Your name's on it sealed in the container.

Q And that happened with the Defendant?

A Correct.

Q How did you take that buccal swab?

A I show him or tell him what to do or her, and they do it themselves.

Q Okay. So you do not physically swab?

A Huh-uh.

Q Okay. Did that happen in this case?
A It did.
Q Did Mr. Gibson swab his own mouth?
A He did.
Q Then what did he do with that, I don't know what you call it?
A I always take two swabs in case one gets messed up. His -- I put -- the person that I'm taking their DNA, their initials go on that as evidence. Then I met with Minor 1.
Q Well, let's stick with Mr. Gibson first. Did you package up that swab?
A I did.
Q Okay. And how did you mark it?
A So there's like red evidence tape that we seal it up and we have to initial it with the case number, the time, the date. Then you turn it into property and evidence.
Q Did it get a particular identification number or initials with it?
A Yeah, his initials, Mr. Gibson's initials.
Q So what was that marked as, this item of evidence?
A OEG, I believe.
Q And you turn it into property and evidence?

A Yes, ma'am.

Q And we've heard what property and evidence is, it's a secured evidence collection?

A Correct, uh-huh.

Q Was it sealed?

A It was.

Q All right. Do you remember when you took it down there? Do you remember when you collected his DNA?

A I remember when I collected it, yes, ma'am.

Q What did you do after that?

A When I collected his DNA, I took it to property and evidence.

Q Did you collect somebody else's DNA?

A Yes. I met with Minor 1's guardian and she brought her to the law enforcement center.

Q Okay.

A And I had already explained what we needed. So I did the same thing with Minor 1, you know, showed her what she was supposed to do and she did swab her own mouth.

Q Did you seal up her swab?

A I did. And labeled it with her initials, then I walked it down to property and evidence since it was in the same building and turned it in.

Q Okay. If you need to refer to your report to --

A That will help.

Q -- refresh your recollection, please do. But do you remember what dates you collected these swabs?

A So I got Mr. Gibson's on May 23rd, 2018. And then on June the 20th, I met with Ms. Jennings and collected Minor 1's.

Q Okay. And on both of those respective dates, is that when you put those items into property and evidence?

A Yes, ma'am.

Q Okay. And what was Minor 1's swab marked as?

A Minor 1, for Minor 1 .

Q Do you know Elizabeth Regina Parker Barros?

A I do not. I know that she is her biological mother.

Q Has she ever contacted you?

A I believe I talked to her in the very beginning before I knew that custody was taken away from her and I told her that I would be sending her for a forensic interview to the Julie Valentine Center. So my contact with her was very limited.

Q Do you recall her ever following up with you or --

A No, ma'am.

Q -- asking for any information about the case?

A No, ma'am.

Q Okay.

MS. MAJOR: Please answer any questions the Defense has.

MR. SHIPMAN: May it please the Court?

THE COURT: Yes, sir.

CROSS-EXAMINATION

BY MR. SHIPMAN:

Q Investigator Lindler, the report I have from you is dated May the 1st of 2018; is that accurate?

A Yes, sir.

Q Okay. All right. You got assigned this case -- when did you get assigned this case?

A It would have been after the Thanksgiving break of '17.

Q Okay. So this report was written about five months later?

A Correct.

Q After you got assigned?

A Correct.

Q Okay. So you weren't on the scene that Thanksgiving slash Friday morning?

A No, sir.

Q You didn't speak to Minor 1 at the scene?

A No, sir.

Q You didn't speak to Gina at the scene?

A No, sir.

Q You didn't speak to Otis?
A No, sir.
Q Except for when you came and took the swab from him?
A Correct.
Q You didn't speak to Ahkeem, the brother?
A No, sir.
Q Or the aunt that was in the house?
A No, sir.
Q Now, you said the solicitor's office contacted you -- I don't know when this was, I assume it would have been in May sometime because it's the last paragraph in your report that says the solicitor's office contacted you to submit a DNA request for the bedding; is that right?
A Yes, sir.
Q Okay. But they didn't ask for a DNA report on the pajamas?
A No, sir.
Q You work at the law enforcement center; is that right?
A Yes, sir.
Q So you've got access to historical files, incident reports, things of that nature? Like you could do a background check on somebody for instance?
A Correct.

Q And you can see if anybody has been the complainant in another case before?

A Yes.

Q And did you do any reports like that in this case?

A Do any reports?

Q Did you do any searches or queries or however you want to describe it?

A I usually do on every case I get, but I do not remember.

Q Well, if you had done it, it's a thing you would have put in this report, right?

A Not typically.

Q Not typically. If you found anything interesting, you would have put it in the report?

A Like what?

Q If someone had made a false allegation before?

A Yes. Usually, yes I would.

Q Okay. And you don't remember if you found anything or not?

A No, sir.

Q Okay.

Beg the Court's indulgence.

BY MR. SHIPMAN:

Q Now, you said if you had found an allegation of

a false report before, you would have included that? You, typically, would include something like that?

A Normally I do, yes, sir.

Q And you don't remember if you found anything in this case?

A If it's not included in there, I must not have found anything or looked.

Q Okay.

MR. SHIPMAN: Your Honor, I believe I have a matter of law that I need to take up.

THE COURT: Ladies and gentlemen, let's take a very, very short break. We'll come back in as soon as we resolve this. This is one of those matters that I just need to take up outside of your presence, okay. We'll come back in just a few minutes.

(WHEREUPON, the jury left open court at approximately 4:52 p.m.)

THE COURT: All right. Yes, sir.

MR. SHIPMAN: Your Honor, I anticipate this being a contentious issue here, but I've got a report from the Greenville County Sheriff's Office involving Elizabeth Parker and her son, Vincent S., in which Vincent S. has gone to speak to Investigator Cheryl Cromartie. Cheryl Cromartie asked -- she said, I inquired if anyone ever bad touched him?

And he responded, No.

However, the victim shouted that Leah is going to jail. My mom had an attitude. My mom said Leah needed to go home.

The investigator asked the victim the following questions, said, Who is Leah?

Leah lives with us. She is a boy.

And I believe there's, you know, something further in the report where it talks about he's a man who's living like a transsexual. And it says, Why is Leah going to jail?

Then he replies, I don't know, my momma said that he touched me down there.

And I believe that this could go to the thoroughness of the investigation here in asking about that.

THE COURT: So what do you want to introduce?

MR. SHIPMAN: Well, I just want to ask about -- you know, if she's seen this report.

THE COURT: Okay. All right.

Have you seen that report?

THE WITNESS: That does not ring a bell.

MR. SHIPMAN: Your Honor, I'd like to ask that in front of the jury, but I anticipate a strenuous objection.

THE COURT: For what purpose is it being introduced?

MR. SHIPMAN: The quality of the investigation and the credibility of a future witness who is going to come in.

THE COURT: All right.

Position of the State?

MS. MAJOR: I strongly object. I mean, I could ask the same thing if she reviewed any reports from this Defendant. And have you ever --

THE WITNESS: I did review reports from the Defendant.

MS. MAJOR: It is so prejudicial. He can ask Ms. Parker, Regina Parker Barros, about this -- she recalls this incident with her son. He is free to ask Elizabeth Parker about this, but this is not -- I mean, this would be so improper for Mr. Shipman to ask. As it would be for me to ask did you investigate any prior allegations against this Defendant.

THE COURT: All right.

What's your position on that, Mr. Shipman?

MR. SHIPMAN: Your Honor, I think we're differently situated here. The prior allegations against the Defendant, he's presumed to be innocent,

would go to character and the propensity. What I'm asking about is the credibility of a witness here who is not accused of a crime and doesn't enjoy the rights the Defendant would enjoy. So I think that's misplaced to consider those, you know, that if I do this, it could be just a tit for tat. I don't think that's --

THE COURT: Okay. So whose credibility are you attempting to impeach?

MR. SHIPMAN: Well, Your Honor, specifically, I'm intending to impeach Regina's, but I believe this also goes towards the quality and thoroughness of the investigation.

THE COURT: Well, you can't impeach her credibility on this witness's cross-examination, correct?

MR SHIPMAN: Yes. Well, dual purpose, I guess, Your Honor. So specifically, for this line of questioning, it would be the strength of the investigation.

THE COURT: So insofar as the report as it relates to Regina's credibility and her potential testimony, it's inadmissible. You can ask her questions about that potentially, potentially.

MR. SHIPMAN: Okay.

THE COURT: With respect to this witness, the substance of that report would be irrelevant. I know that you want to get the substance of that report in. I know that would be something that would be very probative from your perspective, but it would be highly prejudicial under a 403 analysis. I also don't find that that report is -- the substance of the same is relevant to the crime alleged in this case, or the issues before this Court.

Now, I will let you ask her is it possible that you missed something and she'll answer that honestly or not. And it may lead you to another question or it may not, depending on how she answers that question. But I'm not going to let you get into the substance of that abuse or that allegation with this witness.

MR. SHIPMAN: Thank you, Your Honor.

THE COURT: We good?

MS. MAJOR: Yes, Your Honor.

THE COURT: Okay. All right. Bring them in, please.

(WHEREUPON, the jury came into open court at approximately 4:57 p.m.)

THE COURT: All right, sorry, ladies and gentlemen. We resolved it and we can begin again.

Mr. Shipman, you may proceed, sir.

MR. SHIPMAN: Thank you, Your Honor, may it please the Court.

BY MR. SHIPMAN:

Q Detective Lindler, I was asking, at the LEC, you've got the ability to search prior incident reports and do backgrounds checks on complainants?

A Yes.

Q And you, typically, do that -- I believe you said you usually do, but you don't remember if you did in this case?

A Correct.

Q If you found something such as a prior allegation, that is something that goes in your report?

A Normally, yes, sir.

Q Was it possible you missed something?

A It's possible, yes, sir.

Q And one last question, again, there was no testing done on the pajamas; is that right?

A No, sir.

MR SHIPMAN: No further questions.

THE COURT: Any redirect?

MS. MAJOR: No, Your Honor.

THE COURT: All right. Thank you, you can step down.

Thank you for being on time. I'm sorry we're starting a little bit late. As you know, when y'all were leaving yesterday, we started talking about some evidentiary issues and we had to plow through a few things. But we are ready now. Thank you for being patient with us.

So Ms. Major, you may call your first witness, ma'am.

MS. MAJOR: Thank you, Your Honor. The State calls Minor 1 .

THE CLERK: Minor 1 , come up here, please. Place your left hand on the Bible, raise your right hand.

Minor 1 , after being duly sworn, testified as follows:

THE CLERK: Thank you, please be seated. Minor 1 , would you tell us your name, please.

THE WITNESS: Minor 1 .

THE CLERK: And what is your last name?

THE WITNESS: Minor 1 .

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MS. MAJOR:

Q Minor 1 , how do you spell your name?

A Minor 1 .

Q How old are you?
A Ten.
Q And what school do you go to?
A Pickens Elementary.
Q Pickens Elementary. What grade are you in?
A Fifth grade.
Q How do you like fifth grade?
A It's good. I have the best teacher in the world.
Q Who is that?
A Mr. Stelling and my math teacher is Ms. Hunter.
Q What was that first one, Mr. what?
A Stelling.
Q Stelling. I'm going to put this microphone down just a little bit, there you go. Okay. What do you like about those teachers?
A That my teacher's kind.
Q Anything else? Are they fun?
A Yeah. He also makes sure I'm okay and Ms. Hunter makes sure every kid is lined up and safe.
Q Good. Do you like being in fifth grade?
A Yes.
Q Does that mean you're the oldest grade in the school?
A Well, I'm the youngest in the class still.

Q Youngest in the class, but oldest grade in the school?

A (The witness nods.)

Q Good. Do you have any pets?

A Yes.

Q Tell us about those.

A I have a dog that's named Ranger. He's -- I don't know what kind of dog he is.

Q Okay, Ranger.

A We used to have a dog named Rosie, but she passed away.

Q Okay.

A We have a dog that's named Precious. She's the smallest one and Lana named her. I knew that dog since I was five and Ranger and Rosie since I was five.

Q Okay.

A We have pigs.

Q Uh-huh.

A And we have chickens. We have goats and we have two baby goats.

Q So do you live on a farm and a lot of land around?

A We have a lot land. And we don't really have a complete farm, but we have a little bit of a farm.

Q And you said Lana named the dog?

A Yes -- well, she had kept those two dogs, Ranger and Rosie, for somebody.

Q Oh, okay. And who is Lana?

A Lana is my cousin. And she's the one who's taking care of me. She's my kindership [verbatim].

Q How old is Lana? She's your cousin you said?

A Uh-huh.

Q But is she older than you?

A Yeah, she's 48 years old.

Q Okay. And who do you live with?

A I live with Lana and PJ, which is her husband. I live with her son, Jay, and I live with his girlfriend, Venus. I live with my auntie, aunt and auntie. I live with Forrest, which is my younger cousin, he's four years old, and I live with my other cousin, she's two years old. And I live with my little baby cousin, Janice, she's only one. Her birthday is [redacted].

Q Okay. So do all these people live in the same house or do y'all have multiple, like, houses?

A We live in the same house. And I have more cousins up the road from my house.

Q Okay. What do you like to do for fun?

A I like to jump on the trampoline or play Mindcraft or play XBox to say for short.

Q Do you have a favorite movie right now?

A Yes, I have tons.

Q What's your first favorite one that you can think of?

A The Descendants.

Q Just tell what us real quick what that's about.

A Descendants is about these young kids which were raised on a farm. Mal's mother is Maleficent. Jay is Jafar. Evie's, the evil queen, and Carlos is the one [indiscernible], but I forgot the name. There is Ben, he's the son of the Beast and Belle. And we have Audrey, Sleeping Beauty's daughter. We have the dog.

Q Do they sing and dance in this movie?

A Uh-huh.

Q Good.

A One of favorite sons is Descendents 1 is -- there's a song, but I forgot it.

Q Well, you can maybe think on it a little bit. So how you feel about Lana?

A She's okay.

Q Just okay?

A Uh-huh. She may go beast mode sometimes.

Q She what?

A She may go beast mode sometimes.

Q Say that again.

A Beast mode. She's sometimes mean.

Q Beast mode?

A Yeah.

Q Does she discipline you?

A Sometimes when I do bad things.

Q Okay. Is that what, you know, caretakers are suppose to do to kids?

A When they misbehave, yes.

Q Yes, okay. Does she take you to school?

A She takes me to school sometimes or when I -- that's only when I miss the bus. I usually go up to the bus stop to the bus. I have to walk up there and walk back down or, usually, she'll drive me when she has to go to work.

Q So who is your mother?

A My mother is Elizabeth Parker Renee Barros.

Q Okay. Does she ever go by any other name?

A Well --

Q Have you ever --

A Gina.

Q Yeah. Like, what was that?

A Gina.

Q Gina, okay. But what do you call her?

A Well, I used to call her Gina, except for lately, she wants me to call her mommy. When she first heard me call her that, she didn't want me saying Gina.

Q Okay. Now, where did you live when you were growing up? Before you lived with Lana, where did you live?

A I lived in Greenville.

Q Okay.

A Different places.

Q All right. What different places did you live?

A I lived with Poppy.

Q And who's Poppy?

A My grandfather, right?

Q Right. Is he a grandfather figure to you?

A Yep.

Q Okay.

A I lived in Connecticut.

Q Okay.

A I lived with Sam -- well, not Sam, but there's other people. I lived with Otis. I lived with Big Teia. I lived more other places.

Q I'm sorry?

A More other places.

Q More other places. So did you move around a lot?

A Uh-huh.

Q Okay. And you said you lived with Otis?

A Uh-huh.

Q Who is Otis?
A I used to call him dad.
Q Do you need any water? You okay? You used to call him dad, is that what you said?
A (The witness nods.)
Q Who was he?
A He was my --
Q Who is he?
A He's my mother's friend for 17 years.
Q Okay. Did you grow up knowing who he was?
A Well, not really, until I moved to his house.
Q Why did you call him daddy?
A Because he was more like a dad to me. He took care of me since I didn't have a dad.
Q What kind of things would he do for you?
A He would take care of me when my mom was gone and.
Q What kind of things would y'all do together?
A Play games.
Q What games?
A Watch TV. And usually, I hang out with my mom.
Q Would y'all do anything else together?
A (The witness nods.)
Q Is that what you remember?
A (The witness nods.)

Q I know you're shaking your head yes, but we'll just make sure that you say yes so that she right there can take down everything you say, okay?

A Okay.

Q All right. Now, when did you live with Otis? Do you remember how old you were?

A Seven, because I was turning eight.

Q Do you remember what the house looked like at all?

A It was kind of like old. He lived in Greenville, kind of old and rusty. He had only two bedrooms. He had a roommate.

Q Okay. Who was the roommate? Did you know who that person was?

A I don't know his name, I forgot it.

Q Did you ever hang out with him very much, the roommate?

A The roommate? No, he pretty much stayed in his room most of the time when I was there or, usually, goes out to work.

Q All right. Did Otis ever do anything that you didn't like?

A (The witness nods.)

Q I see you're shaking your head again. Can you just say yes or no?

A Yes.
Q Okay. And I know it will be hard, but tell us what did he do that you didn't like? You can say it.
A (There was no response.)
Q How about this, how many times did he do something you didn't like?
A Twice.
Q Okay. Do you remember what happened the first time?
A (The witness nods.)
Q Again, you're nodding your head.
A Yes.
Q Okay. Where were you?
A At his house in his room.
Q In his room?
A (The witness nods.)
Q By that, what kind of room do you mean?
A His room -- well, his room. He only has two bedrooms. The neighbor's room and his room.
Q Was his bed in there?
A Uh-huh.
Q When you lived there, where would you sleep?
A Well, I used to sleep in his living room where he had two couches.
Q Okay.

A And a TV, me and my mom.
Q Okay. Did you ever sleep in the bed with him?
A Yeah, only when -- well, sometimes when mom was gone.
Q So the first time he did something you didn't like, you said you were in the bedroom?
A (The witness nods.)
Q Nodding your head again.
A Yes.
Q Okay. Thank you, Minor 1. Where was your mom?
A Well, she was out with Poppy because he had a heart attack.
Q So where was Poppy?
A He was in the hospital?
Q Was she visiting Poppy?
A Well, I can say yes because that's when she first knew that he had a heart attack.
Q Okay. What were you and Otis doing?
A We were playing UNO.
Q What's UNO?
A UNO is that kind of game where you place the cards and you -- just like numbers on it or colors.
Q So it's a card game?
A Uh-huh.
Q Okay. Did you -- how did you get -- where were

y'all playing UNO?

A In his room, on the ground.

Q And where did this bad thing happen?

A In his room, on his bed.

Q On his bed?

A (The witness nods.)

Q Were you going to sleep?

A Yep.

Q And what did Otis do? Where did Otis get to be?

A In the bed.

Q In the bed?

A (The witness nods.)

Q Okay. What were you wearing?

A I don't know, maybe one of my nightgowns or my pants.

Q And what did he do? What was that bad thing that he did?

A (There was no response.)

Q Did he do something with his body?

A Yes.

Q What part of his body did he do something to? What part of his body was he using?

A His private part.

Q His private part?

A (The witness nods.)

Q Where did his private part go?
A My bottom. He put it in my bottom.
Q Did his pants -- did you feel his private part?
A (The witness nods.)
Q Do you remember if you saw his private part?
A (The witness nods.)
Q I'm sorry, you're nodding again.
A Yes.
Q You're doing great. Okay. What happened after that?
A We went to bed because it was a school night.
Q It was a school night?
A (The witness nods.)
Q Did it go inside of your bottom?
A Yes.
Q How did that feel?
A Weird.
Q Okay. Do you remember what happened next? Did your mom come home eventually at some point?
A I learned she came home in the morning when she woke me up for school.
Q How did you feel after it happened? Did you -- what did you think about what Otis had done to you after it happened?
A I thought I was scared.

Q And did you still live with Otis, continue living with Otis?
A Yes, I told my mommy on Thanksgiving night.
Q Did Otis ever tell you not to tell anyone what happened?
A On the second time.
Q So he never said anything the first time?
A (The witness shook her head.)
Q Is that a no?
A No.
Q Tell us about the second time it happened.
A He did the same thing he did the first time.
Q Do you remember when it was?
A A couple months after that.
Q Okay. And the same thing -- what were y'all doing that time?
A The same that he did the first time.
Q I mean, before the bad thing happened, what were y'all doing right before then, do you remember?
A We used to play a lot while mommy was gone away or sometimes I leave when mommy go places.
Q Okay.
A Or be at work.
Q Do you remember where mommy was the second time?
A She was probably at the hospital with Poppy.

Q But do you know that's where she was? Or was your mommy there that second time?
A No, Ahkeem was.
Q Where was Ahkeem?
A He was in his room. That's my brother.
Q Okay. And what happened the second time?
A Same thing he did the first time.
Q Okay. Were you going -- what time of day was it the second time it happened?
A Night.
Q Where were you the second time it happened?
A In his room.
Q Okay. And were you wearing pajamas?
A Yes.
Q And what happened? Were your clothes on or off?
A On.
Q Did they eventually come off? Did any part of your clothes come off?
A Down, pulled down.
Q Okay. And were you in the bed the same time?
A Yes.
Q And did Otis get in the bed with you?
A Yes.
Q Okay. And what did he do?
A Same thing he did the first time.

Q I think we know what it is, but what did he do with his -- what part of the body did his use?
A Front part.
Q And what do you call that? You can say whatever you want to call it.
A Private part.
Q Okay, his private part. Where did his private part go?
A My bottom.
Q Did it go inside your bottom?
A Yes.
Q Was it the same thing that happened the first time?
A Yes.
Q How did it feel?
A Weird.
Q Okay. What happened afterwards?
A He said something.
Q Sorry?
A He said something.
Q He said something? What did he say?
A Don't tell mommy because she's going to slap you and then slap me and make you do wall sets.
Q Okay. I want to make sure that we can hear you. Can you say that a little bit slower? He said what?

A Don't tell mommy because she's going to slap you and then slap me and then you're going to have to do wall sets.

Q You're going to have to do wall sets? What are wall sets?

A You know the things that you're supposed to squat down, hold your hands out while you're pretending to be laying down.

Q Okay. So I'm going to demonstrate. Sort of like that?

A Yeah, but all the way down like right there.

Q Does that hurt to do those?

A Yeah. You have to count. You have to count to like 100 or something.

Q Okay. How did you feel after that happened?

A Weird, scared.

Q All right. Was anybody else in the room with y'all?

A No.

Q But you said Ahkeem was in the house?

A The second time.

Q Did you yell or scream?

A No.

Q Were you scared?

A (The witness nods.) Yes.

Q Okay. Did you tell your mommy right after that?
A On Thanksgiving night.
Q Okay. So tell us about that. It was Thanksgiving night?
A Uh-huh.
Q What had you done that day?
A Well, we had prepared for Thanksgiving. That's when he came -- well, Ahkeem went to Layla's house. And mommy's friend, Summer, came over with their daughter.
Q Did y'all eat some food?
A Yes.
Q Did you eat a lot of food, or do you remember?
A I think there was like a little bit of food maybe.
Q And what happened later that night?
A Well, she left after.
Q Who is she? You mean Summer left?
A Summer left.
Q Okay.
A We went and we got ready -- I took a shower, got ready for bed. Well, we always watch movies because we don't have a TV in mommy's room.
Q So was Otis there?
A Yes.
Q And your mommy was there?

A Yes.

Q But Summer had left?

A Summer had left.

Q Okay. And keep telling us what -- do you remember if Ahkeem was there?

A I think he was still at Layla's house.

Q And then what happened?

A After we watched a couple of movies, I asked mommy could she take me to the bathroom, but I didn't really have to use the restroom.

Q Minor 1, you are talking so fast. I really like it, but let's see, we'll slow you down and get a little closer. You are doing great. Say that one more time for me.

A Well, we watched a couple of movies and -- well, I told mommy I had to use the restroom and I asked her could she come with me, but I really didn't have to use the restroom.

Q So you asked your mommy if you could use the restroom?

A If she could come with me.

Q You asked her to come with you?

A Yeah, but I didn't really have to go.

Q Okay. And so did your mommy come with you to the restroom?

A Well, I didn't go because I didn't use it, but she went with me.
Q And what did you do?
A I told her the story.
Q Okay. And what did she do?
A She was kind of shocked after I told her.
Q Where was Otis at this time?
A In his room laying down.
Q Okay. Did you write your mom a note?
A On a piece of paper, yes.
Q Why did you do that?
A So I could explain to her.
Q Okay. And what did your mommy do?
A She was shocked.
Q All right. And what happened after that?
A Ahkeem kept on coming in a couple of times.
Q Who -- say that again?
A Ahkeem kept coming in.
Q Who is he?
A Ahkeem.
Q Oh, Ahkeem kept coming in? Okay. And what happened?
A Well, she told him to go away because she was talking to his sister, but the only time she let him come in was when he was going to the bathroom.

Q Who was going to the bathroom?
A Ahkeem.
Q Ahkeem. So you're telling your mom what happened?
A Uh-huh. And Ahkeem kept on coming in.
Q And what happened after that?
A Well, after he got done using the restroom, he let us go back in the bathroom and I started telling the story.
Q How was your mom feeling, still shocked?
A She was upset.
Q Where did y'all go?
A She said, Come on, Ahkeem. Get your stuff ready, we're going out. But first, I got my jacket on and Ahkeem was still in the room. And we walked around the block with Otis and told him what happened.
Q You walked around the block?
A Uh-huh.
Q Where were you going?
A We were talking to Otis.
Q You were talking to Otis?
A Uh-huh.
Q How was your mom acting?
A She was upset and mad kind of.
Q And where did you go?

A We first -- after we did that, we had got our blankets.

Q Where did you walk to?

A Well, we were leaving and Otis tried to stop her.

Q Otis tried to stop her?

A Uh-huh.

Q What did your mom do?

A She wanted to go, so she said get the stuff ready, we're leaving and walked to Poppy's car. And she tried to call Kadisha like a hundred times and she never answered.

Q I'm sorry, you said walking to whose house?

A Poppy's.

Q Poppy's house. Does he live close to Otis's house?

A Well, you have to walk all around a long way, so it kind of took a few minutes to get up there.

Q Okay. And did y'all go to Poppy's house?

A Yeah, we used the car.

Q Then did you come back to Otis's after that?

A Well, first, she kept on trying to call Kadisha, but she wouldn't answer, so she called Otis's brother.

Q Who is Kadisha?

A Kadisha, I call her auntie, but she's not really

my aunt.

Q Which maybe a family friend of y'all's?

A (The witness nods.)

Q Yeah?

A (The witness nods.)

Q Okay. Then she tried to call Otis's brother?

A She called Otis's brother and he picked up. And she said, Can you give the phone to Kadisha?

Q Oh, is Kadisha and Otis's brother, do they live together?

A They are -- they were together, yes.

Q Okay. Did your mom call the police after that?

A Well, she talked to Kadisha and Kadisha said the right thing to do was to call the police.

Q So is that what happened?

A (The witness nods.) She drive down there.

Q Who drove down there?

A Me, mommy and Ahkeem.

Q Y'all drove back to Otis's house?

A Uh-huh.

Q And did the police show up?

A Well, it took them probably like five minutes to get there.

Q Okay. Do you remember the police coming there?

A Yes.

Q What did you think about that?
A I say, why are the police up here?
Q What made you finally want to tell your mom that Thanksgiving night?
A Because I was scared it would happen again.
Q Okay. What happened after the police left? Well, do you remember talking to the police officers there?
A Yeah.
Q Do you remember telling them what happened?
A Uh-huh. Yes. We went -- I think we went to the hospital, I think. They wanted to check me.
Q Then did you leave that night?
A Yeah, I was staying at Kadisha's house, I think.
Q And then what happened after that?
A Well, we came back like maybe a few months later to get all the stuff.
Q Okay. After that time, did you start living with Lana?
A Yes.
Q Okay. And did your mom live there?
A She lived out in the camper until she left.
Q She left?
A Uh-huh.
Q Okay.

A And then one night when we were coming back from the movies, me and Lana, because we went to the movie theater, mommy surprised us from there. She was in my room.

Q How did that make you feel?

A Happy.

Q To see your mom?

A Uh-huh.

Q Do you like seeing your mom?

A Yes.

Q How do you feel about your mom?

A She can be sometimes crazy sometimes, but she's my favorite.

Q She's your favorite? After that, do you remember going to the Julie Valentine Center?

A Yes.

Q Do you remember talking with a lady there?

A Yes, but I do not remember her name.

Q Okay. Did you know that they made a video of that?

A Uh-huh.

Q Have you ever seen that video?

A I haven't seen the video, but I remember talking about the video. She said there was cameras around there.

Q Right, but have you ever seen that video?

A Huh-uh.

Q No. Okay. Did someone else ever do something to you, that bad thing that Otis did to you, has anybody else ever done that to you?

A Yes.

Q Tell us who that was.

A Cory W..

Q Who is Cory W..?

A He was what I call my brother.

Q He was your brother?

A Yeah, well, stepbrother at the time.

Q Who was his mom?

A Big Teia.

Q Big Teia. Is that who you're named after?

A Uh-huh. My mom decided to name me Minor 1 because of Teia.

Q Okay. Did you ever live with Big Teia?

A Yes.

Q For a long time or sort of long time? What do you remember about living with her?

A I didn't live with her a long time. I left when I was kind of like seven to live with Otis.

Q What did Cory W. do to you?

A Same thing Otis did.

Q What was that? Did he do something with his

private part?

A Yes, the same thing Otis did.

Q Okay. How old is Cory W.?

A I don't know.

Q Is he like a kid or is he an adult?

A I think he's like maybe like a teenager probably now. I don't know how old he is.

Q Do you know how much older he was than you when you lived there?

A Don't remember.

Q Okay. Did Cory W. have a brother?

A Yes.

Q What his name?

A David W. .

Q What does Cory W. look like? Or back then, what did he look like?

A He had a round head and he used to like to play football.

Q Okay.

A David W. and Cory W. are the ones who taught me how to play basketball. I was on a basketball thing with them.

Q Do you know the difference between Otis and Cory W.?

A Uh-huh.

Q Do they look alike at all?
A No.
Q Who is older?
A Otis.
Q Otis or Cory W..?
A Otis.
Q Who's bigger?
A Otis.
Q Okay. Hold on just a minute, okay. Okay, Minor 1 you've done great. This is my last question for you. Do you see Otis in this courtroom? If you want to look around and then you can look right back at me?
A (The witness nods.)
Q Is that yes?
A Yes.
Q Where is he sitting? Is he sitting at a table over there?
A Yes.
Q What color shirt or jacket does he have on?
A Black.

MS. MAJOR: Okay. All right. You can answer any questions that the Defense attorney has for you, okay?

CROSS-EXAMINATION

BY MS. JOHNSON:

Q Hi, Minor 1.

A Hi.

Q My name is Teal. A lot of people actually think my name is Minor 1, so I really like your name.

A Thank you.

Q And I like your pink.

A Thanks. My cousin picked it out because it's my favorite color.

Q It's your favorite color? I like teal, but I always like pink.

A Thank you.

Q I'm going to stand right here and ask you some questions.

A Okay.

Q You're ten years old now?

A Yes.

Q Okay. When is your birthday?

A [redacted], 2009.

Q Okay. You said you go to Pickens Elementary?

A Uh-huh.

Q Do you like living in Pickens?

A I don't live in Pickens, I live in Easley.

Q Oh, you live in Easley. Do you like going to school in Pickens?

A Yes.

Q It's, I guess, not as -- there's farmland and more places to roam around in Pickens. And you said you had a farm?

A It's kind of like a farm, but I don't have much animals like that.

Q Oh, okay.

A I have cats, too.

Q Okay. But you like school in Pickens?

A Yes.

Q Okay. You've been to a lot of schools, though?

A Yes.

Q Do you know all those schools you've been to?

A I can remember some of them. I went to Connecticut school, Pickens, Quest. That's all I remember.

Q That's all you remember?

A (The witness nods.)

Q That's okay. You like school?

A Yes.

Q Which one has been your favorite?

A I can say Quest and Pickens.

Q Okay. So you moved to Pickens about -- or excuse me, Easley -- I keep saying Pickens.

A Easley when I was in third grade.

Q Okay. You moved about two years ago?

A (The witness nods.) Yes.
Q And you live with, is it Lena?
A Lana.
Q Lana. I'm sorry, Lana. And you like living with her?
A Yes.
Q Now, do you still get to see your mom?
A I only did last time when she came for the skating rink, I saw her.
Q When was that?
A I don't remember.
Q Okay. So she doesn't live with you?
A No.
Q But you're still able to see her some?
A Not really.
Q Not really. Is that hard for you?
A Yes.
Q You really -- you love her, don't you?
A Yes.
Q And you miss her?
A Yep.
Q I understand. What about your brothers, do you still see your brothers?
A No, because I have four brothers, but two of them don't know me.

Q What about the ones that do?

A They're probably up in Connecticut. One's in Connecticut and one's in another state, which I don't know.

Q So you haven't seen them in a while?

A Well, I seen him the last time when he was living here, Ahkeem.

Q Ahkeem. What about Poppy, do you see Poppy any?

A No, I think he's still back in the hospital.

Q I'm sorry. And when you were living with Otis, you and your mom a couple of years ago, were there a lot of people in the house?

A Well, when Tata moved there, that was kind of like more people.

Q Tata's your aunt?

A Well, not really.

Q What is she to you?

A She's kind of like -- I used to -- I thought she was my aunt.

Q Okay. So she's like an aunt figure?

A (The witness nods.)

Q Did Tata have a boyfriend?

A Yes.

Q And did he also live in the house?

A I think so.

Q And your brother, Ahkeem, he moved into Otis's house?

A Yes.

Q And the roommate, you don't remember him?

A I don't remember his name.

Q Okay. Any other people in the house?

A Me, Tata, Ahkeem, Otis and my mom.

Q What about the boyfriend?

A And her boyfriend.

Q Okay. What school were you going to then?

A Quest Elementary school in Greenville.

Q Okay. And sorry, Minor 1, bear with me. The night the police came, you wrote your mom a note?

A Yes.

Q Okay.

A That's Thanksgiving night.

Q And do you remember talking to one of those police officers?

A Yes.

Q The nice lady?

A Yes.

Q And do you remember showing her on the bed or getting up on the bed?

A Yes.

Q Do you remember telling her that Otis was at the

edge of the bed?

A Yes.

Q With his face to the door?

A Yep.

Q And his bottom toward the wall?

A Yes.

Q Okay. And you also -- you said you went to the Julie Valentine Center?

A Yes.

Q And you talked to a Ms. Carlberg? You don't remember her name, but you talked to another lady?

A Uh-huh.

Q And do you remember writing things on the easel for her?

A No.

Q You don't remember that? That's okay. Almost done Minor 1. You've never met me before, this is the first time you've seen me before?

A (The witness nods.)

Q Have you seen Ms. Major before?

A (The witness nods.)

Q You've met with her before?

A Yes.

Q Do you know how many times you've met with her?

A Today and the last time I came here.

Q Okay. What about people from her office, have you met with people from her office?

A Ms. Elizabeth.

Q What about Ms. Julie?

A Yes.

Q Ms. Renee?

A I don't think so.

Q Okay. How many times have you talked to them?

A Twice.

Q Okay. Have you come up here before to the courtroom?

A Yes.

Q Do you know when that was?

A I think that was like last week probably.

Q Okay. Hold on, Minor 1, I'm going to go talk to my friend here.

(Pause.)

MS. JOHNSON: Thanks, Minor 1. It was nice to meet you.

THE WITNESS: Thank you.

THE COURT: Any redirect?

MS. MAJOR: No, Your Honor.

THE COURT: Thank you for being here, Minor 1. You may step down.

MS. MAJOR: May she be excused from her

appropriate. Again, we can go through the voir dire, that's certainly not prejudicial, and make contemporaneous objections with respect to relevance and I'll be happy to take those up at the time.

MR. SHIPMAN: Thank you, Your Honor.

THE COURT: Bring the jury in, please.

(WHEREUPON, the jury came into open court at approximately 11:25 a.m.)

THE COURT: Okay, you may call your next witness, ma'am.

MS. MAJOR: Thank you, Your Honor. The State calls Shauna Galloway-Williams.

THE CLERK: Ma'am, if you'd please come forward. Please pause at the end of the bench. Place your left hand on the Bible, raise your right hand.

SHAUNA GALLOWAY-WILLIAMS, after being duly sworn, testified as follows:

THE CLERK: Please be seated. State your name for the record.

THE WITNESS: Shauna Galloway-Williams.

DIRECT EXAMINATION

BY MS. MAJOR:

Q Ms. Galloway-Williams, where are you employed?

A I'm the executive director of the Julie Valentine Center.

Q And what are your duties as the executive director?

A As executive director, I'm in charge of -- basically, in charge of the agency, in charge of the administration of the budget, in charge of HR, all of the general executive functions of the organization. Additionally, I also provide community education and training. I also provide supervision to our clinical staff and, also, to our leadership team.

Q What is the Julie Valentine Center and what are the different services that you provide?

A We are the child abuse and sexual assault recovery center that serves Greenville and Pickens County. So that means that we provide a full range of services, including prevention education, assessment, treatment, crisis intervention to anyone who may have been impacted by child abuse and/or sexual assault and, also, in prevention of those situations in our community.

Q What's your educational background?

A I have a Bachelor's Degree in psychology from Winthrop University and a Master's Degree in counseling from Clemson University.

Q What is your employment background prior to becoming the executive director of the Julie Valentine Center?

A I've been the executive director of the center for ten years this year. Prior to that, I served as the clinical director for the Julie Valentine Center while also operating a private practice that treated children, adolescents and their families.

Prior to working for the Julie Valentine Center, I was an employee of the Greenville Mental Health Center, which is part of the South Carolina State Department of Mental Health. I worked there from 2001 until 2007 in their child and adolescent outpatient unit as a counselor and forensic interviewer later on during that time period.

Prior to that, I also worked for the State Department of Mental Health in various counties working in their adult rehabilitative support programs. And have done some work with -- as a social worker for a nursing home facility prior to that. So I've been in the field for 23 years this year.

Q And do you hold any licenses?

A I do. I'm a licensed professional counselor and have been licensed since 2004 in the State of South Carolina.

Q And are you a member of any associations or organizations related to child abuse?

A Yes. I am a member of APSAC, which is the

America Professional Society on the Abuse of Children. I'm a member of the South Carolina Network of Children Advocacy Centers, which is the organization that -- it's a statewide organization for the 17 children's advocacy centers in South Carolina. I'm also a member of SCCADVASA, which is the South Carolina Coalition Against Domestic Violence and Sexual Assault. I previously served on those two boards, on the South Carolina Network of Children Advocacy Centers as well as SCCADVASA. And also previously served on the board of the South Carolina branch of the America Professional Society on the Abuse of Children.

Q Have you attended training courses on children and sexual abuse?

A Yes. The vast majority of my continuing education after graduating with my Master's Degree has been specifically in the area of child abuse and sexual assaults. As part of our licensure, we're required to obtain so many continuing education credits each year. And most of mine have been in that area. I've had over 150 skills based training hours in the assessment of children who may have been abused. I also conduct trainings as well.

Q Are you familiar with the research in the field of child abuse and sex dynamics?

A Yes.

Q Is that research that you rely upon subject to peer review?

A Yes.

Q Do you consult with other professionals in your field related to child abuse?

A Yes. I'm part of a regional peer review as well as statewide peer review with others who are charged with assessing children. I also am part of the Child First facility, which is the training program that trains forensic interviewers in South Carolina.

Q What is a forensic interviewer?

A Forensic interviews are investigative interviews that are conducted with children. They're generally conducted at children's advocacy centers. And a forensic interviewer is someone who would conduct one of those interviews with a child.

Q Have you taught or been a leader in courses on child abuse?

A Yes. I'm also an adjunct faculty member at USC-Upstate in their child advocacy studies program. I teach two undergraduate courses there. I teach one three-hour course, the title of it is Child Maltreatment. And it's pretty self-explanatory, it's three undergraduate hours specifically around the issues of child

maltreatment. The second course that I teach is gender violence in society. It's an extension on the ideas and core concepts related to child maltreatment, but more specifically related to gender and the impact of gender on violence.

Q Have you ever been qualified as an expert in child abuse dynamics?

A Yes.

Q Can you give us an approximate amount of times that you've been qualified?

A Right. Over 40 times in general sessions or in criminal court.

MS. MAJOR: Your Honor, at this time, the State would move to have Ms. Galloway-Williams qualified as an expert in the field of child sexual abuse dynamics.

THE COURT: All right. Do you have any exceptions to her qualifications or would like to conduct any voir dire?

MR. SHIPMAN: Voir dire, Your Honor.

THE COURT: Okay.

So, ladies and gentlemen, the State is offering this witness as an expert witness. When either party offers a witness as an expert witness, the opposing party has the opportunity to voir dire or question

that witness as to qualifications. So right now, what Mr. Shipman is about to do is to conduct a questioning regarding qualifications and qualifications alone, okay. So we're going a little bit out of order, herky jerky and it's specific to an expert witness.

Now, after we go through the qualifications, if I determine to accept the witness as an expert witness, then I'll explain to you what that is and why a witness may be offered as an expert witness.

Go ahead, Mr. Shipman.

MR. SHIPMAN: Thank you Your Honor may it please the Court.

VOIR DIRE EXAMINATION

BY MR. SHIPMAN:

Q Ms. Galloway-Williams, how you doing, ma'am?

A Fine, thank you.

Q So now, you -- I guess, you're primarily employed by the Julie Valentine Center; is that correct?

A Yes, that's my full time employment.

Q And then you say you -- I guess, you're an adjunct professor at USC-Upstate?

A That's correct. I teach one course each semester, one in the spring, one in the fall.

Q Do you conduct your own research?

A I do not. I'm not a researcher.

Q And you've got a Bachelor's in psychology and an MEB in counseling; is that right?

A That's correct.

Q You're not a psychologist or a psychiatrist?

A I am not.

Q Okay. You're not an investigator either?

A I am not.

Q Okay. Now, before you took over as executive director of the Julie Valentine Center, you were a counselor; is that right?

A Correct.

Q Do you still provide counseling services or are you more administrative now?

A I'm more administrative. I still provide forensic interviews and training and education.

Q Okay. In your role as a counselor, you weren't an investigator either, were you?

A An investigator?

Q Yes.

A I've never been an investigator.

Q So you don't talk to witnesses? You don't interrogate them about what happened? You don't talk to suspects about what happened?

A No, that's never been part of my role.

Q Okay.

MR. SHIPMAN: Your Honor, no further questions.

THE COURT: All right. Thank you. So sir, do you take exception to her qualifications?

MR. SHIPMAN: No, Your Honor.

THE COURT: All right.

So ladies and gentlemen, I am going to accept her as an expert witness in this case. Now, the reason a party may offer a witness as an expert witness is because there may be witnesses who possess education, expertise and experience that gives them certain expertise in a field of study or in a specific scope of work. So when somebody is offered as an expert witness, it doesn't mean that their testimony has any greater weight or any greater value in your determination of the evidence and facts in the case. All it means is that an expert witness has the ability to offer opinions within his or her scope of expertise. However, understand that you consider an expert witness's testimony just like you consider any other piece of evidence. That is, you determine whether it's credible and you determine what weight and what value that testimony should be given just like any other piece of evidence that you receive in the trial of the case.

So I will accept the witness as an expert witness in the field articulated by the State.

You may proceed.

MS. MAJOR: Thank you, Your Honor.

DIRECT EXAMINATION CONTINUED

BY MS. MAJOR:

Q So, to your knowledge -- well, have you ever met Minor 1 ?

A No.

Q To your knowledge, have you ever met Elizabeth Parker, Regina Barros or any variation of that name? I'm talking about one person here, to your knowledge, have you ever met her?

A No.

Q Okay. Do you know Mr. Gibson, the Defendant?

A No, I do not.

Q What is child sexual abuse?

A Child sexual abuse is the act of -- well, when someone uses their power over a child to engage them in some type of sexual activity or behavior. That can be fondling, that can be exposure to pornography, that can be having the child perform oral sex, it can be penetration of the child's body parts or having that child fondle or penetrate someone else, any combination or one of those things.

Q What is meant by the term delayed disclosure as it relates to child sexual abuse?

A So disclosure is the process of a child telling or showing us about an allegation of abuse or something that's happened to them. Delayed disclosure refers to that not being immediate.

So delayed disclosure is pretty common among victims, survivors of child abuse and sexual assault. It can be days, weeks, months before a child discloses. So there's not a specific time frame around delayed disclosure, but it's just the idea that the child is not immediately making an outcry after the event has occurred.

Q What factors will play a role in a child not disclosing the abuse?

A One of the biggest factors is fear. Children fear what's going to happen to themselves, what's going to happen to the person that may have done this to them, what's going to happen to their family. Fear is one of the key factors.

One of other key factors is the relationship to the individual. Most children are abused by someone they know, they love and they trust. Usually, this person is also known, loved and trusted by their family and even the community. This person may be someone

who's in some type of position of power, either in the child's life or some other realm of their world. And that relationship can have a significant impact on whether or not they tell. A child can both love the person that's doing this to them, but also not like the act that's being committed, so that makes it really difficult for them to tell.

MR. SHIPMAN: Your Honor, matter of law, briefly.

THE COURT: Okay. Come on up.

(WHEREUPON, an off-the-record bench conference was held in the presence of the jury but out of the hearing of the jury.)

THE COURT: All right. Mr. Shipman, you have an objection that you need to put on the record, sir?

MR. SHIPMAN: I do, Your Honor. In order -- would you like to take this up outside the jury?

THE COURT: No, sir. Note your objection here.

MR. SHIPMAN: Your Honor, these are all common human relationships that she is describing, common human emotions, like fear, love, dealing with human bonds, human interactions with one another. These are common sense things that everyone knows.

In order for an expert to come in and render an opinion, there has to be first a finding or a showing

that this is outside the ordinary scope of the knowledge of a juror. And these are just common sense things that everyone knows, everyone can relate to.

So Your Honor, I think this opinion testimony is out of line here and that it's -- all she's describing are human relationships. And it's not outside the ordinary knowledge of a juror.

THE COURT: Okay.

Yes, ma'am.

MS. MAJOR: Your Honor, I would strongly disagree that this a common sense knowledge. Fortunately, not everybody has to deal with sexual abuse in their life. The case law, citing State v. Weaverling, State v. Jones, State v. Brown, State v. Berry, State v. Anderson and State v. White have clearly held that this testimony is outside the common knowledge of the juror. There are dynamics that go on in sexual abuse that don't make sense to us and Ms. Galloway-Williams is helping explain that.

THE COURT: All right. As judge of the law, I've already instructed the jury and it's very clear that I'm not allowed to have an opinion about the character and the quality and what evidence means. You each have characterized it as something. I'm not

going to offer any characterization as to whether it is within the common purview of mankind or whether it's expert testimony. I'm going to leave that up to the sound judgment and analysis of the jury in this case. However, I will find as a strictly evidentiary matter that it is relevant and it is not objectionable on the basis that has been propounded by the Defense. Therefore, I respectfully overrule the objection.

MS. MAJOR: Thank you, Your Honor.

BY MS. MAJOR:

Q Ms. Galloway-Williams, if you could pick up where we left off. I believe you were talking about the reasons that a child may not disclose sexual abuse immediately?

A So, it's about fear. I also spoke about the relationship dynamics, the relationship that the child may have to the individual, or the relationship this person may have to other members of their family or their community. Sometimes children just literally don't have the words to describe what's happened to them. Depending on their age and level of understanding of sex, they may have not have words to describe what's happening to them. They may know that something wrong has happened, but just quite not know what to say.

Children may have had previous experiences in disclosing information and those may have been negative experiences. And they may impact whether they share information again or not. Children may also -- like I said, development may play a role in that, the age of the child and their level of understanding.

Q In all of your years of training and all of your experience, is it common or does it happen where children may have multiple abusers?

A So when someone has been the victim of child abuse or sexual assault, that becomes an increased vulnerability to being assaulted again. In particular, if that individual hasn't received some type of treatment or counseling. Because when someone is sexually abused or assaulted, their boundaries have been violated, their concept of understanding relationships has been challenged and compromised. Their understanding and conceptualization of sexual behavior and healthy sexual behavior has been compromised. And so that puts them in a particularly vulnerable place to being abused again. It doesn't necessarily mean that because you were abused once you're going to be abused again, but it is a vulnerability and a risk factor for being revictimized.

Q Do children have positive feelings toward their abuser, can they?

A Absolutely. As I said before, most children are abused by someone they know, they love and they trust. And those feelings don't necessarily change. Someone can both love the person that's doing this to them, but not like the act that's being committed. It's similar to -- again, not to minimize the experience of sexual abuse to our friendships or to our family relationships, but many of us have complex relationships with a family member or friend where this person may have done something to us that was not okay or that we didn't like, but yet, we still continue to have that relationship and still continue to have that love and affection for this person, but not like what's happened to us.

MS. MAJOR: One moment, please. That's all the questions I have, please answer any questions the Defense has.

MR. SHIPMAN: May it please the Court?

THE COURT: Yes, sir, absolutely.

CROSS-EXAMINATION

BY MR. SHIPMAN:

Q Ms. Galloway-Williams, you testified earlier that you had never had contact with Elizabeth Parker or Regina Barros in this case?

A Not that I know of.

Q Do you recall ever having contact with one of

her sons, Vincent S. ?

A Not that I know of.

Q If I showed you a letter from 2005, do you think it would refresh your recollection about your membership on a multi-disciplinary team back about 14 years ago?

A I'll be glad to look at it.

Q Okay.

A Would you like for to me to read it aloud to everyone or --

Q Read it to yourself and tell me if you remember dealing with those -- with that particular person there.

A Okay. My name in listed here.

Q Do you recall dealing with this case at all?

A I don't.

Q Okay.

A I mean, it's obvious that I'm listed there because my name is listed there, but I don't remember it.

Q Okay.

A That was in 2005.

Q 2005, I believe.

A And I was not -- I did not treat that particular individual.

Q Okay.

A There was no -- I did not provide any direct services to that person.

Q But you were on the -- in 2005, you were employed by Greenville Mental Health Center; is that correct?

A That's correct.

Q And you were a counselor there?

A I was.

Q And in that role, you, I guess, contracted or otherwise worked with what's now called the Julie Valentine Center?

A That's correct.

Q You were a participant in the multi-disciplinary team?

A I was a forensic interviewer and a member of the multi-disciplinary team, that's correct.

Q You may not remember directly, but you were, indeed, a part of the multi-disciplinary team of this child, Vincent S. ?

A You have presented me with documentation that reflects that I was a member of that team.

Q Okay. Do you have any reason to believe that that's inaccurate? Do you know Mark Cothran?

A I have no reason to believe that that's inaccurate, but I have no recollection of that multi-disciplinary team meeting.

Q I understand. So now, you testified earlier

that you're not an investigator, you've not had any meetings with any of the witnesses in this case?

A That's correct.

Q Okay. And you testified that -- about delayed disclosure, then you said most people delay disclosure -- I guess, when there's a disclosure to be made, it's hours, days, weeks or years later oftentimes?

A That's correct.

Q Okay.

A The research shows that the vast majority of the time, and my experience shows that the vast majority of times, victims delay disclosure.

Q So delayed disclosure is as opposed to an immediate disclosure; is that right?

A That's correct.

Q So immediate would be simultaneous or right after?

A Yes. Immediate disclosure would be the first opportunity that a child has to tell a safe adult.

Q Okay. So there's really -- I mean, using the jargon terms, there's really only two options, right, there's delayed or there's immediate?

A I'm not sure. Can you repeat that?

Q Well, we're saying -- we're throwing around delayed disclosure and immediate disclosure like they're a

term of art, but they're really just additives; is that right?

A So delayed disclosure is a dynamic associated with child sexual abuse. Because the vast majority of individuals would assume that if a child has been sexually abused and it's a harmful situation that they've been in, most people assume that a child is going to make an outcry right away. In the same way that a child falls and hurts themself or their sibling hits them or something like that happens, there's this assumption that the child is going to tell right away if something bad has happened to them. And that's just not the case with child sexual abuse, which is why we explain these dynamics.

Q And that would apply to other crimes, including an adult victim as well; is that right?

A Absolutely. The vast majority of sexual assault victims do not report and do not disclose well.

Q But it could apply to burglary, theft, arson, any number of things?

A I'm not an expert in those particular areas.

Q Okay, but, I mean, if someone is the victim of any crime, they've got two options, they can delay or they can make an immediate disclosure; is that right?

A If someone is the victim of a crime, they can report or not report.

Q That's correct.

A But again, I'm here to speak to the dynamics of child sexual abuse and sexual assault and not necessarily comparing -- I'm not comparing those to arson or other types of crime. They are very unique in the sense of how they impact someone psychologically, emotionally, physically and the trauma that that results in.

Q And some of the reason you gave for this is fear of consequences to either themselves or to others?

A Uh-huh, yes.

Q Age, relationship, threats, things of nature; is that right?

A That's correct.

Q All right. Now, these -- again, these are all things that an adult can experience; is that right? I mean, fear; is that right?

A Yes. Many of these same dynamics are associated with adults who have been sexually assaulted or adults who have been victims of child sexual abuse or child abuse and then later on also victims of sexual assault. The same dynamics can apply in those situations. But again, I'm not speaking to other types of crimes. I'm specifically speaking to child sexual abuse and sexual assault, which is what I've been qualified to speak about.

Q Right. So let me give you an example, like a

parent might know that a child has a drug problem and may be stealing things and doing other -- committing crimes on family members, like theft or, you know, fraud or whatsoever just for their habit, they may wait to report their child until a certain time; is that correct? If they think they can get them some help and change their ways, they may wait; is that correct?

A Yes. But I'm not basing that -- I mean, again --

Q Well, I'm not asking about that. I'm asking a hypothetical question here.

A So is your question if a parent know that their child is addicted to substances, they have an option to report them for --

Q Well, let's say that the child is --

A -- what would be a crime?

Q Is present --

A I'm sorry, I didn't mean to ask a question, that's your job.

Q Well, let's say the child in this scenario is, you know, pilfering from, you know, a loved one's bank account, you know, from a grandmother who may be infirmed, or stealing things from around the house or stealing cars or doing other things that the parent knows about, but may wait to report about even though they themselves may be

victims of the child's crimes --

MS. MAJOR: Your Honor, I would object to this line of questioning. I think it's outside of her scope of expertise.

THE COURT: Okay. I'll respectfully overrule the objection. I'll allow him to conduct fairly liberal cross-examination.

BY MR. SHIPMAN:

Q Okay. So that would be a case of delayed reporting; is that right?

A Not in the sense that I'm referring to. When I'm discussing delayed disclosure, I'm specifically discussing the dynamics of child sexual abuse.

Q But this would be a delayed disclosure? If they knew about it and then waited to report it, it would be a delayed disclosure?

A I wouldn't use that terminology to refer to that.

Q But it's not immediate disclosure, is it?

A I wouldn't refer to that as disclosure because --

Q If they know about something --

A -- you're referring to a parent who has -- you're talking about some completely different dynamics that, again, I'm not here to testify about.

Q Well, I understand that, but --

A When you're talking about addiction related to family members that's a different scenario.

Q Well, I'm offering a hypothetical question.

A Okay.

Q So this parent knows -- this parent may be the victim of the child and they may have a reason to delay disclosure; is that right?

A You're also talking about adults and adults --

Q I'm just asking is that a delayed disclosure?

A I wouldn't refer to that as a delayed disclosure. As I said earlier, that's not what I would refer that to. I would refer to that as an adult making a decision to make a report or not make a report.

Q Okay.

A It may be an adult enabling their child to continue with their habit.

MR. SHIPMAN: Your Honor, I have no further questions. I would, however, renew my motions about the relevance of this. Again, these are all common human understandings and I think her testimony has showed that.

THE COURT: Okay. The ruling remains the same. Any redirect, ma'am?

MS. MAJOR: Your Honor, if I could just see a

copy of what he showed Ms. Galloway.

REDIRECT EXAMINATION

BY MS. MAJOR:

Q Ms. Galloway-Williams, what is the multi-disciplinary team?

A The multi-disciplinary team consists of the members of -- well, the members of the team include those who are involved with cases of child abuse. So that would include -- that can include law enforcement, Department of Social Services, the solicitor's office, the children's advocacy center, the department of mental health. It could include the school district. Any of the parties that may be involved with the child and family.

The core purpose of children's advocacy center, which Julie Valentine Center is, is to really bring those members of the team together in one place to minimize additional trauma to a child and family. And also to better serve that child and family with appropriate recommendations and referrals.

Q Are some members of the team maybe more involved with a particular case than other members of the team?

A Yes. So you may be a part of multi-disciplinary team meeting, but may not have a primary role in that particular case. So for example, you may sit in on a multidisciplinary team meeting and be present for it, but

not have been the forensic interviewer or treating clinician. You may have been just present in the room at the time for the meeting.

Q How long ago was 2005? If your math is correct?

A I'm not a numbers girl, but 14 years.

MS. MAJOR: Thank you, no further questions.

THE COURT: Recross, sir?

MR. SHIPMAN: Just briefly.

RECROSS-EXAMINATION

BY MR. SHIPMAN:

Q This letter says that you all reviewed the medical and psychosocial history of the family. Is that standard for every multi-disciplinary team meeting?

A Yeah. In every team meeting, each team member reviews their part of the case so they would present information there.

Q So that would have been done like kind of around a conference table with everyone present?

A Yes.

MR. SHIPMAN: No further questions, Your Honor.

THE COURT: All right. Thank you. You can step down. I appreciate you being here, ma'am.

All right. Ms. Major, do you have any additional witnesses ready?

MS. MAJOR: No, Your Honor.

THE COURT: I got you, I got you. When you pose that, I just want to make sure that the record is clear, my rational for it that it wasn't something that I was just up here, you know, playing solitaire and not listening to everything. It was a calculated decision as to how we would proceed on that and a calculated decision that took into consideration, first of all, fundamental fairness to both sides, and, secondly, economy and consideration of the jury's time, okay.

MR. SHIPMAN: Thank you, Your Honor.

THE COURT: Bring them in, please.

(WHEREUPON, the jury came into open court at approximately 1:26 p.m.)

THE COURT: Okay, Ms. Major, you may call your next witness, ma'am.

MS. MAJOR: Thank you, Your Honor, the State calls Jeannie Coley.

THE CLERK: Place your left hand on the Bible, raise your right hand.

JEANNIE COLEY, after being duly sworn, testified as follows:

THE CLERK: Thank you, please be seated. State your name for the record.

THE WITNESS: Jeannie Coley.

DIRECT EXAMINATION

BY MS. MAJOR:

Q Ms. Coley, where are you employed?

A Greenville County Department of Public Safety forensics division, property and evidence section.

Q What is your title?

A I'm the administrative support specialist.

Q What is property and evidence?

A That is a storage facility for law enforcement to bring items to be secured.

Q Where is it located?

A Four McGee Street.

Q Is that in the law enforcement center?

A Yes.

Q What are your duties?

A I accept, record, package and store items that law enforcement brings to us.

Q How does an officer impound an item into P&E or bring an item to you, what's the process?

A They fill out a property and evidence sheet. And if it's during business hours, they can come to our counter in person and we'll accept it that way. Or they can -- after hours, they put in secure lockers.

Q Does every item that comes to property and evidence that's impounded, does it have to be sealed?

A No, it doesn't.
Q Do certain items have to be sealed properly?
A Yes.
Q What would that include?
A Drugs, jewelry, money, any item going for testing, anything like that.
Q All right. Did you collect items in the case that we're here for today?
A Yes, I did.
Q Did you collect item CM-2?
A Yes.
Q Do you recall the description of that item?
A It is bedding that was removed from the front bedroom.
Q Okay. When did you take possession of this item?
A I don't have anything to. . .
Q I'm showing you an item --
(WHEREUPON, State's Exhibit No. 11 was marked for identification only.)
BY MS. MAJOR:
Q I'm showing you what's been marked as State's Exhibit 11, do you recognize that?
A Yes, I do.
Q What is that?

A This is a chain of custody for the items that I took possession of.

Q Okay. And what is a chain of custody report?

A It just shows when the item is sent to property and evidence, when we take possession of it and where we place those items.

MS. MAJOR: Your Honor, at this time, I would move State's Exhibit 11 into evidence.

THE COURT: Objection, sir?

MR. SHIPMAN: Hearsay, Your Honor. I don't know why the report is relevant. She can testify as to what the chain is, but the report itself would be hearsay.

THE COURT: Okay.

What's the importance or relevance of the report itself?

MS. MAJOR: Your Honor, I will move on and let her refer to the report that she recognizes.

THE COURT: Okay, good enough.

BY MS. MAJOR:

Q Okay. Did you collect item CM-2?

A Yes, I did.

Q What date did you do that?

A December the 12th, 2017.

Q All right. What did you do?

A I made it -- packaged it in order to be placed in a storage shelf.

Q Okay. When did you next take possession of that item?

A I removed it from the shelf on May the 1st, 2018. And at that time, I put it in staging for DNA processing.

Q All right. When did you next take possession of the item?

A On September the 14th, 2018, I removed it from staging and checked it out to the DNA serologist.

Q Did you ever open this item?

A No, I didn't.

Q Okay. And did you take possession of another item?

A Yes, I did.

Q Did you take possession of item OEG?

A Yes.

Q Is there a description on that?

A It's a buccal swab.

Q When did you first take possession of it?

A May 23rd, 2018.

Q Okay. Would that item have been sealed?

A Yes.

Q And why is that?

A One, because it's biohazard. And two, that it was going to be for testing.

Q What did you do with that item on May 23rd, 2018?

A I took it from the detective that submitted it to us and I packaged it and placed it in the biohazard room envelope section.

Q When did you next take possession of the item?

A That would be on June the 7th, 2018.

Q What did you do with it?

A I removed it from the biohazard room and placed it in staging for DNA to process it.

Q Okay. What did you do next with the item?

A I gave it to the serologist from the DNA lab for him to begin processing, and that was on September 14th, 2018.

Q Who did you give that to?

A To Tim Nafziger.

Q Okay. And would you have opened this item at any time?

A No.

MS. MAJOR: I don't have any further questions.

THE COURT: Yes, sir.

MR. SHIPMAN: Your Honor, may it please the Court.

CROSS-EXAMINATION

BY MR. SHIPMAN:

Q Ms. Coley, you took CM-2, that was the bedding; is that right?

A Yes, sir.

Q You also received CM-1? Do you have that on there?

A I do not.

MR. SHIPMAN: Your Honor, may I approach the witness?

THE COURT: Yes, sir, you may.

BY MR. SHIPMAN:

Q Do you recognize this?

A I can't say that I do.

Q Is that a property report?

A It is a property report.

Q And that would show that was received into property and evidence?

A Yes.

Q And CM-1 is listed on there?

A Yes, sir.

Q So you would have been the custodian of whatever was on there even if you don't remember the individual item number?

A There's a possibility I took this, but the

property and evidence -- this form doesn't tell me that I'm the one that took it.

Q But it would have been -- one of your responsibilities would have been to have overseen the P&E room; is that right? Well, you may have not be the sole person that does that?

A Right, I'm one of them.

Q So you may not have personally received that, but that's the kind of report that you can go back and tell what was received?

A Yes.

Q Whoever was in charge at the particular time?

A Yes, sir, that's correct.

Q And CM-1 was one of those?

A Yes, sir.

Q Okay. And that was the clothing of the alleged victim?

A Correct.

Q Okay. Do you know if that was ever taken out of property and sent anywhere?

A I don't know that.

Q Okay. Now, you obviously weren't on scene at the Thanksgiving night 2017 at [redacted] Birnie Street?

A No, sir.

Q You didn't speak to any of the witnesses?

A No, sir.

Q You didn't do any interviews or investigation of the case?

A No, sir.

Q So you don't know whether -- you don't have any evidence against Mr. Gibson as far as that night was concerned?

A No, sir.

MR. SHIPMAN: All right. No further questions, Your Honor.

THE COURT: Any redirect, ma'am?

MS. MAJOR: No, Your Honor.

THE COURT: Thank you, ma'am. I appreciate your being here. You may be excused.

THE WITNESS: I can be excused?

THE COURT: Yes, ma'am.

You can call your next witness.

MS. MAJOR: The State calls Kathy Lance.

THE CLERK: Ma'am, if you would please come forward. If you'll please pause at the end of bench, place your left hand on the Bible, raise your right hand.

KATHY LANCE, after being duly sworn, testified as follows:

THE CLERK: Thank you, please be seated. State

your name for the record.

THE WITNESS: Kathy Lance.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MS. MAJOR:

Q Ms. Lance, do you work at property and evidence?

A I do.

Q Okay. Is Jeannie Coley your coworker?

A She is.

Q Do y'all have similar duties?

A Pretty much, yes.

Q Do you take possession of items that law enforcement officers will take down to property and evidence?

A We do for officers, agencies and investigators, also.

Q I'm going to show you a document, is that a chain of custody form?

A Yes, ma'am, it is.

Q What custody form is that for? What item number?

A This is for item number CM-2, which is bedding from the front bedroom.

Q Okay. Did you take possession of the items CM-2 at some point?

A Yes, ma'am. On 12/12/2017, I actually moved it to a shelf in the P&E room, shelf No. 32.

Q Okay. Can you tell where you took that item from?

A It came in from an evidence locker through Jeannie. And I was the one who put it up that afternoon on a shelf.

Q Okay. Did that conclude your involvement in that item?

A It did.

MS. MAJOR: Okay. No further questions, Your Honor.

THE COURT: Okay. Yes, sir.

MR. SHIPMAN: Briefly, Your Honor, may it please the Court?

THE COURT: Sure.

CROSS-EXAMINATION

BY MR. SHIPMAN:

Q Ms. Lance, did you ever move any clothing out of property and evidence, do you recall, for this case?

A For this case, no.

Q Okay. Again, you were not at Otis Gibson's house on November 24th, 2017?

A No.

Q You didn't conduct any investigation into the

allegations of this case?

A No.

Q You just moved the property?

A Correct.

MR. SHIPMAN: No further questions, Your Honor.

THE COURT: Okay. Any additional questions?

MS. MAJOR: No, Your Honor.

THE COURT: Okay, thank you, ma'am. I appreciate you being here. You may be excused.

THE WITNESS: Thank you.

THE COURT: Yes, ma'am.

You may call your next witness, ma'am.

MS. MAJOR: Your Honor, the State would call Timothy Nafziger.

THE CLERK: Place your left hand on the Bible, raise your right hand.

TIMOTHY NAFZIGER, after being duly sworn, testified as follow

THE CLERK: Thank you, please be seated. Would you please state your name for the record?

THE WITNESS: Timothy Nafziger.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MS. MAJOR:

Q Mr. Nafziger, where are you currently employed?

A I work for the Greenville County Department of Public Safety forensic division in the DNA lab.

Q What is your current position?

A I'm currently a DNA analyst.

Q How long you been an analyst?

A I finished training this year, so less than a year.

Q How long have you been with the DNA lab?

A I started in 2013.

Q What was your position prior to becoming a analyst?

A I was a serologist.

Q What is serology?

A Serology is, basically, the identification of human bodily fluids on evidence.

Q What were your duties as a serologist?

A Typically, I will receive evidence items from property and evidence that we've been asked to analyze and I'll screen them for possible sources of DNA. So, a lot of times, it's looking for bodily fluids, sometimes it's swabbing for various items. It just depends on the nature of the case.

Q What's your educational background?

A I have a Bachelor's Degree in biological sciences from Clemson University and a Master's Degree in

entomology from Auburn University.

Q Did you have to train to work in the DNA lab?

A I trained for about six months. I was trained by my technical leader before beginning case work.

Q Approximately how many DNA samples have you generated or analyzed?

A Over a thousand.

Q Have you been qualified as an expert in courts?

A Yes, I have.

Q All right. How many times?

A About 12.

Q And have you been qualified as an expert in the serology field?

A Yes, every time, it's in serology.

MS. MAJOR: Your Honor, at this time, the State would move to admit this witness as an expert in the field of serology.

THE COURT: Okay. Any exceptions or voir dire?

MS. JOHNSON: No, Your Honor.

THE COURT: All right. So ladies and gentlemen, I just remind you that somebody may be admitted as an expert witness because of his or her education, expertise or experience in a given field. Someone is offered as an expert witness because an expert can offer opinion evidence that lay witnesses can't

otherwise offer. But you don't lend any preferred value to an expert witness' testimony. You treat it just like any other piece of evidence you receive. You decide whether it's credible. You decide what weight it has. So I will accept this gentleman as an expert witness in the given field. And I believe that that was serology.

MS. MAJOR: Yes, Your Honor.

THE COURT: Not withstanding the Clemson degree, I will accept the expertise.

MS. MAJOR: Thank you, Your Honor.

BY MS. MAJOR:

Q Generally speaking, how do you work a case?

A I receive evidence from property and evidence. When I pick it up, it has to be sealed. I make sure it's sealed in a sealed package. I bring it back to the DNA lab, which is a secured facility. It's got key card access and alarm system and security cameras. It's stored there until I work the case.

Before I work the evidence, I will sterilize all my tools and equipment. I wipe down the work service and then I work on butcher paper for each case. Then the -- I work one evidence item at a time. I start with the questioned items first and then clean everything. Then I'll do any known DNA samples, reference

after that.

Q When you work a case, do you have access to the reports?

A Yes, I do.

Q Okay. Do you review those before testing begins?

A I do.

Q Why is that important?

A It's important because it tells me what I need to look for on the evidence because that can vary significantly depending on what kind of case it is.

Q Why is it important to work the questioned items before the known sample?

A That just avoids any chance of contaminating the evidence item with known DNA from somebody else.

Q Were you asked to examine evidence in this case?

A I was.

Q What were you asked to examine?

A I received three items, a sealed package containing three comforters from the front bedroom, a sealed package containing buccal swabs of Minor 1 , and a sealed package containing buccal swabs of Otis Edward Gibson.

Q And that package containing the bedding, what was that item number as you received it?

A I received it, it was item CM-2. When I received items to work, they get assigned a lab number that we use. And so that was item one in my report.

Q So what items were included in CM-2?

A So CM -- there were three comforters. There was a purple comforter with a flower pattern and a tan comforter with a seashell pattern and an orangish comforter with a flower pattern. And those I numbered, the purple one was 1-A, the tan comforter 1-B and the orangish comforter 1-C.

Q Okay. And the tan comforter had what pattern on it?

A Flower pattern. I'm sorry, the tan comforter?

Q Yes.

A I'm sorry. It had a seashell pattern. Sorry.

Q What did you do next in this case?

A In this case, based on the circumstances of this case, I was looking for seminal fluid. So I examined item 1-A with alternate light source, which revealed many fluorescent stains. Presumptive examination for acid phosphatase tested negative for seminal fluid in ten locations.

Q Okay. I'm going to stop you, I just want to walk through this. Item 1-A, again, can you tell us what item that was in the description?

A That was a purple comforter with a flower pattern.

Q What is the alternative light source?

A The alternate light source, it's, basically, like a black light. I can use different wave lengths of light and certain bodily fluids will fluoresce or kind of glow when I shine that kind of light on it. It helps me find items like semen and salvia.

Q Did you find some fluids on this purple sheet, on this item 1-A?

A Yes.

Q Okay. Then what did you do?

A Then I do a presumptive test for acid phosphatase, which is an enzyme that's found in large quantities in seminal fluid. I use it to screen for possible semen. And the case of the purple comforter, it tested negative for the presence of seminal fluid in ten places.

Q Then what did you do next?

A I then examined item 1-B, which was a tan comforter with seashell pattern. Examination with alternate light revealed many fluorescent stains. Presumptive examination for acid phosphatase tested positive for the presence of seminal fluid in seven locations. Then two stains tested positive were sampled

for DNA analysis as items 1B-1 and 1B-5.

Q Okay. So those -- how many different stains did you say that you found?

A I didn't write down the whole -- I don't know how many.

Q How many different samples did you -- how many locations tested positive?

A Seven locations tested positive.

Q But how many samples did you prepare for testing?

A I only took two samples.

Q What did you do next?

A The samples that I took, I put into small test tubes, basically. And then I create a new bar code label for a new chain of custody with those and seal them into a new envelope. Then I store them in the lab in our freezer for the DNA analysis to pick up the sample to move it forward.

Q Okay. Did you test on the third comforter?

A No, I didn't.

Q And how come?

A Based on the circumstances of the case, there was only allegations that only one person would have semen on the bed sheets. So while I could have possibly had more, once I found semen in this case, I stopped.

Q And why did you not test all seven locations on that seashell comforter that tested positive for seminal fluid?

A Because there's -- we only expected it to be from one person.

Q For the same reason that you didn't --

A That's right.

Q What did you do next?

A I also sampled the buccal swabs of Minor 1 and Otis Edward Gibson. Those are buccal swabs, which are just a swab of the inside of the mouth.

Q Okay. Did you get their buckle swabs from property and evidence?

A These were collected -- they were received from property and evidence at the same time as other items.

Q What were those items labeled as from property and evidence?

A The buccal swabs of Minor 1 were case item number TW-1 and our lab number for that was item 2.

Q And then what about for Otis Gibson?

A Its number was OEG and our lab number for it was a 3.

Q Okay. And in your testing for seminal fluid, can you determine how long that seminal fluid has been there?

A No, I can't.

Q Okay. And can you determine when it was put there?

A No.

Q You just tested for presence of it?

A That's right.

Q And did that conclude your involvement in this case?

A The items -- after I finished examining the items, I did reseal them in their original packaging and returned to property and evidence.

MS. MAJOR: Thank you. Please answer any questions that the Defense has.

MS. JOHNSON: May it please the Court?

THE COURT: Yes, ma'am.

CROSS-EXAMINATION

BY MS. JOHNSON:

Q Is it Mr. Naf --

A Nafziger.

Q Nafziger. Just real quick, you just examined three items or, basically, three comforters?

A Yes.

Q Okay. And you didn't examine any children's clothing?

A No, I didn't.

Q You didn't examine a nightgown?

A No, all the items that we test are what were requested by the investigator.

Q So the investigator never asked you to test those items?

A That's correct.

Q Okay. But you were aware that they were in property and evidence?

A I don't necessarily know everything that's in property and evidence on a case. I have access to look it up, but I'm not -- it's usually a lot of items.

Q You read the case?

A Yes, I did.

Q Okay. And you're aware that a child's nightgown was seized?

A I imagine I was. It was a long time ago.

Q But it was not tested?

A That's correct.

Q And there was no indication of blood on any of the items that you tested?

A I didn't notice any.

MS. JOHNSON: Beg the Court's indulgence.

THE COURT: Yes, ma'am.

BY MS. JOHNSON:

Q You only tested two items, but you had three

items?

A That's correct.

Q Okay, that's what I meant.

Thank you.

THE COURT: Any additional questions?

MS. MAJOR: No, Your Honor.

THE COURT: Okay, thank you, sir. I appreciate your being here. You can step down, thanks.

You may call your next witness.

MS. MAJOR: Your Honor, the State would call Dr. Kandala.

THE CLERK: Sir, please come forward. If you would please pause at the end of the bench, place your left hand on the Bible, raise your right hand.

JAGANNADHA KANDALA, after being duly sworn, testified as follows:

THE CLERK: Thank you, please be seated. State your name for the record.

THE WITNESS: Jagannadha Kandala.

DIRECT EXAMINATION

BY MS. MAJOR:

Q Dr. Kandala, where are you currently employed?

A I'm employed in Greenville County in the forensics DNA lab.

Q What is your position?

A I'm the DNA technical leader.

Q The technical leader?

A Yes.

Q Okay. And how long have you been in that position?

A I came to this county in 2008, I join. And then since then, I'm working.

Q Did you help set up -- does Greenville County have a forensics lab?

A It has a forensic lab, but other sections for DNA, I started for the county.

Q When was that accredited?

A It got accredited in 2011, March.

Q Okay. What's your educational background?

A I have a BS in biology and chemistry. I have a Master's in chemistry, Master's in microbiology and Ph.D in biochemistry.

Q Have you received special training regarding DNA analysis and working instruments?

A For the forensics side, I got a six months training when I was at the [indiscernible] department, but before joining, I had 25 years experience in research, which dealt with mostly DNA.

Q Okay. What are your duties as the DNA technical leader?

A I do the DNA analysis for the lab. And I bring in the new methods. And when the latest developments in the forensics that has to be implemented, we do -- I do all that for the lab.

Q And were you involved in getting the DNA lab set up and running here?

A Yes.

Q And how did you do that? What was involved in that?

A Basically, this is from scratch because I had to get all the equipment, I had to write down all the procedures, and I had to also put in all that quantitation program for the lab. So everything that is needed for the accreditation, I have that.

Q Are you familiar with how your DNA lab, I guess, instruments, is that -- not machines, but instruments, how they operate?

A Yes. As part of the whole accreditation, you have to validate the methods, validate the equipment and you have to get competency in all of the methods and the usage of the equipment. That is part of the whole thing.

When the accreditation team comes in, they look for all that, whether it is done properly or not. Also, they also look for some of your cases that are being done by you in the lab, whether they are done with the

proper methodology that has been previously written by me, are the QAs followed properly. That is how it is done.

Q Okay. Approximately how many DNA profiles have you generated or cases that you worked on?

A How many?

Q Yes. If you can give --

A Brief description, yes. DNA is a large molecule. And the specific thing is we look for very specific regions on the DNA. Those specific regions on the DNA differ from person to person. So this is what we generate as the DNA profile. And two people, normally, as you see by the statistics that you generate, that two people in the world cannot have the same DNA when you look at these profiles. The only people that can have a profile are the like twins. They are the only ones that share exactly the same profile.

And what we do is when the material comes in, the evidence is taken and if we get any of the known samples, we take them out. Then generally, we extract the DNA, we generate a DNA profile and then compare -- if we have a known sample, we compare. If we don't have a known sample, we send it to the CODIS, that is the DNA database at the national level.

Q Have you been qualified to serve as an expert in DNA analysis in court before?

A Many times.

Q Okay.

MS. MAJOR: Your Honor, at this time, the State would offer Dr. Kandala as an expert in DNA analysis.

THE COURT: Any objection or voir dire?

MS. JOHNSON: No, Your Honor.

THE COURT: Okay. Without objection, he is so qualified and accepted as an DNA expert.

MS. MAJOR: Thank you, Your Honor.

BY MS. MAJOR:

Q Dr. Kandala, you explained to us what DNA is. What are the ways DNA analysis can be used?

A DNA analysis can be used in many ways, to find out current age, for genealogy, for medical purposes. So, many uses.

Q And generally speaking, how do you go about testing DNA from prepping it in serology to the analysis?

A The evidence is picked up from the property and evidence where the evidence is deposited. When we get the request for DNA analysis, one of the DNA person, they go to the property and evidence, pick up the evidence and bring it to the lab. If it needs to be stored in cooler, then we put the material in the refrigerator. Otherwise, it is kept in a drawer, locker. But in our case, the lab is a little separate and it is guarded by alarm system.

And then once the evidence comes to the serologist, he take up the material, for example, in another lab. It is Tim Nafziger. He takes the material and then he looks for any bodily fluids on the evidence material. And then he does some kind of preliminary test, whether it is saliva, urine, blood, any of the seminal fluids, semen, seminal fluids. And he allow that -- and then in consultation with me, he tries to find out what are the best samples that can be done for DNA analysis for the comparison.

And then he packs up those material, he packs -- if it is a cloth, he makes a cut on the material of the shirt or something. Or if it can be swabbed, he would take a cotton swab, then swab the material and then put it in an envelope, then store it in the refrigerator. Then the DNA analyst in the lab, whoever picks up that case, he will go in and take the sample and then process the DNA. The DNA is processed by taking the material and then adding a solution in order to get the breakdown of cells from the material and get the DNA out and then purify the DNA.

One of the important things in this system is that when you get it in and you have to know how much DNA is there. Because the present system that we use is called the [indiscernible] data base, SDRs. In that, the

material that we use for the DNA analysis is one nanogram, plus or minus. Very close to that, point 1 or 2 or point 8 or point 6, somewhere around there. So we have to know how much DNA is in the sample. So we first quantify the material that we extracted, the DNA, and then take the DNA and then do the profile.

Q So the process that the DNA analyst goes through, does that generate a DNA profile?

A Yes.

Q Okay.

A Then we also, we interpret [indiscernible].

Q And are your methods generally accepted in the field of DNA?

A Yes. They are general methods that is accepted and all the labs follow the same consistent system, all public labs.

Q Did you test DNA in this case?

A Yes.

Q And did you have access to the officer's reports?

A Yes.

Q All right. Why is that important? Why is it important to review the reports?

A Why it is important? Because you will know what are the samples that can be and should be done for the DNA

analysis.

Q What did you do in this case?

A Tim Nafziger took samples from the quilt, the comforter, and then he has to sample a couple of samples and then he stored it in the refrigerator for me. Then I pick up those samples and I analyze those samples.

Q What were the item numbers that you analyzed here?

A The samples I analyzed, the numbers are 1B-1 and 1B-5. 1B-1 is a large fluorescent stain on seashell side of the comforter [indiscernible]. Then 1B-6 is the fluorescent approximately four centimeters long from all, again, of the seashell comforter.

Q Did you have other items that you needed to develop a profile for?

A Yes. I have known different samples. The sample 2-A is the buccal swab of Minor 1 . Then 3-A is the buccal swab of Otis Edward Gibson.

Q Did you develop DNA profiles on the unknown samples?

A I got the profiles from unknown samples as well as the known samples.

Q What did you do next?

A I took the samples, got the DNA, got the profiles. And then compared them to the known samples, if

they match any of those knowns.

Q What did you find?

A This being a sexual case, sexual assault case, what we do is the samples are separated to find out if there is mixture of a female sample and a male sample. This is done by a special method called differential extraction. And then I separated them and I got two fractions. But in this case, from each sample, both fractions gave the same DNA and that match the DNA of Gibson, Edward Gibson.

Q So to be clear, did you develop a profile from both unknown items, from both stains on the comforter?

A I did that.

Q And whose profile did both of those stains match?

A They matched Otis Edward Gibson.

Q Is there any doubt that it can be anybody other than?

A No. In this case, when I wrote my report, I said the samples match Otis Edward Gibson, excluding identical twin, Otis Edward Gibson is the source of this DNA to a reasonable degree of scientific certainty. When we say reasonable degree of scientific certainty, we are saying, at least, one in 300 billon. And the population of the world is about seven billon. So actual numbers

much, much more than this 300 billon.

MS. MAJOR: Thank you, Dr. Kandala. Please answer any questions the Defense has.

THE COURT: Ms. Johnson.

MS. JOHNSON: May it please the Court?

THE COURT: Yes, ma'am.

CROSS-EXAMINATION

BY MS. JOHNSON:

Q Dr. Kandala?

A Yes.

Q Minor 1 's DNA was not on the items you tested? Or the materials you tested, correct?

A It is there on that, yes.

Q No, it is not on the comforter? Do you have a copy of your report?

A The samples were taken by Tim Nafziger.

Q The samples that were tested, they do not have Minor 1 's DNA on them? They have Otis Gibson's DNA on them, but not Minor 1 ?

A No.

Q No to Minor 1 ?

A I did not see.

Q You didn't test any items from a child's nightgown?

A Pardon?

Q You didn't test anything from a child's nightgown, did you?

A No, they were not given to us.

MS. JOHNSON: Thank you, Doctor, that's all the questions I have.

THE COURT: Any additional questions?

MS. MAJOR: No, Your Honor.

THE COURT: Thank you, Doctor. You can step down. I appreciate you being here, sir.

MS. MAJOR: Your Honor, may he and the rest of the witnesses --

THE COURT: Any objection to that?

MR. SHIPMAN: No, Your Honor.

THE COURT: All right. Yes, they may be excused.

Now, I think that was your four chain of custody witnesses?

MS. MAJOR: That's correct.

THE COURT: Okay. So who do you have remaining?

MS. MAJOR: Ms. Christine Carlberg.

THE COURT: Ms. Carlberg is next?

MS. MAJOR: Yes, Your Honor.

THE COURT: Okay.

MS. MAJOR: Elizabeth Parker and Nancy Henderson.

THE COURT: Okay. So you want to take up just a quick matter before we bring Ms. Carlberg into the courtroom; is that correct?

MS. MAJOR: That's correct.

THE COURT: So ladies and gentlemen, we have to handle a very brief issue of evidence before Ms. Carlberg begins her testimony. So please take a break and we'll come back in and begin. Don't discuss the case.

(WHEREUPON, the jury left open court at approximately 2:09 p.m.)

THE COURT: All right, if you want to call Ms. Carlberg into the courtroom and very quickly let's go through the process of authenticating the video, then also getting her credentials so that I can make the appropriate ruling under the statute.

MS. MAJOR: Yes, Your Honor.

THE CLERK: Place your left hand on the Bible, raise your right hand.

CHRISTINE CARLBERG, after being duly sworn, testified as follows:

THE CLERK: Thank you. Please be seated. State your name for the record.

THE WITNESS: Christine Carlberg.

DIRECT EXAMINATION

BY MS. MAJOR:

Q Ms. Carlberg, where are you employed?

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

Q What is your job title as it relates to the Julie Valentine Center? What do you do there?

A I'm a forensic interviewer.

Q What's your educational background?

A I have a Bachelor's of Science in rehabilitation services education with a minor in psychology from Pennsylvania State University. And I have a Master's of Arts in marriage and family therapy from the Reformed Theological Seminary.

Q Where have you worked previously?

A Prior to this, I worked for the children's advocacy center in Jackson, Mississippi.

Q What type of training have you had?

A I attended Corner House, which is a nationally recognized training for forensic interviewers. It's a 40-hour a week program. I have also attended Finding Words in Mississippi and in South Carolina, which is the same 40-hour per week training forensic interviewing. Just various conferences through the years.

Q What is a forensic interview?

A A forensic interview is a developmentally appropriately non-leading, non-suggestive way of gathering information for allegations of abuse.

Q How many forensic interviews have you conducted?

A 3550.

Q Did you conduct a forensic interview with Minor 1 ?

A Yes, ma'am.

Q How old was she when that took place?

A Eight.

Q What protocol did you use?

A The protocol of the South Carolina Child First protocol.

Q Okay. Did you receive training in that protocol?

A Yes, ma'am.

Q Was this interview recorded?

A Yes, ma'am.

Q Did she disclose abuse to you?

A Yes, ma'am.

Q When did she say it took place?

A She said it took place when she was eight years old.

Q Okay. Where did she say that that happened?

A In Otis's room in Greenville.

Q Let me show you what's been marked as State's Exhibit 8, what is that?

A That is a copy of the forensic interview.

Q Is it a true and accurate copy of the interview?

A Yes, ma'am.

Q And has it been altered or tampered with in any way?

A No, ma'am.

Q Did you ask non-leading questions?

A Yes, ma'am.

Q Did she give a detailed account of what happened?

A Yes, ma'am.

Q And was the statement internally cohesive and coherent?

A Yes, ma'am.

MS. MAJOR: Please answer any questions the Defense has.

MS. JOHNSON: Beg the Court's indulgence. May it please the Court?

THE COURT: Sure, yes, ma'am.

MS. JOHNSON: Your Honor, I don't have any specific questions for this witness. I do have a motion in limine at the appropriate time.

THE COURT: Sure, you can make it now.

going to take long. Took me about four times longer than I anticipated. Sometimes that happens, as I said and sometimes we have to kind of plow through some due process and evidentiary issues. So just know that whenever y'all are back there, we're not sitting idle just messing around. We're in here actually flushing out that particular issue. Okay. So I think we've resolved it, at least, for purposes of the trial court analysis.

And you may call your next witness, Ms. Major.

MS. MAJOR: Thank you, Your Honor, the State calls Christine Carlberg.

THE CLERK: Ma'am, please come forward. Place your left hand on the Bible, raise your right hand.

CHRISTINE CARLBERG, after being duly sworn, testified as follows:

THE CLERK: Thank you, please be seated. State your name for the record.

THE WITNESS: Christine Carlberg.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MS. MAJOR:

Q Ms. Carlberg, where do you work?

A I'm employed by the Greater Greenville Department of Mental Health contracted to work at the

Julie Valentine Center.

Q What is your educational background?

A I have a Bachelor of Science Degree in rehabilitation services education with a minor in psychology from the Pennsylvania State University. And I have a Master's of Arts in marriage and family therapy from Reformed Theological Seminary.

Q And with the Julie Valentine Center, what is your -- what is your title, what is your role, what are your duties?

A I'm a forensic interviewer.

Q What is a forensic interview?

A A forensic interview is a developmentally appropriate non-leading, non-suggestive manner of gathering information for purposes of an investigation.

Q Okay. What is the Julie Valentine Center?

A It's the local rape crisis and child abuse center.

Q Okay. Did you conduct a forensic interview with Minor 1 ?

A Yes, ma'am.

Q Okay. How old was she when this interview took place?

A She was eight.

Q Was the interview recorded?

A It was.

Q All right. I'm going to show you what's been marked as State's Exhibit 8. And I believe you saw me put what was in State's Exhibit 8 into the computer. What is that?

A That's a copy of the forensic interview.

Q How do you know that that was a copy of the forensic interview?

A I watched it and initialed it.

Q All right. It is a fair and accurate copy of what happened in that interview?

A Yes, ma'am.

Q Does it fairly and accurately -- was it altered in any way?

A No, ma'am.

MS. MAJOR: Your Honor, at this time, the State would move State's Exhibit 8 into evidence.

THE COURT: Okay, objections?

MS. JOHNSON: Just renew my previous objection, Your Honor.

THE COURT: Yes, ma'am. So noted for the record and the previous rulings stand.

(WHEREUPON, State's Exhibit No. 8 was admitted into evidence.)

MS. MAJOR: Your Honor, I don't have any further

questions.

THE COURT: Okay. So the tape is admitted subject to the objection that was lodged. So you're going to publish it at this point?

MS. MAJOR: Your Honor, we had talked about cross-examination. I'm happy to publish it now.

THE COURT: You want to do it before or after publication?

MS. JOHNSON: Judge, I would ask for after. I don't know if there will be cross-examination. I would just ask to reserve my cross-examination.

THE COURT: Sure, absolutely. And I think that's appropriate. I think you should be able to ask questions related to all of the evidence that's admitted in the initial examination.

MS. MAJOR: Your Honor, if I can ask if Ms. Carlberg can sit back here so we're not all staring at her while we watch the video?

THE COURT: Do you want to do that?

THE WITNESS: Sure.

THE COURT: Okay, you can do that.

Now, Ms. Major, the video is an hour and nine minutes?

MS. MAJOR: That's correct, Your Honor.

THE COURT: I just wanted y'all to know that so

you can be prepared.

Ms. Major, you may publish the video.

MS. MAJOR: Thank you, Your Honor.

(WHEREUPON, State's Exhibit No. 8 was published.)

MS. JOHNSON: Objection.

THE COURT: Yes, ma'am?

MS. JOHNSON: I have an objection at this point.

THE COURT: Okay, stop the video.

MS. JOHNSON: May we approach, Your Honor?

THE COURT: Sure.

(WHEREUPON, an off-the-record bench conference was held in the presence of the jury but out of the hearing of the jury.)

(WHEREUPON, State's Exhibit No. 8 was continued to be published.)

THE COURT: Do you have any cross-examination?

MS. JOHNSON: I don't, your Honor. I do want to place that issue on the record at the appropriate time.

THE COURT: Yeah. You're protected on the record. You made that contemporaneous objection. So we'll get all of the issues on the record before we adjourn today, okay.

MS. JOHNSON: Thank you, Your Honor.

the day, so we'll hear from one more witness today, then we'll come back tomorrow. The State will continue its case, probably one additional witness, then the Defense can begin its case if it elects to put evidence into the record.

So, Ms. Major, you may call your next witness, ma'am.

MS. MAJOR: Thank you, Your Honor, I call -- the State calls Nancy Henderson.

THE CLERK: If you'll please come forward. If you'd please pause at the end of the bench, place your left hand on the Bible, and raise your right hand.

NANCY HENDERSON, after being duly sworn, testified as follows:

THE CLERK: Thank you, please be seated. State your name for the record.

THE WITNESS: Nancy Henderson.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MS. MAJOR:

Q Ms. Henderson, where are you employed?

A I'm employed at Prisma Health Upstate.

Q In what capacity? What's your role?

A I am director of the division of child abuse

pediatrics.

Q How long have you been in that position?

A I've been at the hospital since 1992. And we've been a more formal division since about 1999.

Q Are you a medical doctor?

A Yes, I am.

Q What are your primary duties and responsibilities?

A I work at the Julie Valentine Center, I see medical exams there. I also work at the Spartanburg Children's Advocacy Center seeing referrals there, often for law enforcement and DSS. I take calls at the hospital for consults when there's concerns from other physicians related to abuse and neglect. I also see children over at Pendleton Place who are being evaluated for intake, for children coming into foster care.

Q What's your educational background?

A I graduated from Rutger's College of Pharmacy, which is in Piscataway, New Jersey, and got my BS in pharmacy. And then went to Bowman Grace School of Medicine and received my medical degree and graduated in 1984. Then did my residency at T.C. Thompson Children's Hospital in Chattanooga, Tennessee, then became board certified in general pediatrics. And in 2009, became sub-boarded in child abuse pediatrics.

Q What does sub-boarded mean?

A Sub-boarding is that you have to have additional training and see a certain number of patients to be able to apply to sit for a standardized test, which is in child abuse. Then that has to be recertified by a national exam every ten years.

Q So I guess that sort of leads into my next question. Do you have particular training to examine children suspected of maltreatment?

A Yes. As I was just mentioning, I'm board certified in general pediatrics, then boarded by that testing in child abuse pediatrics.

Q Do you keep up with the latest research and literature on child abuse?

A Yes. As part of that, you have to have -- and to be licensed within the state, you have to have a certain number of continuing medical education credits. I'm also part of that statewide network of child abuse physicians and nurse practitioner. With that, we also have to have a certain amount of continuing education credits to be a part of that.

Q What type of patience do you see?

A As far as ages?

Q Yes, ages and who would you be examining, typically?

A Typically, patients are referred and they could be anywhere from just very young infants and, typically, up to 18 years of age. Every now and again, we will get referred an adult who may be intellectually challenged who may fit in more into a child environment and we'll see them as well.

Q Have you been qualified as an expert in court before?

A Yes, I have.

Q And do you have a ballpark of the number of times?

A I'm probably in court, family court and criminal court, about 20 times a year, but I don't keep a specific record.

Q Okay.

MS. MAJOR: Your Honor, at this time, the State would move Dr. Henderson be qualified as an expert in pediatric child abuse?

THE COURT: Any exception to that designation or voir dire?

MR. SHIPMAN: None, Your Honor.

THE COURT: Okay. She is so designated.

Ladies and gentlemen, I just remind you, just because somebody's an expert doesn't mean they have preferred value in their testimony. You decide if

it's credible and you decide what weight that testimony has.

Go ahead.

MS. MAJOR: Thank you, Your Honor.

BY MS. MAJOR:

Q Dr. Henderson, did you perform an exam on Minor 1 ?

A Yes, I did.

Q When did you perform that exam?

A February 26th of 2018.

Q Okay. And how was Minor 1 referred to you for an exam?

A She was referred by Greenville City Police through the Julie Valentine Center for us to see her for a medical exam.

Q Did you review reports associated with this case?

A Yes. I do get a summary, a short summary, from the forensic interview. I had the initial report from law enforcement, the reason why the case was being investigated.

Q Why is it important to you to review the background of a case before examining a child?

A Well, history is always important from the patient, from the family and also what their concerns are.

It's important to help understand what may have happened to decide what type of test might need to be done, followup needed, concerns of safety. So all those things sort of play out in the medical examination and what type of followup the child, the family might need related to counseling, support and things like that.

Q Okay. Who brought Minor 1 to the appointment?

A She had a kinship caregiver, which was a cousin who brought her.

Q Okay. Do you recall ever meeting her mother, Elizabeth Parker, Regina Barros, any name like that? She may have had two names.

A No, I did not.

Q Okay. What is the -- what is your process in conducting an exam on a child suspected of child abuse, sexual abuse?

A Sure. When a child comes to the Julie Valentine Center for a medical exam, we have a child life specialist who will go out to the waiting room and just bring the guardian that's with them and the child back and sort of prepare them for the exam. They get to learn about some of the medical equipment that we're going to use. They can touch it, become more familiar and comfortable with it. We learn about body part names during that time. And

then I will come in and I'll talk with the family.

Then talk with the child by themselves if they're able to separate, find out who the child would like to have during the medical exam, complete that. Decide what tests, including sexually transmitted testing needs to be done based on all the information that I have. That happens and then we conclude the exam with proper followup.

Q Okay. So do you physically look at the child all over?

A Yes.

Q Okay. Their genital area as well?

A From head to toe.

Q And did you do that in this case?

A Yes, I did.

Q Did Minor 1 -- what did Minor 1's physical exam indicate?

A At that point I saw her, her exam was normal.

Q Okay. Did she have any acute or chronic findings in her rectal area?

A No, she did not.

Q Would you expect to find injuries or changes to the rectum or anus after any object, including a penis has been asserted into the anus?

A In my experience, it's possible, but the

majority of the time with the children that I see, they have normal exams.

Q And why is that?

A For a lot of reasons. They have normal exams because often, I am not seeing them right when the incident occurred, so there is -- sometimes there's delay in disclosure. And so the body has an incredible ability to heal. Both the vaginal area and the rectal area have incredibly good blood supply, so if there are small tears, they can heal within days. So I might not see any findings in the exam.

And, in particular, with the rectal area, it is a muscle and, you know, for it's normal job, which is to allow for a stool to pass out, it stretches. And so there often is not any trauma if things are inserted in in the other direction as well.

Q Okay. Is that particular to the rectal area due to -- I mean, what is the purpose of the rectal area -- not the purpose, but what passes through -- I think we all know this, but if you would spell it out in your medical expertise?

A Right. The rectal area is sort of a muscle -- what we call a muscle sphincter, so it, you know, remains closed. But when we have -- when we're passing a bowel movement, we're allowed to sort of relax that and it opens

up. And then with all the muscles that are in our intestines, that allows for the stool to come out and then close back up again. So it is a muscle that can open and close, so things can be inserted the other way without any actual trauma to the surrounding skin or muscle area.

MS. MAJOR: All right. Please answer any questions the Defense may have.

MR. SHIPMAN: Thank you, Your Honor. May it please the Court?

THE COURT: Yes, sir.

MR. SHIPMAN: Beg the Court's indulgence.

THE COURT: Sure.

CROSS-EXAMINATION

BY MR. SHIPMAN:

Q Dr. Henderson, you said that you reviewed the police reports prior to your medical exam?

A I just get a small copy of the incident report, so I don't have all the police reports, the statements. It's just sort of the initial referral that comes to the advocacy center.

Q And you said that the reason that you look at those kind of things is so that you can kind of know the patient's history?

A That is sort of the start of the medical referral, so it is an important part of that process.

Q Did you review any medical records pertaining to
Minor 1 prior to the medical exam that you gave in February?
A I did review her ER record when she was seen earlier on.
Q Her ER record?
A Yes, sir.
Q Was that from the night that the police were called or were these other --
A It wasn't my record, so I think it was from November.
Q Okay. November of 2017?
A Yes.
Q That would have been about, I guess, three months before you actually got to see her?
A Correct.
Q Okay. And do you recall whether there were any acute findings at that time in November?
A My recollection, there were not any acute findings.
Q Do you recall the date of that exam?
A I'm looking at my record and I have it 11/24/17.
Q Okay. So on November 24th, 2017, she went to the ER and there were no acute findings at that time either?
A Correct.

Q Okay. Do you recall seeing that Minor 1 had a history of constipation?

A I did not have that information.

Q Okay. So you only reviewed the records from that -- you only reviewed those ER records from November 24th. You didn't go back any further than that?

A I didn't have any other records. And just the caretaker was there with her to provide extra background history.

Q If I showed you a page from the records of that evening -- or actually, the early morning hours of November 24th, would that refresh your collection about what they stated?

A Those are not my records, so -- but I'll be glad to look at that.

Q Okay. But you reviewed these and it informed your, I guess, diagnosis or analysis in February; is that right?

A Of 2018, yes, sir.

Q Okay. So it says here, she's been seen in ED. I assume that means emergency department?

A Correct.

Q Last couple of weeks. And then it goes -- this is how the history would be listed in one of those reports, correct?

A This is, like, review of systems and complaints and that's how that would be listed, yes, sir.

Q Has positive for constipation; is that correct?

A That's what it says at that time, yes.

Q Okay. Constipation can cause anal bleeding as well?

A Yes, it can.

Q Okay.

MR. SHIPMAN: Beg the Court's indulgence?

THE COURT: Sure.

BY MR. SHIPMAN:

Q You said that the records from the evening said there were no acute injuries?

A That is what my recollection is, there were no acute findings on her genital exam.

Q Acute injury would be something like a tear?

A Tear, bleeding, yes, sir.

Q So on November 24th, there were no tears or bleeding?

A That's what the record said.

MR. SHIPMAN: Beg the Court's indulgence.

THE COURT: Sure.

MR. SHIPMAN: Your Honor, no further questions.

THE COURT: Okay. Any redirect, ma'am?

MS. MAJOR: Just briefly, Your Honor.

THE COURT: Yes, ma'am.

REDIRECT EXAMINATION

BY MS. MAJOR:

Q Dr. Henderson, based on your training and experience, is it odd to you or abnormal that there would not be any acute findings five days after an alleged anal penetration?

A As I mentioned in -- what I had said before, in my experience, very common for children to have normal exams where there is a history of penetration, either anally or vaginally.

MS. MAJOR: Thank you.

THE COURT: Any recross?

MR. SHIPMAN: Briefly, Your Honor.

RECROSS-EXAMINATION

BY MR. SHIPMAN:

Q If there were a healing wound that was still relatively fresh, that would still be listed as acute or that would be noted in the record, right?

A Yes, sir.

Q Okay.

No further questions.

THE COURT: All right. Thank you, Doctor. Appreciate your being here. You can step down and be excused.

Okay.

So, having said that, Ms. Major, you may call your next witness, ma'am.

MS. MAJOR: Thank you, Your Honor. The State calls Elizabeth Parker.

THE CLERK: Ma'am, if you'll please come forward. If you'll just stop at the end of the bench, place your left hand on the Bible and raise your right hand.

ELIZABETH PARKER, after being duly sworn, testified as follows:

THE CLERK: Thank you, please be seated. And would you please state your name for the record.

THE WITNESS: Elizabeth Renee Parker.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MS. MAJOR:

Q Good morning, Ms. Parker.

A Good morning.

Q Your name is Elizabeth Renee Parker?

A Yes, ma'am.

Q Were you born with a different name?

A Yes, ma'am.

Q What was that?

A Regina Marie Barros.

Q When did your name change?
A Mother's Day of 2003.
Q Okay. And what is your birthday?
A [redacted], 1975.
Q All right. Ms. Parker, where did you grow up?
A Waterbury, Connecticut.
Q All right. And how many children do you have?
A Five.
Q When were your children born?
A Ahkeem, 1993, Deja, 1994, Vincent S., 2000, Miguel 2001 -- I mean, 2002, excuse me, and Minor 1 2009.
Q Okay. When did you move down to Greenville?
A Fully fully 2000.
Q 2000?
A I came down to have my son, then I went home, then I came back.
Q And so how old were you when you moved down here, about 25 years old?
A Yeah.
Q What was the reason for moving down to Greenville?
A To be with my mom and my kids.
Q They were down here in South Carolina?
A Yeah, two of them.
Q In 2005, was there an incident of an alleged

sexual abuse with one of your children?

A Yes, ma'am.

Q Tell us about that.

A I had a phone call to come home from a young lady that I let stay in my home.

Q Who was that?

A Crystal Magreen.

Q Who was she?

A She was one of the kids that when her mom would throw her out or she didn't have nowhere to go, I would let her to come to my home because I know how it felt, you know.

Q And how old was she approximately?

A God, Crystal, at the time, I think she was about 14 or 15.

Q Okay. Would she help you out with your children?

A Yeah.

Q Would she babysit?

A She had a baby anyway, so, yeah.

Q So she had a child, too?

A Yeah, she babysit for me while I would work.

Q Tell us about this 2005 incident.

A I got called home from work from her. She had told me that supposedly my son -- she said my son was

touched. And I came home from work, the police were there. So when I got there, they explained, like -- but I had a young boy that was living with me. He was transgender.

Q Who was that?

A I can't remember his name. I'm so sorry.

Q Did he live in the home with you?

A Yes, he did.

Q Why did he live in the home with you?

A He was a homeless kid. His mother threw him out because of his sexual being, who he was. So I was like that's not right, you know.

Q So he and Crystal and you and your two boys are living in the home?

A And her daughter would come [indiscernible].

Q Was anybody else living in the home then?

A No.

Q How old was your son at the time?

A Vincent S.? In 2005, he was five. He was about to be five in November.

Q And go ahead and continue with what you were saying.

A Anyway, I got a phone call saying come home, that my son was touched. And come to find out, he really wasn't. It was just they wanted the kid out of the house,

the young boy that was transgender.

Q Who wanted the transgender?

A Crystal and -- I can't remember that little girl name. Her little friend. Because when she first called, she asked if her friend could come over. And I said sure. It's a female, so go ahead, you know. Then next phone call I get is to come home, something with Vincent S.. Come to find out, it wasn't true at all.

Q Did you allow those people to remain in your home after that?

A No, no.

Q Even the transgender person?

A No -- well, he left.

Q Okay.

A He left.

Q Okay. Let's move on, shift gears. Do you know the Defendant?

A Yes, I do.

Q How do you know him?

A He was my best friend for 17 years.

Q When did you first meet him?

A In 2000 when he was working at Tucker's shop.

Q How did you meet him?

A Through my mom.

Q Did y'all live near each other?

A Yes.
Q Tell us about that.
A Well --
Q Where did you live?
A [redacted] Second Street was here and [redacted], next house, was his, was there. And he lived in the back and I lived in the front. He worked and he would go down -- I'd go down there and we started talking from there and we became really good friends.
Q [redacted] Second Street?
A [redacted] Second Street is mine.
Q [redacted] Second Street --
A Well, it's my granddad's, but I lived there.
Q And what's your granddad's name?
A Gordon.
Q What's a nickname that y'all call him?
A Geiser, Pop, Pop's, Poppy.
Q Poppy?
A Poppy.
Q Okay. What was your relationship like with Otis?
A He was my best friend. I could talk to him about anything. He always was right there. He always told me, you know, what was wrong, what I did wrong if I did it. Or if I needed to leave certain people alone, I

needed to get them out my life because they were no good for me.

Q Which of your children were living with you at that time?

A When?

Q When you moved down to South Carolina and were becoming friends with Otis?

A Ahkeem, Deja, Vincent S., all the boys. My four boys.

Q Did the two boys ever live up in Connecticut with your mom?

A Yeah, they lived up there. But Ahkeem and Deja, the two oldest ones, yeah, but they had moved down here. That's the reason I moved down here. They lived right next door to Otis. And my mom -- my kids used to be around Otis all the time, my sons.

Q Okay. Did he babysit your sons?

A According to my mother, yes.

Q Okay.

A My kids would go over there and play on the play things, the box with toys, whatever.

Q Like a game --

A My kid used it, he taught my son that. That's the last thing I remember.

Q Okay. Did you trust him completely with your

children?

A Yeah.

Q All right. Over the years when you moved down here, did you live in different locations?

A Eventually, I did, yes.

Q Where?

A The first place I lived was with the Defendant, Otis.

Q Okay.

A At [redacted] -- I mean, [redacted] Second Street.

Q Okay.

A I moved in with him.

Q Okay.

A Up until there was two different incidents. One, I used to -- before -- like there was stuff going on. This was after I lost my four sons.

Q Did you lose custody of your children at some point?

A Yeah, all four of the boys, I did. I used to drink and go over there because -- just like trying to accidently, like, kill myself. I know it sounds retarded, but that's what it was. And I would drink and drink and Otis knew this. And, you know, just talk. One night, I decided, like, you know, we are so close, I'm going to -- and I jumped on him and he pushed me off the bed.

Q In a sexual manner?

A Yeah.

Q So you were --

A He put -- we did crazy things like that anyway. He pushed me off the bed and said, Not till I'm married. I'm like, really?

Q Okay. Were you mad at him about that?

A No, no.

Q That didn't cause any bad blood between y'all?

A No, I thought it was cute.

Q Okay.

A I really did. I never seen a man do that. Like, come on, let's do it. He's like No, not until I'm married.

Q And on that same vein, have you and the Defendant ever had a sexual relationship?

A No.

Q Okay.

A No, no, no.

Q Is your relationship more family friends?

A Yeah.

Q All right.

A After that one incident, yeah.

Q Okay. When is Minor 1's birthday? What year was she born?

A [redacted], 2009.

Q Where were you living at that time?

A When she was born? I actually moved back home to Connecticut.

Q Okay.

A I had her in Bristol, Connecticut.

Q Did you move back down here with her?

A Yeah.

Q Was she a little baby?

A Oh, she was an infant, yeah.

Q Okay. Was Otis around for your pregnancy with Minor 1?

A Yeah, at the beginning, but that's it. You know, hello, then Otis, I'm leaving, you know. Then come back and I had the baby.

Q Where did you come back to, what house?

A Well, I tried to go back to the Geiser's house, but --

Q And by Geiser, you mean?

A My granddad's house.

Q Poppy?

A Poppy, yeah. Y'all know him by Poppy. But I move back in -- tried to move back in with him. Certain things wasn't happening. I stayed a couple days with Otis and then I ended up with, I think, my Auntie Cindy.

Q In Greenville?

A Yeah.

Q Did Minor 1 know the Defendant when she was growing up?

A Yeah.

Q And over Minor 1's life up until she was about eight years, did y'all mostly live in South Carolina?

A Yes.

Q Did y'all move around a good bit?

A Well, we said we did, but we really didn't, just to keep her in school. We lived in the same house, but we used different addresses, like family members.

Q Did Minor 1 go to lots of different schools?

A Yeah.

Q Why was that?

A Well, she was getting bullied in one of them. And then a teacher in another was not too nice to her because of her skin color.

Q Okay.

A And the other ones, we felt -- she was failing in her classes and they weren't helping her enough. So I wanted her to be with somebody that was a teacher, teacher as well as I was teaching her at home.

Q Okay. So she went to a lot of different schools?

A Yes.
Q Do you know how many?
A No. No.
Q So when Minor 1 was growing up, you said she was around the Defendant?
A Yeah.
Q What was that relationship like?
A Oh, my God, they had so much fun, like children. They had so much fun together. They were like -- he was like a big child anyway, so, I mean, that's just Otis, but, you know. And they would have fun. They would call each other poopy head and, you know, joke, just make little -- play games and -- one would pass gas and the other one was like oh, my God. Like I had two children. One happened to be extremely taller and older than me.
Q What did Minor 1 call Otis?
A Daddy Otis.
Q Okay. Did Minor 1 ever live with Big Teia?
A Yes.
Q Tell us about that.
A I was going through some things and I ended up having to find a place to stay and get my stuff right. And she was in school and I didn't want to transfer her to other school again. So, you know, I said well, I stayed one place -- because when you're older, you know, little

kids, they run around and scream, they tend to get on your nerves, so you're got to watch it. But you're allowed there, but the child's not, you know. So -- and that's her godmother, so.

Q You keep alluding to going through some hard things. Have you had a tough life?

A Yeah.

Q Okay. When you say going through things, what do you mean?

A Well, like getting kicked out of houses because you were asked to quit a job to take care of somebody else's kid or all your money get gone and you can't even save up to get your own place. Like, just get thrown out because I'm tired of you, just whatever.

Q Did that happen to you and Minor 1?

A Not -- well, yeah. And she -- when that did happen, I called -- I straight called Big Teia. And she took Minor 1.

Q Does Teia -- does Big Teia have children?

A Yeah, two sons.

Q And what are their names?

A David W. and Cory W. -- I just got stuck. I can't -- Cory W.. Jesus. Yeah, Cory W.

Q And how old are those children?

A Now?

Q Well, if you can give me -- if you can do the math.

A Thirteen, I think Cory W.'s about like 15, 14, 15, 16. He's around my son, Miguel's age. So he's about a year or two younger than Miguel. Miguel is 18. So he's about 16, 15, yeah.

Q Now?

A Now.

Q Okay.

A And David W. and Vincent S. are the same -- you know, like Vincent S.'s 19 and David W. is 18.

Q Okay. But did the boys ever live at Big Teia's house?

A Who, her sons?

Q No, your sons?

A My sons? No.

Q No. They were out of your --

A Yes.

Q When Minor 1 was born, did you have custody of your sons?

A Huh-uh.

Q Okay. All right, let's jump forward to 2016, 2017.

A Okay.

Q During that time period, did you ever move up to Connecticut with Minor 1 for a short period of time?

A '15, 2015.

Q Okay.

A We went there because a lot of stuff was starting. I had -- my grandfather had an uncle that lived there and family member -- friends, family members. And we just didn't get along like that.

Q So you moved up to Connecticut?

A Yes.

Q Okay. And then who did you live with in Connecticut?

A Deneal. She was like my best, best friend, grew up together. She was like a sister to me.

Q Did you move back down to South Carolina at some point?

A Yeah.

Q When was that?

A In the beginning of 2016.

Q Okay. And why did you move back to South Carolina?

A I was asked to because they missed me.

Q Okay.

A And they needed my help. My granddad, of course.

Q Do you need any water?
A No.
Q Okay. And what happened in -- where did you move when you moved back down here to South Carolina in 2016?
A With the same person that kicked me out.
Q You move back to your granddad's house?
A Yeah, because he needed help.
Q On the [redacted] Second Street?
A [redacted] Second Street.
Q Okay. How long did you live with your grandfather?
A He eventually -- I think it was in the summer, like May. Otis was living at his mom house at [redacted] Birnie Street in 2017, so it was like early, in the beginning of 2017.
Q How old is Poppy right now?
A Seventy-seven. Wait a minute, 1943.
Q He was born in 1943?
A Seventy-six.
Q Okay.
A My bad.
Q When did -- why did you leave Poppy's house?
A That time?
Q '17.

A '17. Pop's being Pop?

Q Did he kick you out?

A Yeah, Pop's being Pop.

Q You still had Minor 1 with you?

A Yeah.

Q Okay.

A And I stayed a couple nights at a cousin of mine, his name was Chino. I stayed next to him for a couple days. And then I had called Otis and talked to him and asked him could we come live with you and he said, sure. He's always been there. And he knows my family. He knows how they just -- once they get in a certain mood, it's -- yeah.

Q So what house did you move into? What address was it?

A [redacted] Birnie Street.

Q Is that near [redacted] --

A Like three minutes away.

Q -- Second Street?

A Three minutes away.

Q Close to your Poppy's house?

A Yeah.

Q Okay. How did that go, living with him?

A With Otis?

Q Uh-huh, yes.

A Always wonderful. It was always -- I never had a problem with Otis, never.

Q Did you have to pay any bills?

A No. Oh, Jesus, let me tell you about that before. Now, he back at [redacted]. This was before my daughter. That's why I said two things. I was working at a nursing home because I'm a CNA, of course, and he was $1200 short and I had the money. So we had a mutual friend, Danny and Kelly, and we're going to go eat dinner and I was, of course, going to pay for it because I had money.

And we were going to go to the movies after that. And we get to the house and we was about to change. And I said, Well, here, Otis, here's the 1200. I got cussed out that day. And all my stuff and the money went flying out the door. Women don't pay for nothing. This is a man's job, the man pays the bills and da, da, da and that's all you hear. And I'm like, really? You got to be kidding me, like really?

I said, Okay, no problem. Got my stuff, packed it up. Went up the hill to the landlord and asked him, Do you have a house? You got a house I can rent? He said, Sure. I said, How much? Give him the money and moved in that day.

Q Okay. So you moved in with Otis. He didn't ask you to pay any bills?

A No.

Q Who lives there?

A He had an older man named Allen that lived there.

Q Who was that?

A A social friend of Otis'.

Q His roommate?

A Yeah. I never met him before.

Q You never met him before prior to moving in?

A Prior to then, yes.

Q What was he like?

A He ain't nothing. He go to work and come and go to his room, go to work and come and go to his room. You living? Are you alive? Knock on the door sometimes.

Q Did he have any interaction with Minor 1?

A No.

Q Let's describe the house at [redacted] Birnie. What does the house look like when you walk into it?

A You walk in, there's a hallway. Otis' room right here, which was his momma's room. Otis' room, the living room, a bedroom, a bedroom, all on the side here. The kitchen, the bathroom straight ahead and then there was like this little room that he kept all his mom's stuff in, dinning room table and everything. And he wanted to go through it one day, but he couldn't do it.

Q Why couldn't he do it?

A He miss his mom. He used to tell me about it. He miss his mom.

Q When did his mom pass away?

A Oh, when was it? I think it was two years before I moved in.

Q 2015, 2016?

A Yeah.

Q I'm going to show you what's been marked as State's Exhibit 6, do you recognize that?

A That's the front porch.

Q Of [redacted] Birnie Street?

A Yes, ma'am.

Q I'm going to show you what's been marked as State's Exhibit 3 and State's Exhibit 5, do you recognize that?

A That Otis' room.

Q Okay.

A With the recliner.

Q Okay.

A Otis' room with the recliner.

Q All right. Otis' bedroom?

A Yeah, his bedroom, excuse me.

Q Did he sleep in that room?

A Yeah.

Q All right.
A We all did sometimes.
Q We'll get to that in just a minute. But that's his bedroom with his bed?
A Yeah.
Q Okay. All right. Let's talk about sleeping arrangements. Where did you sleep?
A Well, me and Minor 1 slept, like, off the living room. He gave us that room when we first started staying there. Off where the living room was, he gave us that room.
Q Okay. What was in that room?
A Couches, bed.
Q Was there --
A Couches, yeah.
Q How many couches?
A Two and a small little one.
Q Would you sleep on the couch?
A With Minor 1, yeah.
Q Did Minor 1 sleep on the couch?
A Yeah, we put them together and made a bed out of it.
Q Did you sleep anywhere else?
A Sometimes, yeah.
Q Where would you sleep?

A In Otis' bed with him.
Q Did anything sexual ever happen between the two of y'all?
A No.
Q Would Minor 1 sleep in the bed with you?
A Yeah.
Q Did you ever sleep in the recliner?
A Yeah. Minor 1 did, too, with me.
Q Would you sleep more in the bedroom or more on the couch?
A More on the couch.
Q Okay. Did the house have a laundry room?
A Yeah -- well, not a laundry room, the kitchen. You had the washing machine -- well, the dryer, the washing machine, the deep freezer over here in this back door. And then you had the sink where you put the dishes, the refrigerator, then the table was right before you left out of here.
Q Okay. When you were living with Otis in 2017, did you leave home with -- or leave Minor 1 with him on occasion?
A Yeah.
Q Where would you go?
A Like, if I had went to an old friend of mine, her house, and I went to help clean up or help her with

something. And I was out looking for job.

Q Were you working at that time?

A No. He put her on the bus, like, in the mornings sometimes for me, let me sleep. He would tell me, she's on the bus.

Q Okay.

A Then the next time I left him with her, she never said anything bad. They were all playing and having fun up until two days after my birthday, [redacted], when my grandfather had a heart attack.

Q So let's talk about that. Your grandfather had a heart attack on what date?

A [redacted].

Q Of 2017?

A Yes.

Q And we're talking about Poppy?

A Poppy, yes.

Q What happened with him? Where did he go?

A He was in St. Francis Hospital and was in the ICU for a long while. Then he ended up going to MHC of Mauldin.

Q Did you go visit him while he was in the hospital?

A I stayed the nights. Otis used to tell me, go, go make sure he's okay. That's your granddad. That's the

last granddad you have. You know, you don't have no more after him.

Q And where would Minor 1 be?

A With Otis.

Q Okay. Did he seem bothered or put out by you going up there?

A No. He told me to go. He would be like, Go, go up there. You go check to see. That's the last one. He understands what family is.

Q Does the Defendant have any children?

A No.

Q Does he have an identical twin?

A Who?

Q Does Otis have an identical twin?

A No.

Q Did your son, Ahkeem, move in with you at some point?

A Yeah.

Q When did he move in with you?

A October.

Q Okay. After Poppy had his heart attack?

A Yes.

Q Where did he move from?

A From Connecticut? Him and an aunt of mine.

Q An aunt?

A Yes.
Q Who was that?
A Her name is Teresa Guilland.
Q Okay.
A Tata.
Q Tata moved in as well?
A Yep.
Q Anybody else?
A That's it because with three bedrooms and making the living room a fourth bedroom, that's where my son ended up staying. And that's when we started staying fully in Otis' room with Otis.
Q Okay. So where was your son staying at that point?
A In the living room.
Q Then where was Tata staying?
A In the bedroom. We cleaned it up for her. Then you got Allen's bedroom and Otis' bedroom.
Q Okay. So at some point, y'all moved in full time?
A Yeah.
Q So was Ahkeem sleeping on those couches in the living room?
A Yeah. Otis got my son a job at the chicken farm with him.

Q Okay. All right. What day did you find out -- did Minor 1 disclose sexual abuse to you at some point?

A Yes.

Q When did she tell you about this?

A Thanksgiving.

Q Tell us what had happened on Thanksgiving before you found out? Do you remember where you had Thanksgiving meal?

A At Otis. I was cooking all day. Minor 1 would help. Otis stayed in the room. He'd come and go. An old boss of mime came there with her daughter. We cooked Thanksgiving. We ate. We had a cup of wine, you know, talked and everything. The kids played in the room and everything was fine.

Q Was it a pleasant Thanksgiving?

A Yeah.

Q Later that night, did Minor 1 disclose sexual abuse to you?

A (The witness nods.)

Q And just so the court reporter can get down everything you say.

A She kept sitting there. They were playing. They were just having fun.

Q Who's they?

A Minor 1 and Otis were having fun. And then one of

them passed gas and they got mad or Minor 1 got mad or Otis got mad, saying it wasn't him. Just the normal things for them to do. Like I say, he acted like a kid when he was with her. Okay, you're a big old kid. I know it's funny, no, it's not. I told Minor 1, Come on, you know, come over here with mommy, just watch TV because I'm not going to bed. Y'all trying to go to bed. I'm up. You know, get over here. And she came down and laid down over with me. And she says, Mommy, my mind told me I got to tell you something. I said, Okay. What is your mind going to tell mommy?

And she said --

MR. SHIPMAN: Objection, Your Honor, hearsay.

BY MS. MAJOR:

Q Let me walk you through this, okay. What did you do after she told you I need to tell you something?

A Tried to tell her to tell me what it was.

Q Where were you?

A In the room with Otis.

Q What room?

A Otis' room.

Q Okay. Is there a TV in that room?

A Yeah, all three of us were there.

Q What did Otis do?

A Tried to change the subject and get her to stop

talking to me. So -- and I got mad, I was like, What the um Otis? Excuse my language, but what the F? And I grabbed her and I say, Come on, come to the kitchen, come tell mommy. I said, Don't do that. She's trying to have a conversation. She just might want to talk about you adopting her. You don't know. Because he did talk about it before this.

Q Okay.

A And I agreed. I said, Yeah, you can adopt my daughter.

Q Were you going to change her name?

A Yes, to Gibson.

Q What was the Defendant doing?

A Well, when I brought her into the kitchen and she was trying to explain to me, he come into the bathroom. Like, why you got to always follow us, okay. Then my son would do it. And I'm like, Okay, y'all are getting on my nerves now, you know, let the girl -- so I give her paper and said here, write it down. Because I really thought she was going to say, you know, something about her being a Gibson or whatever. And -- or ask me if I was going to marry Otis, to be honest with you. But I looked at the paper and it wasn't that.

Q Did it disclose sexual abuse on the paper?

A Yes.

Q It said --

MR. SHIPMAN: Your Honor, hearsay.

THE COURT: Okay. I don't know what she's going to say, but generally speaking, I sustain it. But I think Ms. Major is going to couch the questions to avoid that.

THE WITNESS: She told detail.

BY MS. MAJOR:

Q Okay. Did the note disclose sexual abuse?

A Yes.

Q Was it disturbing to you?

A Very.

Q Where was Otis at that point?

A Back in his room.

Q Okay. What did you do after you read that note?

A You ever see a movie where you feel like that's impossible, like, you just can't be that doggone calm. I said, Come on, Minor 1, let's go for a walk. Let me smoke a cigarette so I can understand what you just wrote because --

Q Were you shocked?

A Yeah. Yeah. So I'm like, I bring her outside --

Q Let me pause you. About what time is this?

A Oh, dear, Jesus, I don't know, ten, 11 o'clock

at night.

Q So dark outside?

A Yeah. It was cold, so I made her put on a jacket. We both had our jeans on and we were walking. And I told her to talk to mommy and tell me. And Otis came right behind us. He was following us.

Q Were y'all outside?

A Yes, outside.

Q Did he say anything to you?

A No.

Q What was he doing?

A Listening.

Q Okay. Did he -- did Minor 1 disclose sexual abuse to you outside?

A In front of him.

Q He heard her?

A Yeah. He was -- me and her here and he was right behind us.

Q Did he say anything?

A No.

Q Where is Ahkeem?

A In the house.

Q Did Ahkeem know what was going on to your knowledge?

A No. No.

Q Outside, Minor 1 disclosed sexual abuse to you?

A Yeah.

Q When did she say it -- how many times did she say it happened?

A Twice.

Q When did she say it happened?

A When I was at the hospital with Pop taking care of him?

Q Would that have been in September?

A Yeah, September.

Q Where did she say it happened?

A On Otis' bed.

Q Okay. Did she disclose another time?

A Yes. The same thing on his bed.

Q Did she say when that happened?

A She said -- all she kept saying -- she told me it was when I was in the hospital taking care of Pop.

Q Okay.

A So, yeah.

Q What did you do at that point?

A Walking around.

Q Walking around where?

A Walking, smoking and she was telling me. Yeah. It was like, okay, it was like -- normally, I would say something evil or whatever, but that day, I just came

calm. It's just like God said not today, honey. Get your child out that house. So I told my son come on. And he was like, Mom, you don't know. You don't know.

I said, Ahkeem, just follow mommy --

Q Did Ahkeem know at that point?

A No. He ended up going to see why I was telling Minor 1 to get dressed and get the hell out of the house.

Q So at some point, y'all went back into the house after she told you?

A Yeah, I had to get her dressed and get my son.

Q And Ahkeem came with you?

A Yes.

Q Where was the Defendant at this point?

A He was trying to talk to my son. Then he handed my son a bat and told my son to use it just in case, you know, to protect us.

Q He gave you what?

A My son a bat.

Q Because y'all were walking around?

A In the dark, at night, you know, around the neighborhood, going to my granddad's house.

Q Okay. Did Otis tell Ahkeem what Minor 1 had just said?

A No. He said -- it might have been an accidental when you pick somebody up.

Q Who said that?

A My son told me that's what Otis told him.

Q Okay.

A A finger might have, okay, but --

Q Was Ahkeem aware of the allegations?

A No. While we were walking up there, my son was talking cold junk, Ma, you can't just do that. That's wrong. And I looked at her and I said, Minor 1, tell your brother what you told mommy. And she did. And he said, I'll go back and kill that --

MR. SHIPMAN: Objection, Your Honor, hearsay.

THE COURT: Sustained.

THE WITNESS: So that's my son, you know. So my son walks with us.

BY MS. MAJOR:

Q So where?

A To Pop's house?

Q Okay.

A And I call 911.

Q How far away is Pop's house from Otis' house?

A Like three minutes.

Q Walking?

A Yeah.

Q A couple of blocks?

A Yeah.

Q And what happened?

A Called the police and the police officers told us to come to the house, meet them there. And we take Pop's car and go back to the house, which is a minute away now. Probably, less than that. But, you know, we have to go back to Otis'. And by the time we get there, the police were there.

Q Let me walk you through that. You called 911, you said?

A Uh-huh.

Q And what did they tell you to do? Or what did you do as a result of talking with them?

A I went back to Otis' house.

Q Were the police there?

A Already, yeah.

Q And did you see the police?

A Yeah.

Q Did you talk to the police?

A Yeah.

Q And tell them the nature of what had just happened?

A Yeah.

Q Were you talking with people on the phone while this was going on?

A No.

Q Did you talk on the phone with anybody that night?

A After, yeah.

Q Did you ever make contact with Otis after you got back to Otis' rooms house?

A (The witness shook her head.)

Q If you'll just say.

A No, ma'am.

Q Okay. What happened next? Did you talk to the police?

A The police -- went in and I talked to the police officer. The other one went in and handcuffed him, told him to put his clothes on and handcuffed him and put him in the car.

Q Okay. Did Minor 1 talk to the police?

A Uh-huh.

Q Okay. Did Ahkeem talk to the police?

A I believe so.

Q Whose else was there at the house? Do you recall?

A Now, comes up to Tata and -- Tata was there.

Q Okay.

A All right. Terri was there, okay. Then later, when I was talking to Kadeisha, she came and his brother, Lee, came. Because they were dating.

Q Where did they live? Did they live close by?
A Around Edgemond off of Cedar Lane.
Q How were you feeling at that point?
A What do you mean feeling?
Q How were you feeling when the police --
A I had no feeling.
Q -- and you had more time to process it?
A Well, after a while, like, I wanted to literally --
Q Were you mad?
A Yeah, very mad. Like, anger mad. Like, oh, serial killer mad, you know.
Q Okay. After that, did you go to the hospital with Minor 1?
A Yes, ma'am.
Q Okay. What did you do after leaving the hospital?
A We ended up going back to the house with my aunt, where my aunt was at.
Q Tata?
A Tata. And I didn't have no cigarettes and my nerves were shot.
Q Okay. If you can say that again.
A I said I didn't have no cigarettes and my nerves were shot. And I sat and I talked to her --

Q Talk to who?

A Tata, Terri.

Q Where is Minor 1?

A In the bed. I put her in the bed. I made her go to sleep because she said, Mommy, I'm tired.

Q What time was it that y'all got back.

A I think it was, like, after 5:00, 5:00 in the morning.

Q Five a.m.?

A Yeah. She been up all this time, yeah.

Q So what happened after that?

A After I put her to sleep, I sat on the porch and talked with my aunt. And I ain't done this in 21 years and I ended up smoking a blunt with her.

Q That was marijuana?

A Marijuana.

Q After this, did you lose custody of Minor 1?

A Yes, I did.

Q Why did you lose custody of her?

A From what the judge had said to me, you can look it up, too, she said until I can fix myself. Because I was as a kid sexually molested by multiple family members and my dad. And I was physically abused.

Q Did you test positive for drugs?

A Right, marijuana and coke because I didn't know

she laced it.

Q Who laced it?

A My aunt. And she told me, I told you like I told you when you were little, you should have shut your fucking mouth and not say nothing.

Q Okay. All right. About when was that that you lost custody of Minor 1?

A January. When we moved in with my cousin.

Q Did you move in with your cousin --

A Lana. She's, more or less, my mother, but.

Q Who is Lana?

A Lana is like my -- she's my cousin, but she act like I'm like her kid and stuff. She has -- we've been together ever since we were like]indiscernible].

Q Okay. Was she more like a mother figure to you?

A Yeah, she acted like it. Can't do nothing.

Q Did she try to be like a mother figure to you?

A Yeah, and I didn't listen to her. She just a little bit older than me, but.

Q Okay. Did she have a good head on her shoulders?

A Sometimes, yeah.

Q Did you and Minor 1 move in with Lana at some point after this?

A Yeah.

Q Where were you living?

A Easley.

Q All right. Where on the property?

A With her? Oh, I was in the RV.

Q Where was Minor 1?

A In the house. Because I wasn't allowed to be in the house with my daughter.

Q Were you allowed -- did you have to have supervised visitation with your daughter?

A Yeah.

Q Did you comply with that?

A Yes, ma'am.

Q Did Lana oversee that?

A She was right there. She was the supervisor.

Q Did Lana oversee that you didn't have unsupervised contact with Minor 1? Did she comply with that?

A Yeah, she did.

Q How long did you live in the RV?

A A month. And then I said I got to go do these classes. We both agreed with it. So New Year's or the day before New Year's, I had moved out.

Q Where did you move to?

A With Kadeisha.

Q In Greenville?

A Yeah.

Q What classes are you talking about you had to do?

A Drug classes.

Q Is that for --

A In order to get Minor 1 back. It was supposed to be temporary.

Q Did you do those classes?

A Yeah.

Q Did you ever gain custody back of Minor 1?

A No.

Q And why not?

A They said I had to fix myself. I was -- like I said, I was a past. And supposedly, the thing with Miguel, I tried telling them the same thing and they wouldn't listen. And they said I keep making mistakes of trusting people.

Q Have you made mistakes?

A Yeah.

Q Have you made parenting mistakes?

A Who doesn't? Yeah, I have, I'm sorry.

Q Just as every other parent, you've made parenting mistakes?

A Yeah.

Q Okay. Have you trusted people when you shouldn't have?

A Eventually, I did. When I was going to a psychiatrist when they told me I had to. They said you got to learn how to trust people, especially a man. Yeah, sure.

Q Do you love all of your children?

A Every last one of them equally.

Q Do you love Minor 1?

A They all get on my nerves the same. Yes, of course. That's my baby. That's my princess. That's a little queen in training. She was so -- she was premature. She weighed three pounds, eight ounces. Her head was here, her foot was here and her foot was about this big when she was born.

Q Okay. How premature was she?

A Like, I think I had her like seven, going on seven months. Whatever they say that critical time is.

Q Did you go into labor?

A Yeah.

Q Is that how she -- how did she -- why was she premature?

A Oh, I started labor and went to the doctor. And the doctor turned around and sat there and said we're trying to stop it, but in the middle of the night, I guess her heart stopped.

Q Okay. Besides these horrible allegations that

Minor 1 has said about the Defendant, do you have any ill feelings to him? Before 2017, before November 24th, 2017, did you have any ill feelings towards Otis?

A No.

Q Did your Poppy have any ill feelings towards Otis?

A Nobody did. Everybody loved Otis.

Q Okay. Did Minor 1 have any ill feelings against Otis?

A No. That was her dada. That was her daddy. That was going to be her daddy.

Mom, guess what my last name is going to be?

What Minor 1?

And she like -- I'm like poopy head because y'all two -- like these little kids things they would do. She goes, No, Gibson.

He said, Well, I did ask her because she is the child. He said, I already know you will agree, so.

I said, Yeah, you right.

Q And where are you living right now?

A I'm back at [redacted] taking care of my grandfather.

Q Since December -- or January 2017, did you move out to Connecticut ever?

A No.

Q Did you go up to Connecticut?

A Yeah.

Q Who's in Connecticut?

A Who's in Connecticut?

Q What brings you to Connecticut? Do you have family up there?

A I have family from my father's side, my cousin, Heather. And I got to say good-bye to my best friend in the world before she passed away of cancer, so.

Q Just one moment, please, Ms. Parker. Ms. Parker, since 2017, January 2017, are you still not allowed to have unsupervised contact with Minor 1?

A Yes. The judge said that it was up to me and Lana.

Q Okay.

A Well, the paperwork says totally different.

Q Okay. So how many times have you seen Minor 1 since 2017?

A Not very often.

Q Not very often?

A No.

Q Less than once a week?

A Once a month.

Q Less than once a month?

A Unless it's a holiday.

Court?

THE COURT: Yes, sir.

CROSS-EXAMINATION

BY MR. SHIPMAN:

Q Good morning, Ms. Parker. You prefer Gina or Elizabeth?

A Whichever you want, Elizabeth or Gina.

Q Okay. You're 44 years old?

A Yes, sir.

Q So you would have been 42 back in 2017?

A Yes, sir.

Q You've got five kids; is that correct?

A Yes, sir.

Q Make sure I understand this timeline, you had -- before 2016, you're still living in Connecticut. You had been living in Connecticut before 2016 briefly?

A Yes.

Q And then you moved back down with Poppy?

A Yes.

Q Okay. You had been living with Poppy, so it had been Poppy, Connecticut, back to Poppy?

A Yeah, and my cousin's place.

Q Okay. And Poppy put you out early?

A Yes.

Q Then put you out in 2017 as well?

A Yes.

Q Okay. And I didn't get the month, but sometime in the summer?

A Yeah, right before -- let's see. It was like May, maybe even February, March, something like that. I don't know. It was early.

Q And you stayed with somebody before you moved in with Otis?

A I stayed with Pop.

Q Did you stay with somebody --

A Well, three days with my cousin.

Q Then you called Otis and --

A Yes.

Q -- basically, said you're homeless?

A Yes.

Q Okay. And then he let you and Minor 1 move in?

A Yes, sir.

Q Was Minor 1 staying with somebody else while you were out or was there a layover between?

A Well, before that, she was with her godmother.

Q Okay.

A But no.

Q Okay. I believe you told the officer when he arrived, I think it was Officer Ferris, it was the first one that you would have met when he walked up on street, I

believe you told him that you were living with Otis because you didn't have a job?

A Yeah, I was homeless.

Q Okay. All right. And I think you said Poppy kicked you out because he was just being Pop's; is that right?

A Yes, sir.

Q So that had happened before?

A Yes, sir.

Q Okay. You've actually been -- you've lived with a few family members who kicked you out before; is that right?

A Yes, sir.

Q And you said it was because you were going through some issues?

A Personal issues, yes, family issues.

Q I want to talk a little bit about the night that the police were called. So this was the early morning after the evening of Thanksgiving; is that right?

A I don't even -- I can't give you a time period exactly when. I know she told me about -- it had to be like 9:00, 10:00, 11:00, somewhere in those three hours. I'm not good with that.

Q Okay. So Minor 1 told you somewhere between 9:00 and 11:00?

A Yeah.

Q Okay. Now, the police arrived out there at 1:30?

A I don't know what time.

Q Okay. You don't remember what time the police arrived?

A Like I said, after she told me and we walked out that house, we walked to my granddad's house is when I called. So if the police have it on record that it was 1:30, then it was 1:30.

Q So then you -- well, let's talk about -- so she told you she's got something to say. You took her into the kitchen?

A No, I was sitting there trying to ask her and talk to her right there in the room.

Q Then you took her into the kitchen?

A Yes.

Q Then Otis came into the kitchen -- Otis came into the bathroom?

A Yeah, he walked to the bathroom.

Q And that was near the kitchen?

A Basically, here's the kitchen -- I mean, the bathroom, here's the kitchen.

Q Did he stay or did he go?

A No, he stayed for a little while. Then he came

out, was staring at us and then he went back in and then in goes my son.

Q Then Ahkeem came in?

A Yeah.

Q Did you tell Ahkeem to leave?

A Yes.

Q Then after that, Minor 1 wrote the note?

A Well, in the process of him being in the bathroom, she wrote the note.

Q So while Ahkeem was in the bathroom?

A No, Otis.

Q Okay. I believe you told one of the police officers that Minor 1 didn't want to talk in front of anybody; is that right?

A (The witness nods.)

Q Now, she came into -- Minor 1 came into the bedroom -- or not the bedroom, I guess -- I don't know what we call it, but it's the room with the two couches in it where you were sitting while Minor 1 was talking up in the front room? You remember that? A female had Minor 1 in the front bedroom?

A Yes.

Q And then you were sitting in another room. I believe maybe Ahkeem was in that room with you and you were doing a written statement. Do you remember that?

A Yes.

Q Okay. Then Minor 1 came back into that room where you were with the female officer, do you remember that?

A Yes.

Q Okay. Then she told you some information there, too?

A Yes.

Q There were a lot of people around when she told you that?

A Yes.

Q Is that right?

A Yes.

Q And I believe you were talking on the phone to somebody when she told you that. Do you remember that?

A No. I was about to call Kadeisha, tell her to come get us, but, yeah.

Q You didn't have the phone in your hand when she was telling you that?

A No.

Q Okay. If I showed you a clip of the video from that night, would that refresh your memory on what happened?

A Go ahead, because I don't remember being on the phone.

MR. SHIPMAN: Your Honor, may I approach the

witness?

THE COURT: Yes, sir.

BY MR. SHIPMAN:

Q I know it's a little fuzzy, but do you, basically, recognize --

A Okay, that's not where you were talking about because that's Otis room right there.

Q Well, maybe I mixed up the rooms --

A Yeah --

Q -- but this is where she had been talking to you --

A We were in the living room when I was writing that statement. I was not on the phone.

Q Is that when she was telling you what was going on?

A She was telling the police officer.

Q But that's you sitting right here?

A Yes, sir. Yes, that's me.

Q Okay. Did you see that flash?

A Yeah.

Q That's the phone right there, right?

A Yeah.

Q Okay. That's still on your ear as she's talking to you?

A Yes. That was way before the -- that can't be

when the police were there.

Q Well, we'll keep watching.

A Because it looks exactly like --

Q Well, it had to be when the police were there because this --

A No, the clothes closet over there behind her.

Q If it's not the police, who's recording this? That's a police officer coming in right there.

A It is an officer. Well, just at that time, it looked like -- yeah, I was talking to somebody that particular time, yeah.

Q But Minor 1 is coming in there telling you about what's going on; is that right?

A No, she -- at that time, I can't -- I'm not going to even lie because I don't remember what she was saying because she already done told me several things. So when we're talking -- and I was not writing the statement here, I was writing it in the living room, so they're two different parts.

Q You're right, I got those details mixed up. But this is --

A That's when I was probably calling Kadeisha or trying to get Pop on the phone to let him know I was taking his car.

Q Well, this is you trying to put -- get through

the door with --

A Yeah.

Q So she had just talked to you about that?

A Yeah, because a female officer told me that.

Q Okay. That's the phone coming off your ear there?

A Probably, I don't know.

Q Okay. All right.

A It don't look like the phone, but, I mean, it could be.

Q Well?

A That kind of looks like my hand. Was it a phone?

Q You tell me.

A I'll tell you in a minute.

Q We backed up a little bit too far, but is someone handing you the phone right there?

A Yeah.

Q That's going to your ear?

A Yep. Yes, and that's the time I did have a cell phone. You're right.

Q All right.

A But, you know.

Q I want to talk to you a minute about Vincent S. and Miguel. I believe you testified that the court told you

that you couldn't keep them until you worked on yourself; is that right?

A No, you got that completely wrong.

Q Okay. Why did they --

A They told me that about Minor 1.

Q Okay. Why did they take Vincent S. and Miguel from you?

A Family members.

Q Family members?

A Family members. You know, when you're raised around Caucasians and you're a nigger, you know, certain things ain't right. Stuff like that, sweetheart.

Q Okay. Well, do you remember why the court said that you couldn't keep them?

A The courts down here battled back and forth with the guardian ad litem. They lied -- because I was not getting to speak. They lied a couple times. I caught them in a lie. My lawyer didn't do nothing. So there was no medical neglect, no sexual abuse, there's no neglect, period, on me. It was hearsay from Connecticut.

Q Okay.

A And South Carolina's law -- and I studied it. South Carolina's law, you're not allowed to take any statements or anything from another state. Well, South Carolina did.

Q Okay. Well, they said you missed medical appointments for Miguel. Is that true?

A No.

Q Now, Miguel --

A Well, hold on. I can't say I didn't because when the doctors would reschedule for his kidney, yeah, that would be considered a missed doctor's appointment. Yeah, it would be.

Q They said that you had a lack of food, clothing and furniture in the home?

A That's not true.

Q Okay.

A But I'm just wondering how does this work with the case that we're dealing with now?

Q Oh, we'll decide about that. The Judge decides these questions. You said you had harmful -- or inappropriate or harmful parenting, inappropriate corporal punishment --

MS. MAJOR: Objection, Your Honor.

THE COURT: Yes, ma'am.

MS. MAJOR: I don't know what he is reading from and he can't just read this out into the record. He can ask the witness about it, but it's inappropriate just to read out.

THE COURT: Show her what you're reading from.

MR. SHIPMAN: This is it.

MS. MAJOR: Yes, I know what it is.

THE COURT: You know what it is?

MS. MAJOR: Yes.

THE COURT: Okay. You can ask her specific questions and then you can show her the document to remind her.

MR. SHIPMAN: Okay.

THE COURT: And then if she isn't refreshed, then you can ask her specific questions regarding what the order says.

MR. SHIPMAN: Okay. I'll rephrase the question.

THE COURT: Yes, sir.

BY MR. SHIPMAN:

Q Did the family court back in 2006 in the case concerning Vincent S. and Miguel find that you had inappropriate corporal punishment towards the children?

A No.

Q So it would be inappropriate, like whipping and inappropriate --

A No, I'd threaten my kid before I hit my kid. I was beat too much. I'm not going to hit no child. I'll make you think I will now.

Q Did you subject them to yelling and persistent profanity?

A I did swear, yes. I did yell at them.

Q Is that what the court found as one of the reasons to remove them from your custody?

A No.

Q It's not what the court found?

A No. They based everything on Connecticut.

Q Okay.

A And what my mom, the woman that raised me told them in Connecticut and they took that and brought it here.

Q Okay.

A And they went by that. They had to bleep out people's names.

Q Okay. Now, did the court find that you exposed the minor children to inappropriate adult material?

A Yes, drawings that I did of naked women and men.

Q And you had those up around the house --

A Well, they didn't see the man part, but naked women. I draw. It was a gift from my dad.

Q Okay. Just a couple more questions about Vincent S. in particular. I believe you testified in the beginning that you were living with someone named Crystal Magreen?

A No, she was living with me.

Q Sorry. I guess it was your house --

A Yes.
Q -- and Crystal Magreen was living with you?
A Yes.
Q This would have been 2000 --
A Four or five.
Q Four or five. So you would have been about 27, 28 at that point?
A Yeah.
Q If I'm doing my math right. And she was about 14?
A She was I'd say 14, 15.
Q Okay. You didn't live with an Ebony Jones?
A No. That is Crystal's friend that came to the home.
Q Okay. And you also let Brandon Grubbs, also known as Lea live in the house?
A Lea.
Q Do you remember what his or her given name was, birth name?
A No.
Q Okay. But it was a male who was living as a female?
A Yes.
Q Okay. So Lea would have been like an adopted name, I guess?

A Yeah.

Q And you found out about Lea allegedly touching Vincent S.; is that right?

A Technically, it was Miguel.

Q Was it Miguel?

A Yeah.

Q But it was Vincent S. who went to the police; is that right?

A No. They sat there and they told me when they told me, but they took both kids in.

Q Well, did you take Vincent S. to meet with an investigator at the sheriff's department?

A No, I don't think so. No.

Q Okay.

A Because I talked to -- after a while, I had to go back and I talked to it's now called Julie Valentine Center.

Q Yeah.

A It use to be called something else.

Q Yeah.

A So I went up there and I talked to people about both the kids.

Q But you never --

A I turned around and I let them know they were mad because he's a transgender.

Q It was other people who did it?

A Huh?

Q It was other people who made up the false charge?

A Yeah. Well, they called me and told me he told, you know. But when the police got there, I'm telling them what they told me. But my son told me it's never happened.

Q But you didn't take Miguel to meet Investigator Cromartie on August 3rd, 2005?

A If they were in that building where the Julie Valentine Center is, then, yes.

Q Well, I don't know exactly what building it was in, but was there a sheriff's officer there, an investigator from the sheriff's office?

A I guess so.

Q Did you speak to the sheriff's officer?

A If I did, I don't know.

Q Okay. Did Vincent S. tell the sheriff's officer that you told him --

MS. MAJOR: Objection, Your Honor, hearsay.

THE COURT: Okay. I sustain it.

BY MR. SHIPMAN:

Q Did you tell Vincent S. to tell the police officer that Lea touched him?

A No.

Q You didn't? Okay.

MR. SHIPMAN: No further questions.

THE COURT: Any redirect?

MS. MAJOR: No, Your Honor.

THE COURT: All right. Thank you, ma'am. You can step down.

MS. MAJOR: May this witness be excused from her subpoena?

THE COURT: Yes, ma'am. Yes, ma'am. Okay.

Any further witnesses from the State?

MS. MAJOR: No, Your Honor. The State rests.

THE COURT: Okay. All right.

So ladies and gentlemen, when the State rests, it's necessary for me to take up certain matters of law. And what happens is, it defines the case going forward and kind of refines some of the evidence that would or will be presented.

So I don't like to start and stop and be herky-jerky, but we've reached the time in the trial where I have to stop and I have to take up some matters outside your presence. I hope it doesn't take very long. What we'll do is we'll take up our business and we'll determine -- then the Defense can let us all know whether they intend to put evidence

into the record or not.

So, if you'll go to your jury room, we'll bring you back in a few minutes. Thank you.

(WHEREUPON, the jury left open court at approximately 11:46 a.m.)

THE COURT: Okay. Motions?

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

THE COURT: Yes, sir.

MR. SHIPMAN: Your Honor, we move for a directed verdict. Specifically, with regard to the Julie Valentine Center interview, Minor 1 only disclosed one incident involving Otis. There are two charges here. I believe that because of that, the jury would have to speculate on if one or more happened, which one was it. I think, you know, if all you can submit to the jury is speculation, then that doesn't meet the burden to get it to the jury. So I believe one or both of those should be dismissed for having no direct or limited circumstantial evidence, Your Honor.

THE COURT: Okay. All right. Good enough.

Position of the State?

MS. MAJOR: Your Honor, several witnesses have gotten up here and testified what Minor 1 told them about the two incidents. And that is not hearsay

under the rule. And also, the victim, Minor 1, got up and talked about two specific incidents.

THE COURT: All right. I'll let you respond to that, Mr. Shipman.

MR. SHIPMAN: Your Honor, I'll leave it in your discretion.

THE COURT: All right. I do think it was difficult to ascertain from the actual forensic interview the timings. However, when she took the stand, I think that she described it with greater particularity. So, obviously, the standard is not the weight of the evidence, but the existence of the evidence. So under that -- under the standard for directed verdict, I respectfully deny the motion.

Any additional motions?

MR. SHIPMAN: Renew all of our previous objections and all of our previous motions in the trial based on the evidence at this point, Your Honor.

THE COURT: All right. Those rulings stand. Okay.

MR. SHIPMAN: Thank you, Your Honor.

THE COURT: Anything else?

MR. SHIPMAN: I have a witness who's not going to be here till noon. She's coming in from Florence

conversation with him.

So Mr. Gibson, good morning. Would you raise your right hand.

OTIS GIBSON, after being duly sworn, testified as follows:

EXAMINATION

BY THE COURT:

Q You can have a seat, Mr. Gibson. Now, Mr. Gibson, I was just talking to Mr. Shipman about whether or not you will decide to testify. You've been in the courtroom, obviously, for the entirety of the trial, to include jury selection. And you know I told the jury that the State has the burden of proof. And I will tell them that again. The State does have the burden of proving you guilty beyond a reasonable doubt on all the charges that are before the Court. You have a right to remain silent. You don't have to do, say or prove anything.

What that means is that you don't have to present any evidence in this case and you don't have to testify if you don't want to. It is your constitutional right to remain silent throughout the entirety of the trial. And if you elect not to testify, then I will tell the jury that they cannot hold that against you, that they cannot hold against you your election to exercise a

constitutional right that we all enjoy in the United States.

Now, understand that if you elect not to testify, the risk in that is that you won't be able to tell the jury your side of the story. You won't be able to tell them in your words what happened. And you won't be able to present your own words to the jury.

Now, if you do testify, then you would have the opportunity to tell them whatever is appropriate and admissible that you'd like to tell them. Understand that just like there is a risk with not testifying, there's also a risk with testifying. If you were to testify, the State would have the opportunity to cross-examine you, just like every witness has been cross-examined. And in cross-examining you, they would attempt to impeach you. That is, to throw your credibility into question.

Now, in doing so, they could potentially introduce any prior convictions that you may have. I don't know whether you have any prior convictions, I have no idea. But if you do have any prior convictions that are admissible under the rules of evidence, they could introduce that into the record as well.

So you understand that you have a right to remain silent, and you have a right to testify. You assume risks and you assume rewards with each option.

Understand that, ultimately, the decision as to whether to testify or not is yours and yours alone, because it's your constitutional right.

So you can talk to Mr. Shipman and you can talk to Ms. Johnson. You can talk to friends, you can talk to family and you can get advice. And you can ask them what they might do in your shoes. But, ultimately, whether you testify or not is your decision and your decision alone. Do you understand that?

A Yes, sir.

Q And do you also understand both your right to remain silent guaranteed under the Constitution and your corresponding right to testify?

A Yes, sir.

Q Do you have any questions about that that you'd like to ask me?

A No, sir.

THE COURT: All right. Thank you, Mr. Gibson. I appreciate it.

All right. So we'll take a very brief break. We'll come in and we'll take, at least, one witness, okay?

MR. SHIPMAN: Thank you, Your Honor.

(WHEREUPON, a short break was taken.)

THE COURT: Okay. Bring the jury in, please.

that's entirely up to you. What I don't want to see happen is us go ahead and get impatient, go to argument and charge, you get a case at 4:45 or 5:00 and then you're here past midnight. I don't think y'all want that and I know I don't want that either. So what we'll probably do, depending on when the Defense finishes its case, we'll probably come back tomorrow morning to do argument a charge, okay. So that's where we stand. You know what I know. If that changes, I'll amend it, okay.

So Mr. Shipman, you may call your first witness, sir.

MR. SHIPMAN: Thank you, Your Honor. The Defense calls Torrie Gibson.

THE CLERK: Ms. Gibson, if you'll please come forward. If you'll please pause at the end of the bench, place your left hand on the Bible and raise your right hand.

TORRIE GIBSON, after being duly sworn, testified as follows:

THE CLERK: Thank you, please be seated. State your name for the record.

THE WITNESS: Torrie Gibson.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. SHIPMAN:

Q Torrie, good morning. What is your relationship to Otis Gibson?

A That's my uncle.

Q That's your uncle. How old are you?

A Forty-one.

Q Have you known him your whole life?

A Yes.

Q Where did you grow up?

A At [redacted] Birnie Street, in the same household as Otis.

Q Do you know Gina?

A I don't know her personally, I just know her from this.

Q But you know who she is?

A Yes.

Q Did you see her living at [redacted] Birnie Street with Otis?

A Yes.

Q So she would be around the house when you would come by?

A Yes.

Q Who lived in [redacted] Birnie before -- who lived with Otis before 2017? Was that your mother's house?

A Before 2017, it was my grandmother, Otis and my

cousin, Victoria.

Q And your grandmother is Otis' mom?

A Yes.

Q Okay. How long did she live there, your grandmother?

A Probably about 36 years.

Q Okay. So she lived there for a long time, most of your life?

A Yes.

Q Okay. So this is sort of like a family household?

A Uh-huh.

Q Okay. Now, do you remember November, late November of 2017?

A Yes.

Q Okay. And you know that Otis got arrested?

A Yes.

Q And he spent a little bit of time in jail before he got back out?

A Yes.

Q Did you go by [redacted] Birnie Street during that time period?

A Yes.

Q Who was living there?

A When I went there, Gina was there --

Q I'm sorry, you said Gina?

A Yes.

Q Okay.

A Her daughter, her son, Allen, and this lady named Terri, and her boyfriend.

Q Okay. Did you tell them they had to leave?

A I did.

Q Did they leave?

A No, not exactly. When I went over there that Friday morning after Thanksgiving, so, no.

Q How long did they continue to stay there?

A I want to say probably a week or so maybe.

Q What finally caused them to -- I'm sorry, a week or two you say?

A Yes.

Q What finally caused them to move out?

A I told her she had to leave. It wasn't no need for her to be there since Otis was in jail. And our personal belongings was still in that house, so she had to leave.

Q Did she just take your word and leave or did you have to do something to get her to leave?

A No, she did not.

Q What did you do to get her to leave?

A First, I went to our landlord, who -- the

landlord that owned the house and I told them that Otis was in jail and we have a situation and all our, you know, person belongings, a lot of things are in that house and that she did not need to be there. And they told me if she didn't leave that they was going to get a no trespassing out on her. And if she comes back, for me to call them and they would send the police over there.

Q Did you get the police over there?

A Well, I didn't go back to the landlord to call the police. I called -- we actually called the police on our own because an incident had occurred. And I don't know if she was over there when she was on her phone or not, but I called the police and we went over there.

Q Is that what got her to leave?

A Well, when I got over there, she wasn't there.

Q Okay. All right. So it took a while to get her out of the house?

A Yeah, for her to get out of the house, her son to get out the house and to get their stuff, their clothes.

Q Okay. And we're talking a couple weeks here, at least?

A Yes.

MR. SHIPMAN: Your Honor, no further questions.

THE COURT: Cross, ma'am?

MS. MAJOR: Thank you, Your Honor.

CROSS-EXAMINATION

BY MS. MAJOR:

Q Ms. Gibson, you're aware that Otis allowed Gina or Elizabeth Parker to move into his house, correct?

A Yes.

Q How long had they been living there before November 2017?

A I'm not sure. Probably a couple of months.

Q Okay. And Otis allowed Ahkeem to live in there, correct, in the house?

A Is that her son?

Q That's her adult son.

A Yes.

Q Okay. Otis allowed this Terri, maybe Elizabeth's aunt to live there, correct, Tata?

A Yes.

Q He allowed all of them to live in the house, correct?

A Uh-huh.

Q Okay. You were not living in the house, correct?

A No.

Q All right. When did you go over there and see that she was still living there? You said Friday after

Thanksgiving?

A I went that Friday morning around, a little after 7:00.

Q Okay. Are you mad at Elizabeth Parker?

A Me and her had some words, yeah. So I'm not mad, but I -- I don't know -- I don't have nothing to say about that.

Q Are you upset that your uncle was arrested for those charges?

A Yes.

Q Okay. And why are we here today? Why was he arrested for these charges?

MR. SHIPMAN: Objection, Your Honor, this calls for speculation.

THE COURT: Okay. All right. I'll sustain the objection.

BY MS. MAJOR:

Q Are you aware that these allegations involve --

MR. SHIPMAN: Objection, Your Honor, this is irrelevant.

THE COURT: I'll let her ask that question.

BY MS. MAJOR:

Q Are you aware that the allegations involve Elizabeth Parker's daughter?

A Yes.

Q Okay. So you said a week after Thanksgiving, you go over there and she is still there?

A I didn't say a week after, I said the next day. So I went that Friday morning after 7:00.

Q All right. So the next day, she was still there?

A Yes.

Q Did that make you mad?

A Yes, I was upset.

Q Okay. But she lived there, correct, for several months before that, correct?

A She did.

Q Okay. So --

A Well, I don't know if she was actually living there full time or not because she was staying at, supposedly, Kadeisha's house. So to say -- to be honest to say was she living there full time, no, I'm not going to say that because she was in and out. And she was, basically, staying over at her friend house.

Q Okay. But I thought you said that you agreed that Otis allowed Elizabeth and Minor 1 to move into his house a couple of months before this November date?

A He did. He did allow them to move in. But was she staying there full time, no, she wasn't staying there full time. But he allowed her to move there, yes.

Q Where was Minor 1 living?
A She was at the house.
Q Was she living there?
A Yes, her daughter was there.
Q Okay. Was their stuff there?
A Yes.
Q Were Elizabeth and Minor 1's belongings in the house?
A Yes.
Q And you're mad that not even 24 hours later, they're still in the house?
A Yes, I was upset because she was still in the house.
Q Okay. Where -- how was she supposed to get her belongings out not even 24 hours after this has come out? You wanted her out that quickly?
A I told her she had to leave since Otis was in jail. And if she was still at Kadeisha's, she could have took her clothes over there.
Q When did you go back over there next and find that she was still living there?
A Probably either that Sunday or Monday, I went back over there. She wasn't there when I went back, but the other roommates was there.
Q Who were they?

A Terri and her boyfriend and Mr. Allen.

Q Okay. Is Mr. Allen related to Ms. Parker? Do you know if he is?

A No, he's not.

Q Were you mad that he was still there?

A No.

Q Okay. So you said the day after Otis is taken to jail, you go over there and tell her that she needs to leave, correct?

A I did.

Q And she did not leave, correct?

A Correct.

Q And then when did you go back over there? You said that Saturday or Sunday?

A I went back either Sunday or Monday.

Q Like two days later?

A I did.

Q Okay. And she wasn't physically over there, but she had not moved yet, is that what you're saying?

A She wasn't there when I went over there. Her things were still there, but she wasn't there.

Q Okay. And then what did you do after that? Is that when you called your landlord?

A No, I did not.

Q When did you call the landlord?

A I went to the landlord when this -- that Friday when this happened?

Q Okay. So just the next day, you went to the landlord?

A I did.

Q Okay. When did you -- is that when the landlord told you to call the police?

A No.

Q Did you speak to the landlord again?

A I did.

Q All right. When did you speak to the landlord again?

A I'm not sure exactly. I think after the incident that me and her had on the phone is when I initially went back and spoke to the landlord.

Q Okay. What are you talking about, the incident you had on the phone? You and Elizabeth Parker had an incident on the phone?

A Yes.

Q Okay. When was that?

A I'm really not sure what day it was, but it was sometime probably in that week frame maybe.

Q Okay. In that week timeframe, you have a conversation with her on the phone and then you call the landlord. Is that when the landlord told you to call

police if she comes back over there?

A Correct.

Q Okay. And then is there another incident when you called police?

A I don't remember calling the police over there, but once.

Q Okay. When was that?

A The incident I'm talking about when me and her had the altercation on the phone. And that's the time when I -- we called the police.

Q But this is over a dispute on the phone and you called police?

A Uh-huh.

Q Okay. Where were you? Were you at [redacted] Birnie Street?

A When I called the police?

Q Yes.

A Yes.

Q But she was not over there?

A She wasn't there.

Q So why are you calling police on her if she's not over there?

A Because she told me that -- she said some things and I called the police and asked them what did I need to do? So she said that we wasn't going to be able to get in

the house, that was her house, she wasn't going anywhere.

Q And that's why you called the police?

A (The witness nods.)

Q But you were at [redacted] Birnie Street?

A When I called the police, I was at [redacted].

Q Okay. And this is just a couple days after Otis has been arrested?

A Yeah, probably that week time frame.

Q What happened next?

A What do you mean? That night or just what happened period, after the --

Q What happened after you called police?

A They came out and they said that there was no way for us to get in because they thought nobody wasn't there, but come to find out, the roommate, Terri, and her boyfriend was there. And they didn't want to open the door because something about -- just a lot of he said, she said stuff that was being said. So then, they came out and let us in. And then that was that night.

Q Okay. When is the next time -- did you go back home after that?

A I did.

Q All right. When is the next time you went over to [redacted] Birnie Street?

A I don't know, probably a couple of days later.

Q And what happened then? Was Elizabeth Parker over there then?

A No.

Q Had she moved out?

A No.

Q How do you know?

A Because her stuff was still there and she was in and out because Terri said that, once again, she was in and out.

Q Okay, but you never saw her?

A No, I didn't see her over there when I went back over there.

Q Did you call police right then because she hadn't moved out?

A No.

Q Okay. When's the next time you went over there to [redacted] Birnie Street?

A I don't know, a couple -- probably a couple of days later.

Q Was her stuff still there?

A She had some stuff -- yeah, her stuff was still there. And I think one time I went over there, her son was there, but she wasn't.

Q Where was she?

A I don't know.

Q Where was Minor 1?

A I don't know.

Q Okay. When's the last time you saw Elizabeth Parker over at that house?

A The last time I actually seen her over there, I seen her over there was that the Friday morning when I went over there.

Q Okay. So when did she move out?

A I don't know when she actually got her stuff and left.

Q Okay. So, basically, all you know, you only saw her over at Otis' house the day after this comes out, the day after he's taken to jail; is that correct?

A Yes. The day I went over there that Friday morning is when I actually seen her there.

Q So your testimony about her being over there for weeks and weeks and weeks, that's not exactly accurate, correct?

A It is accurate from the roommate's state --

Q From what they told you?

A From what they told me is accurate from what they told me.

Q You never had to file an eviction notice, correct?

A No, I didn't.

Q You don't know when she moved out of there, correct?

A Yes, because when I went back a couple weeks later, it was a timeframe probably maybe one or two weeks when I went back and I seen some of her things gone. And then, Allen told me that she had came and got her stuff.

Q And that was one or two weeks after Otis went to jail?

A Yes.

Q Okay. So she wasn't there for weeks and weeks and weeks. We're talking one to two weeks; is that correct?

A Somewhere around one to two weeks.

Q All right. One or two weeks her stuff was there, but the only time you saw her there -- and what stuff was there of hers?

A I guess her clothes and whatever she --

Q What did you see --

A -- had to stay there.

Q What did you see of hers?

A Clothes.

Q Okay.

A Shoes.

Q Where were they?

A In my grandmother's bedroom.

Q Did you see Minor 1's stuff?

A Yes.

Q Where was Minor 1's stuff?

A In the same room.

Q Okay. And that was about one or two weeks after Otis went to jail?

A Yes.

MS. MAJOR: All right, thank you.

THE COURT: Redirect, sir?

MR. SHIPMAN: No, Your Honor.

THE COURT: Thank you, ma'am. Appreciate your being here. You can step down.

So, Mr. Shipman, have you got another witness to call before lunchtime or have you exhausted all your witnesses until approximately 1300?

MR. SHIPMAN: Your Honor, I've got one at the LEC. It will probably take her 15 minutes to get packed and get over here. So I think probably before lunch, this is the last one I have.

THE COURT: Okay. All right. So ladies and gentlemen, let's start back at one o'clock. Okay.

And don't bring them in 15 minutes early, let them come at one o'clock. I trust them. They've been very dutiful.

We'll start as soon thereafter as we can.

she has reviewed anything in this case because that could go to the jury's -- affect the jury thinking this expert has reviewed this case, so she must believe -- she must not believe this little girl.

THE COURT: Okay.

MR. SHIPMAN: And Your Honor, if I can just briefly into that. You know, Ms. Allen-Cook and I discussed the possibility of being impeached by the State by, you know, them suggesting that she's a hired gun and will say whatever for whoever is paying her. And we talked about she doesn't take every case. She reviews the cases before she decides to take them and she just doesn't take anybody with a check that comes in the door. I don't know if the State is planning to ask such a question, but I think that would be an invited reply.

THE COURT: If she ask those questions, then, certainly, I think you could go into that in redirect examination.

MR. SHIPMAN: And then there's probably going to be an issue with my first witness.

MS. MAJOR: Your Honor, I don't know exactly who Mr. Shipman intends to call, but I anticipate it has to do with this 2005 report. I do not think this is admissible evidence for them to call her. I don't

know what's the purpose of it. I don't know how it would be admissible.

THE COURT: What do you intend to elicit through Captain Cromartie's testimony?

MR. SHIPMAN: Basically, two things, that she's met Ms. Parker, she met the son, Vincent S.. Came in for an interview. She requested followup -- medical followup at Julie Valentine Center. Mother took the child to the Julie Valentine Center, but never did any followup medical. I think that would be -- I can't imagine an evidentiary objection to that. That's all stuff she witness.

Then there's the statement from the child that my mommy told me that Lea touched me. I think I've got a couple bases for getting that in. The first, we've got an -- Vincent S. is an unavailable witness. The family has testified they don't know where he is. I've tried to find him. I can't find him. I mean, I think he maybe just turned 18. Couldn't find any criminal record on him, couldn't find any kind of taxes, anything of that nature to track him down to bring him into court. And so I think that's -- you know, in spite of our efforts, he's unavailable. He's not amenable to the subpoena, so I can't bring him in to say that.

And given that he's an unavailable witness, a statement against interest would be inadmissible. Because, you know, he's saying that this claim that Lea touched me didn't happen, my momma told me do it. It would invalidate a civil claim if they were to bring one up.

I further think that it's -- you know, I've got a right to prove a nonconforming statement. So I asked Gina if she told that to her son. She denied it. Now, I've got here proof that she did -- or I've got some evidence that she did anyway. You know, the jury can lend it whatever weight they wish, but I think I can get it in that way as well.

And then, you know, Your Honor, if we're talking about fundamental fairness, I mean, this is the only way I can get this in. I think it's a due process issue. It goes beyond the Rules of Evidence. I don't think the Rules of Evidence define everything that can come in in a criminal case when a liberty interest is at stake. And if this is the only possible way to get it in, I think there's got to be some sort of residual exception for me to get this in, Your Honor.

THE COURT: Okay. What's your position on that? With respect to everything before the statement,

those questions he asked about whether she had met Ms. Parker before and those -- I don't know if you characterize them as innocuous, but I think simple things, do you have an objection to that?

MS. MAJOR: Yes.

THE COURT: Okay.

MS. MAJOR: This is a collateral matter. This is not relevant to the -- the specifics, the meat of this is not relevant to this case. Mr. Shipman was allowed to ask Ms. Parker about this under Rule 608 specific instances of conduct. He could go into specifics instances of conduct of a witness for the purpose of attacking or supporting the witness' credibility other than a conviction of crime. He's perfectly free to ask her about that.

But then the rule says, they may not, however -- may not be proved by extrinsic evidence. They may, however, at the discretion of the Court, if probative of truthfulness, he may ask her about those. And he did and he is stuck with her answer. This is going to confuse the jury. The meat of this is not relevant to whether this man is guilty of this crime. It was brought forward and asked about for the limited purpose under 608 and that's it. No extrinsic evidence is allowed of this.

THE COURT: Okay. All right.

So with respect to your first line of questioning, your first line of questioning, that is, did she have interaction with her, I'm going to allow that.

With respect to the admission of another -- of a non-available witness' testimony, I think under Rule -- the rule that you espoused. I can't remember which rule that you're referencing, but I don't think under any Rule of Evidence it's allowable under -- pursuant to this witness' testimony.

Now, you said there's no other way to get it in. I disagree with that, but I'm not in a position to tell you all of the ways that I think are appropriate to get it in and I'm not going to begin to do that. But through this witness, I'm going to find that the child's statement that he told or the substance of the report is not admissible.

MR. SHIPMAN: Your Honor, if you will indulge me for a minute, I'd like to consult the rule and make sure that my objection is --

THE COURT: Sure. Which rule are you talking about specifically?

MR. SHIPMAN: Your Honor, I'm looking at 613 for one and then I'm trying to find --

THE COURT: That's it.

MR. SHIPMAN: There's another rule I'm looking for here.

THE COURT: I'm looking at that, too. And we're talking about a child's statement. If you characterized it and I heard you right, you're talking about the child's statement.

MR. SHIPMAN: And Your Honor, it says -- I'm sorry, I didn't mean to interrupt.

THE COURT: It's okay.

MR. SHIPMAN: But it says, you know, if I give the witness an opportunity to confirm or deny the statement --

THE COURT: Right.

MR. SHIPMAN: -- that if she accepts it and says that's it, then I'm stuck. I can't offer extrinsic evidence if she adopts that statement. But if she denies it after she's had a chance to explain or deny it, then I can prove it up by extrinsic evidence.

Now, it doesn't say that I have to have -- I mean, I'm not going to have her -- there's no way for me to have her on recording saying it. I have extrinsic evidence based on Captain Cromartie observing the son say it. Now, the jury can decide whether that's proof enough or not that she said it,

but, I mean, it is relevant. And it certainly goes to her credibility and I think it certainly weighs heavily on the case here.

THE COURT: Okay. Did you show her the statement? I don't recall you ever showing her the statement.

MR. SHIPMAN: I gave her the content of the statement.

THE COURT: Did you show her the statement?

MR. SHIPMAN: I didn't show her the police report, Your Honor. I can recall her.

THE COURT: That's up to you to call whoever you want to in your case in chief. I'm just telling you under Rule 613, it's not admissible for you to introduce it through Captain Cromartie. And we're talking about, we're talking about the son's statement. We're not talking about her statement. We're talking about another individual's statement, a non-available person's statement, right?

MR. SHIPMAN: Your Honor, as far as that one goes, that's what I'm trying to find here, the rule for statement against interest. But the first thing you need is an unavailable witness.

THE COURT: She's not a party to this lawsuit. Statement against interest are relevant to the

parties to lawsuits. She's not a party to the lawsuit.

MR. SHIPMAN: Your Honor --

THE COURT: She's not the victim.

MR. SHIPMAN: Well, the victim's not a party to the lawsuit either.

THE COURT: No, she's not either. I'm saying she's not even the victim.

MR. SHIPMAN: And I believe that's one of the hearsay exceptions, Your Honor. I'll find that shortly, Your Honor. 804, declarant unavailable, and part 3 -- or (b)(3), rather, the statement which was at the time of its making so far contrary to the declarant's pecuniary or proprietary interest and so far tending to subject the declarant to civil or criminal liability or to render invalid a claim by the declarant against another that a reasonable person in the declarant's position would not have made the statement unless believing it to be true.

It doesn't refer to party, Your Honor, it refers to declarant. So this would be the declarant. He's unavailable. This is the witness who did observe the declarant saying it. And if you believe the statement that he said, it would go so far against his interest to invalidate a claim against another

that he wouldn't say it unless it were true. So I think it's admissible under that hearsay exception.

And then the relevance for it would be to prove up her denial of having said that when I confronted her with it. Now, I didn't show her the piece of paper, but the rule says I have to make a statement known to her and give her a chance to adopt or deny it. You know, it doesn't say I have to show the paper to her.

THE COURT: I don't think you complied strictly with Rule 613 with respect to that witness. I'll listen to the testimony -- I was listening to it very clearly. And I was listening to it very clearly with an eye toward Rule 613 because I thought you were going to try to invoke that exception.

MR. SHIPMAN: Your Honor, I would need this witness in order to invoke that exception. I couldn't enter the statement through her because she --

THE COURT: You probably couldn't enter the statement anyway, but you could have asked her questions about it. But listen, I don't want to get into all that, okay. I don't want to get into all that. I don't want to have an esoteric and academic discussion with you about it. I just -- just know

that. I think you are making a very intelligent and logical interpretation of Rule 804 that just happens to be erroneous. And under Rule 613, that statement would not be admissible under this witness' testimony.

Now, I'm not going to give you a guide to what I think would -- how you could make it admissible, but I will tell you that if we're just talking about strictly rules of fundamental fairness and we're talking about the court exercising discretion as the gatekeeper for the admissibility of evidence or not, I think that the testimony of a minor, however many years ago, is not admissible in the trial of a case for a victim which was born several years after. I recognize that it is relevant to your argument whether she told him to say that or not, but as I said, as I said, I don't think you have met the requirements under 613 to produce extrinsic evidence.

MR. SHIPMAN: I mean, I have Ms. Barros still under subpoena. I don't know if she's in the building or not.

THE COURT: She's right there.

MR. SHIPMAN: Okay. She is.

THE COURT: You can call her in your case. I wouldn't disallow you from doing that.

MS. MAJOR: Would she need to exit? I thought she was released from her subpoena.

THE COURT: Do you need her out of the courtroom due to the sequestration order?

MR. SHIPMAN: Your Honor, I think she's already heard everything that I would say.

THE COURT: Well, I don't know that that hurts or helps you because, I mean, you're talking about what you'd have to do anyway, which is show her the statement and say do you see this, read it, did you say it. So I don't know if that's the way to do it or not. I'm not suggesting that that's the framework for doing it.

MS. MAJOR: I guess I'm confused. This prior inconsistent statement was not made by her. There's nothing to show her. There's nothing -- no statement that she has made in this. So I don't think it can be -- 613 does not apply under this scenario.

THE COURT: I think there's an argument to be made about that. And we're not even there yet because we're still talking about the Captain's testimony.

MR. SHIPMAN: Well, Your Honor, the Captain's testimony would, basically, be that Vincent S. told me that his mom said to say that Lea touched him.

THE COURT: Yeah, and I understand that. I know that's what you want to get in. I'm just saying that's inadmissible and I'm not going to let you do that.

MR. SHIPMAN: Your Honor, if I may just have a quick -- I know we're delaying this jury and all that, but I'd like to have a recess to kind of talk to my cocounsel here for a second.

THE COURT: And it's a quick recess. I'm going to sit right here and I'll watch you have your conversation or you can go out of the courtroom.

MR. SHIPMAN: Thank you, Your Honor.

(WHEREUPON, a short break was taken.)

THE COURT: What do you intend to elicit -- because now, we're going to go back to our 613, okay. What do you intend to elicit?

MR. SHIPMAN: Basically, between the dates of, I believe, it was July 31st, 2005, and August 3rd, 2005, that either her department on Furman Hall Road or at the Rape Crisis Center on Whitehorse Road, did she tell her son Vincent S. to accuse Lea of inappropriate touching. And I believe that would be the time, place, the person to whom it was said and the manner. And then I would offer her a chance to adopt or deny the statement.

THE COURT: What's the State's position on that?

MS. MAJOR: You can't get two bites at the apple. We've already addressed that. So that would be my first objection. But if the Court is inclined to allow that, I would have an objection to Captain Cromartie coming in. We're not there yet, so. I think the Defense is getting two bites at this apple.

THE COURT: Well, I'm not necessarily -- I'm not adverse to two bites at the apple, that's not my issue. My concern is that you're relying upon 613 now, correct?

MR. SHIPMAN: Yes.

THE COURT: Prior inconsistent statement of a witness, correct?

MR. SHIPMAN: Yes.

THE COURT: Okay. So we're not talking about her statement. That is the statement which you are referencing is a statement of another witness.

MR. SHIPMAN: Well, I'm asking did she tell her son, because her son said that she told him that. And then the extrinsic proof that I'm able to offer then doesn't necessarily have to be certain proof. Like, they don't have to offer certain proof of anything. I can prove it up by extrinsic proof. It doesn't say that I have to have --

THE COURT: Her statement.

MR. SHIPMAN: I don't have to have a notarized statement from her. I don't have to have her standing on a deposition. I can use extrinsic proof. And I believe this is extrinsic proof and I believe there's a hearsay exception to allow it in as well.

THE COURT: What you're asking her to do is comment on somebody else's hearsay statement, right?

MR. SHIPMAN: Well, Your Honor, it's not hearsay, it's an exception to hearsay. So it is exempted from the hearsay rule under the unavailable witness.

THE COURT: If I find, if I find under 804 that's he unavailable, which I've made no finding of that. And there's been no evidence or argument put into the record that suggest that he's unavailable.

MR. SHIPMAN: Your Honor, I believe Ms. Jennings testified that nobody in the family knows where he is. And I can call my investigator to say that he made a search for him and haven't been able to find him as well.

MS. MAJOR: Your Honor, it's the State's position that 613 is not designed for these situations. That he could ask her, did you make this statement to your son, lie about Lea? And she says

no, I did not make that statement. He would then -- the extrinsic evidence of her making that statement would be her making that statement. The statement that he wants to get in is a statement from somebody else saying she made that statement.

I also think that in no way is a statement against interest from a five year old at all, whatsoever. That statement does not fall under that hearsay exception, whether he is -- even if he is unavailable. It is not -- I would argue it is not a statement against interest. And 613 is not designed for this -- is not applicable in this situation.

THE COURT: Let me say this, if the State tried to do this, there's no way I would even consider it for one split second. I would say absolutely that is fundamentally unfair. You've got somebody who has his liberty interest at stake. I'm not going to let you put in somebody else's statement tangentially through an 804 unavailable witness. I'd never do it because it would be so unfair.

The only reason I'm even considering it ab initio is because I want the Defense to be able to present its case in full. But in this case, you're asking me to do it under 613 because of an unavailability theory under 604 -- excuse me, 804. I

just think it's fundamentally unfair for the statement of a third person who I've not found to be unavailable, who is not subject to cross-examination to have his statement entered into evidence. It's just fundamentally unfair. And I know for a fact -- and this really -- I know for a fact, even put aside your advocate hat, if the State tried to do that, you'd be jumping up and down. You would be making holes in the roof you would be yelling so loudly about that.

MR. SHIPMAN: I understand that, Your Honor, but this is -- I mean, there's a confrontation issue with that, but it's not present here on my side of the beast, so to speak. So I think that would be my issue --

THE COURT: No, it wouldn't be a confrontation issue because we're talking about statements from other witnesses. We're not talking about accusing somebody of a crime for which they stand. We're talking about, again, a witness' statement here, not the victim. We're talking about the witness' statement and getting in under 613 a statement that is not hers of another witness who is unavailable. That's a very, very tortured interpretation of the Rules of Evidence, okay.

And I know you disagree with me and I know you want to get it in. I know it's important because I know, I know what the evidence is. It's very important. I'd like for you to have the opportunity to get it in just so the jury can hear everything. It's just not admissible. It's just not admissible. And it's just not fair to the State. I'm just trying to be fair to everybody. The State can't then go back and cross-examine that witness.

MR. SHIPMAN: Let me -- Your Honor, I believe there's also an invite to reply issue here as well. The State's first few questions of the witness were concerning this allegation. And, you know, this did come out. I've got a right to present a full picture of that that they offered up. I think I'm being denied that opportunity as well. So Your Honor, I just -- I don't mean to beat a dead horse here, but this is a crucial piece of evidence that goes right to the heart of our case.

THE COURT: Yeah, and I've excluded evidence of both the State and Defense before when it's been very crucial evidence. I can't judge it on that basis, I can't. The reason why the State elicited that testimony because pre-trial, we all had a lawyers' discussion in chambers wherein I said that probably

that specific line of questioning would be free game and she just did it before you did it.

MR. SHIPMAN: All right, Your Honor.

THE COURT: Here's what I want you to do. I want you to go ahead and call your witnesses, okay. And before you rest, I'll take a break and you can consider whether you want to call her back to the stand or not. And you can consider additional arguments. I know it's important to you. I'm just saying, under fundamental rules of fairness, it's not appropriate that that be admitted. And under the Rules of Evidence, it's not appropriate that that be admitted. There are a couple ways to get it in, but not under these particular Rules of Evidence.

MR. SHIPMAN: Your Honor, I believe we'll just go ahead and call Ms. Cromartie then.

THE COURT: All right, good enough.

Bring the jury in, please.

(WHEREUPON, the jury came into open court at approximately 1:39 p.m.)

THE COURT: All right, Mr. Shipman, you may call your first witness.

MR. SHIPMAN: Thank you, Your Honor, may it please the Court. The Defense calls Captain Cheryl Cromartie with the Greenville County Sheriff's

Office.

THE CLERK: Ma'am, if you please come forward, pause at the end of the bench. Place your left hand on the Bible, raise your right hand.

CHERYL CROMARTIE, after being duly sworn, testified as follows:

THE CLERK: Thank you, please be seated. State your name for the record.

THE WITNESS: Cheryl Cromartie.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. SHIPMAN:

Q You're a captain with the sheriff's department; is that right?

A Yes.

Q How long have you been employed with the sheriff's department?

A Twenty-six years.

Q With the same sheriff's department?

A Yes.

Q What role do you currently occupy there?

A I'm the division commander for the community services division.

Q In 2005, what was your role in the sheriff's department?

A Sex crimes investigator.

Q And during your time as a sex crimes investigator, did you ever investigate a case involving a child named Vincent S. ?

A Yes.

Q Okay. And who was the mother of Vincent S. ?

A I can remember the first name, it was Elizabeth.

Q Okay. Have you reviewed your report?

A I glanced over it, yes.

Q If I showed you the report, would that refresh your recollection about the last name of the mother?

A Yes.

MR. SHIPMAN: Your Honor, may I approach the witness?

THE COURT: Yes, sir, you may.

BY MR. SHIPMAN:

Q There where it says complainant?

A Elizabeth Renee Parker.

Q So she's listed as the complainant on this report?

A Yes.

Q What is a complainant?

A A person that files a police report in regards to an incident that has occurred.

Q Okay. Did you meet with the child, Vincent S.?

A I did.

Q And you didn't meet with Miguel, did you?

A Miguel?

Q Did you meet with a child named Miguel in regards to this case?

A I met with Vincent S..

Q Okay. And do you recall about how old Vincent S. was at the time?

A At the time, I can recall that he was four years old.

Q So you had an allegation of a sexual assault against Vincent S.?

A Yes.

Q Did you bring Vincent S. into your office to meet with him?

A Yes.

Q Was that at your office at the LEC or was it somewhere else?

A My -- during that time probably in 2005 -- I've had two offices investigating sex crimes. LEC, in 2005, would have probably been my office at that time.

Q Did you have another location during and around that time?

A Yes, County Square.

Q So you either would have been over on McGee Street where the -- LEC is -- what is that?

A LEC is the law enforcement center. It's located at 4 McGee Street.

Q And that's where the sheriff's department is located?

A Yes.

Q And the investigative division?

A Yes.

Q Okay. Then you have another office at County Square?

A Yes, there's another office. And I can't remember the date that we moved to the office, but that would have been at 5200 -- Suite 5200 County Square, 301 University Ridge.

Q Okay. Did you ever have an office at what's now the Julie Valentine Center or what we now call the -- I think it was the rape crisis back then?

A It was the rape crisis center back then. I didn't have an individual there, but there was space for investigators to go.

Q Did you meet with the child at that space or one of the other two cases, or did you recall?

A I'm sure I wouldn't have met with the child there. I would have met with the child at my office.

Q Okay. So you interviewed the child. And what did you do after you interviewed the child?

A So after interviewing the child, I contacted the rape crisis enter in regards to requesting a forensic and a medical exam.

Q Okay. Did you inform Ms. Parker of those appointments?

A Yes.

Q Did she keep those appointments?

A If I can recall, she actually kept the forensic interview appointment, but not the medical.

Q Okay. Did you have to make several phone calls to her about this case?

A I made several phone calls after I found out that she did not keep the medical exam. And I didn't get in contact with her.

Q Okay. Did you -- so you never heard from her after that?

A No.

Q Did you close this case?

A I did.

Q Why did you close this case?

A I closed it after reviewing the forensic interview report. I closed it after that just from the information that was provided inside that report. That

was why I closed the case.

Q What information was that?

MS. MAJOR: Objection, Your Honor. I believe we're getting into hearsay here.

THE COURT: Well, I'll let her testify generally as to what information. She can testify to that without referencing hearsay.

THE WITNESS: Well, the basic information in the report and the reason why I closed my report is because the counselor at that time, basically, stated that --

MS. MAJOR: Objection, Your Honor, hearsay.

THE COURT: Okay. All right. I'll sustain that objection.

BY MR. SHIPMAN:

Q Was there a disclosure of sex abuse at the Julie Valentine Center?

A No.

Q Did he disclose any abuse to you, Vincent S.?

A Vincent S., he didn't -- Vincent S. did not actually disclose any abuse to me. If I may go --

MS. MAJOR: Objection, Your Honor.

MR. SHIPMAN: Your Honor, she hasn't said anything.

THE COURT: I know she hasn't said anything.

You can't talk about Vincent S. s statement, okay. You can talk about impressions, why she closed it, all that, but you can't talk about the statement. You can't offer any hearsay, any near hearsay, which just conveys it in another form.

THE WITNESS: Right.

MS. MAJOR: And I believe she answered -- I believe the question was did he disclose sexual abuse to you? And she said no. And adhered to --

MR. SHIPMAN: Your Honor, I didn't hear a no. I heard some thinking about answering the question --

THE COURT: I tell you what, the jury knows what it heard. I'll let ask you ask the question again.

BY MR. SHIPMAN:

Q Did Vincent S. disclose abuse to you?

A My short conversation with Vincent S., and it was very short because he's four years old, he -- Vincent S. was all over the place. And he, basically, stated that --

MS. MAJOR: Objection, Your Honor.

THE COURT: Can't say -- can't speak to hearsay.

THE WITNESS: All right. What Vincent S. told me is --

MS. MAJOR: Objection, Your Honor.

BY MR. SHIPMAN:

Q You didn't file any charges based on what Vincent S.

told you, did you?

A No, sir.

Q You didn't think you could make a case based on what Vincent S. told you?

A No.

MR. SHIPMAN: All right. Thank you. No further questions, Your Honor.

THE COURT: Any questions?

MS. MAJOR: Your Honor, just briefly.

CROSS-EXAMINATION

BY MS. MAJOR:

Q Captain Cromartie, Elizabeth Parker was listed as the complainant on that report?

A Yes.

Q And the complainant of a report in any type of case, is that just a person who may get in touch with law enforcement to begin an investigation?

A Pretty much, yes.

Q Does that -- can that complainant -- is it possible for that complainant to receive information about a crime from another party and then they go to the police and they still be listed as the complainant?

A Yes, that's very possible.

Q Okay. You met with Vincent S., or Vincent S., in this case?

A I can remember Vincent S..

Q Vincent S., okay. And did he make a disclosure of sexual abuse to you?

A (There was no response.)

Q Did you have concerns after speaking with him?

MR. SHIPMAN: Objection, Your Honor, relevance.

THE COURT: Okay, I think that's the same question that she's already been asked. I'll overrule the objection.

MR. SHIPMAN: Your Honor, asked and answered then.

THE COURT: I'll overrule. You can ask the question.

BY MS. MAJOR:

Q Did you have concerns about -- did you have concerns about his case after speaking with him?

A The concerns that I had -- because of the alleged allegations, from those concerns, that is my reasonings for referring him to the Julie Valentine Center, the rape crisis center at that time for a forensic interview.

Q Okay. But did he tell you a specific instance or allegation of a sexual abuse firsthand knowledge to you? Did he give you that?

A Of an actual sexual abuse, no.

Q But did you still have concerns about this case and is that the reason that you referred it to the Julie Valentine Center?

A Yes.

Q Okay. Did he make any allegations of sexual abuse in that forensic interview?

A I'm not sure because I didn't witness the forensic interview. I referred him for the forensic interview, but I did not stay for that actual interview.

Q Did you review the interview? And I can give you a copy of your report if you need to refresh your recollection. I'm happy to give you a copy of your report if you --

A Yes, I reviewed the forensic report.

Q Was there any allegation of a sexual because from that report?

A No. No.

MS. MAJOR: Okay. Thank you. No further questions.

THE COURT: Redirect?

MR. SHIPMAN: Just briefly, Your Honor.

REDIRECT EXAMINATION

BY MR. SHIPMAN:

Q The actual compliant referred to you was for sexual abuse; is that right?

A Yes.
Q And none was disclosed to you?
A None was disclosed to me.
Q And none was disclosed to the forensic interviewer?
A No.
Q Okay. You didn't file -- you can refer someone for a forensic interview for many reasons, right, not just necessarily sexual abuse?
A Yes.
Q Concern over the household?
A Yes.
Q The home environment they might be living in?
A Yes.
Q If someone, you know, has a chaotic home environment?
A Yes.
Q Okay. So it's for any kind of abuse or neglect?
A Yes, any abuse, any neglect.
Q Okay. So you had concerns about that when he left your office? Or when you concluded your interview with him?
A I referred for a forensic because of the alleged allegations.
Q Okay.

A Due to the alleged allegations, that's why I referred.

Q But he didn't make any actual allegations to you?

A No actual allegations to me.

Q And he made none to the forensic interviewer when he got there either?

A No.

Q Okay. Again, you didn't charge this case?

A I didn't, no.

MR. SHIPMAN: No further questions, Your Honor.

THE COURT: Recross?

MS. MAJOR: No, Your Honor.

THE COURT: Thank you, appreciate you being here today. You may be excused.

Okay. You have another witness you'd like to call?

MR. SHIPMAN: I believe my witness may be out in the hallway.

THE COURT: Okay.

MR. SHIPMAN: Your Honor, may I release Ms. Cromartie from her subpoena if there's no objection?

THE COURT: Yes, sir, you may.

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

forward. Please pause at the end of the bench, place your left hand on the Bible, raise your right hand.

GAYE ALLEN-COOK, after being duly sworn, testified as follows:

THE CLERK: Thank you, please be seated. Please state your name for the record.

THE WITNESS: Gaye Allen-Cook.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. SHIPMAN:

Q Ms. Allen-Cook, I'd like to talk to you a little bit about your educational and work background.

A Okay.

Q Where are you currently employed?

A I'm in the private practice in Florence, South Carolina.

Q The private practice of what?

A I do child and family therapy, I do evaluations, I do lots of work for the family court. They will refer maybe custodial evaluations or trauma and abuse evaluations, things of that nature. My current practice right now is really focused on kind of family work. And a lot of those families have had some type of trauma and abuse element involved in them.

Q Before that, where were you employed?

A Prior to that -- well, let's kind of back up in the beginning. I graduated with my Master's Degree in 2000. And from there, I went to a mental health center in Charlotte, North Carolina. I was there for a couple of years. And at that time, North Carolina was kind of privatizing their mental health community, I guess. And so one of my supervisors was starting a private practice, invited me to join and I did. I stayed there for a couple years and wanted to get back home, to be honest, which is Florence.

So I left there, went back home to Florence and then became employed at one of the child advocacy centers in Florence. It's called the Durant Children's Center. At the time I worked there, it was the only child advocacy center in Florence. Now, there are two. From there -- I always kind of had a desire, I guess, to go back into private practice. So from there, I went into the practice that I'm now currently in.

Q The Durant Center, that's a child advocacy center?

A That's correct. It would be the equivalent, around here, you call it Julie Valentine Center. It's the same thing.

Q But you did the same services as Julie Valentine in Greenville, but in Florence?

A I did. When I was at the Durant Children's Center, I did forensic interviewing, lots of peer review. I actually helped them start their therapy program there. Most of your child advocacy centers are kind of what they call one-stop shop where a child can come in, have the forensic interview and then any other services. At that time, the Durant Center did not have a therapy program. So I helped them start that program when I was there.

Q How long were you there?

A I was there I think -- it's been a while ago, I think it was around two and a half, three years, somewhere in that ballpark.

Q Now, you said a minute ago you have a Master's Degree. Let's start at the beginning with that. What's your undergraduate degree in?

A Okay. My undergraduate degree is a Bachelor's of Science in early childhood education. From there, I went and got my Master's in clinical counseling. Then from there, I went and did some postgraduate studies at Gardener Webb University that were pretty focused in trauma and abuse. When I joined the mental health center in Charlotte, North Carolina, the lady's position that I took was kind of, I guess you'd say, an expert in the field of trauma and abuse. I, at that time, was not. I had just gotten out of school, had not really done a lot

of work in that field, so I felt like I needed to educate myself if that was going to be the population I was going to be working with. So went over to Gardner Webb, did some classes there. Had some real good supervision and leadership by the professor that was kind of the head of that program.

Q That postgraduate study at Gardner Webb, what was that focused in?

A Primarily, child trauma, child abuse, dynamics around that. Just things that I felt like I needed to learn that Master's program in counseling had not really afforded me specifically.

Q Did you study any child psychology during that time as well?

A I did. Throughout my undergrad, my graduate programs and lots of postwork, I'm very fascinated in the field of development and psychology and family dynamics and how all that kind of operates together. So I would tell you that the majority of classes I've taken since getting out of school is focused on that. I have to have 40 hours every two years to renew my license. So I usually kind of combo that. I'll do maybe half of it in like development and family dynamics. And usually the other half, I'll do in more like trauma, abuse, that kind of stuff.

Q Okay. Now, where did you get your Bachelor's Degree from?

A Sorry? Francis Marion University in Florence.

Q Okay. Where did you get your Master's Degree from?

A Did it at Southeastern Baptist college.

Q Where is that?

A In Wake Forest, North Carolina.

Q Okay. Then you said you did the postgraduate work at Gardener Webb, where is that?

A That's in -- I think it's called Boiling Springs, right outside of Charlotte.

Q Okay. And you do continuing education every year?

A I do.

Q Have you been employed as a forensic interviewer?

A I have.

Q Are you -- do you have any licenses or certification?

A I'm licensed to practice in the State of North Carolina. I have an LBC, which means license practicing counselor. Prior to that, I was licensed in North Carolina when I practiced there. And through the program -- go ahead.

Q I think you said North Carolina twice, are you licensed in South Carolina and North Carolina?

A I currently don't maintain my license in North Carolina anymore because Florence is my home and where I plan to stay. But prior, I was licensed in North Carolina.

Q And you're licensed is South Carolina?

A Currently, yes. And have been for years.

Q Do you have any other certifications?

A Through the program that we use for trauma and abuse called Trauma Focus Cognitive Behavioral Therapy, you're allowed to apply for what they call a national certification in that. I applied for that and was granted that. So that's considered just a national certification in trauma and abuse.

Q And you work as a guardian ad litem?

A I do.

Q Okay. Have you testified before for the State?

A I have.

Q In criminal prosecution?

A I have.

Q Have you testified for the Defense?

A I have.

Q Okay.

MR. SHIPMAN: Your Honor, at this time, I would

offer Ms. Allen-Cook as an expert in family dynamics, child psychological development and delayed disclosure.

THE COURT: Any exceptions or voir dire?

MS. MAJOR: Yes, Your Honor.

THE COURT: Which one?

MS. MAJOR: If I could, I would like to ask the witness some questions.

THE COURT: All right.

Ladies and gentlemen, we talked about the voir dire yesterday. So Ms. Major is going to conduct voir dire relevant to qualifications and qualifications only.

VOIR DIRE EXAMINATION

BY MS. MAJOR:

Q Okay. You said that you have been qualified as an expert in court before in general sessions court?

A I have.

Q And how many times would you say you've been qualified as an expert in general sessions court?

A Well, I have the specific numbers on my CV. I don't want to perjure myself. I know it's over a hundred. I think it's around 175, but somewhere in that ballpark.

Q In criminal court or in family court?

A In criminal court. In 19 years of practice.

Q Okay. In the last year, what areas specifically have you been qualified as an expert in?

A You mean specifically in criminal court?

Q Yes.

A I would say in family dynamics and child development and how that impacts disclosures, how that impacts --

Q I'm sorry, I don't mean to interrupt you. I don't need what your testimony has been, but do you recall exactly what the State has qualified -- in what area you have been qualified as an expert in?

A Yes. Both the State and Defense, I've worked for. I would say it's been in this area of child abuse dynamics, delayed disclosure, child development, family dynamics. I would say those pretty much encompass it.

Q Okay. And you are not a psychologist?

A I am not, no, ma'am.

Q Or a psychiatrist?

A No, ma'am, neither.

Q And you say your continuing education credits, that half of those are for trauma focused areas?

A Yes, ma'am. We have to have 40 every two years. So, of course, we can choose what we want to do those in. I guess, my choosing is typically in development and then normally in trauma and abuse. I kind of do a hodgepodge

of those.

Q What do you mean by development?

A Like, maybe -- one of them I just took not too long ago was child development and the impact on disclosure, that was the title of it. Child development, obviously, can encompass lot of things, but, typically, what it means is just how children grow, how different parts of maybe their mind and their psyche develop, things like that.

Q Does your training regarding child development have a trauma part to it? Is that -- do you look at child development and children who have been affected by trauma and how it affects their development?

A I have taken classes on that, yes, ma'am. And I've taken them just in normal child development. I'd say both.

Q Okay.

MS. MAJOR: All right. I don't have any objection, Your Honor.

THE COURT: Okay. All right. Good enough. So this witness is so qualified as requested.

Ladies and gentlemen, I defined expert witness, I told you it's just like any other piece of evidence that you receive. You decide if it's credible and you decide what weight it has.

THE COURT: Okay, Mr. Shipman, you may proceed.

MR. SHIPMAN: Thank you, Your Honor, may it please the Court.

DIRECT EXAMINATION

BY MR. SHIPMAN:

Q I'm sorry. Okay, I said we'd pick up where we left off. You're qualified in the field of family dynamics, child psychological development and delayed disclosure?

A Correct.

Q Okay. Now, you were here, I can't even remember the date anymore, but I believe it was Monday when Ms. Galloway-Williams testified?

A It was yesterday.

Q Tuesday?

A Yes.

Q And you observed her testimony?

A I did.

Q Okay. And she talked about delayed disclosure?

A Yes.

Q She gave several reasons to explain delayed disclosure?

A She did.

Q Are those accurate reasons?

A Yes.

GAYE ALLEN-COOK-DIRECT CONTINUED BY MR. SHIPMAN

Q Are they the only reasons?

A No, I don't think so.

Q Could a lie, whether it's malicious or not or false --

MS. MAJOR: Objection, Your Honor, I would object to leading.

THE COURT: Okay. I sustain. You can just ask her questions.

BY MR. SHIPMAN:

Q Okay. What is another reason for delayed disclosure?

A Sometimes when children are not telling the truth, they can delay in their disclosure.

Q It would be an apparent delay if that was the case; is that right?

A It could be, yes.

Q So they may say something happened in the past, but -- and it appears like there's been a time between the incident and the disclosure. That's what I mean by apparent, is that -- you know, they would just, basically, say it happened at an earlier date and that would appear to be a delayed disclosure?

A It could be, yes.

Q Okay. Are children capable of telling lies?

A Yea, all human beings are capable of telling

lies.

Q What kind of factors would lead to a child telling a lie?

A I mean, I think there are lots of things that could impact that. I mean, sometimes it could be their age. Sometimes it could be the dynamics in which they're growing up.

Q What do you mean by that?

A It could be -- as little people, when we come into the world, we're shaped by the big people who surround us, obviously. And so, some children, sadly, are shaped by people who have tendencies to lie more than just what is normal, I guess you'd say, because all people lie. So when a child is in their formative years when that's kind of their example for who you're supposed to be as a grownup, that can obviously impact them and teach them that it's okay to lie.

Q Okay. Now, are you familiar -- in your field of work, do you rely on things like published journals to keep up to date?

A Yes.

Q Okay. Are you fairly wide read in those reports?

A Yes. I mean, I would say so. Some months more so than others.

Q Are you familiar with the publication Advances in Child Development and Behavior?

A I am.

Q Are you familiar with the work of Drs. Victoria Talwar and Angela Crossman?

A I am.

Q Okay. Would you consider them to be reliable sources in your field for information?

A Yes.

Q Now, is this a peer reviewed source?

A Yes.

Q Can you explain what peer review means?

A Peer review is whenever someone in our field specifically publishes something or is maybe researching something or is putting together a document, oftentimes, peers, other people who do that same profession, will come in and opine as to whether they think what's in there is accurate or inaccurate. And I would say, in most fields, things are peer reviewed.

Q So would an article be peer reviewed before publication?

A I would say an article that was appropriate would be peer reviewed before publication, yes.

Q So that means it would have faced some sort of scrutiny before it appears in a publication?

A Yes. The publications that I read, I wouldn't subscribe to them to use them to help me gain information if they weren't.

Q Okay. I'd like to read you a bit from an article by Doctors Talwar and Crossman from Advances in -- I forgot the full title. Give me just one second. Advances in Child Development and Behavior. And can you tell me if you think that's a fair statement of the latest knowledge of the field?

A Okay.

Q Okay. It says -- describes lying as an interpersonal exercise developed through social influences as well as cognitive maturity.

Would you consider that an accurate statement of the latest knowledge in your field?

A I would.

Q Can you kind of explain in layman's terms what that means?

A Cognitive development is just where the brain develops and how parts of our brain develop into personal relationships. So somewhat just as I described earlier where people are exposed to other people. And when you're a little child, normally, the people that you're exposed to the most would be your family, your mom, your dad, your grandmother, your grandfather, whoever is responsible for

your day-to-day caregiving.

Q I want to ask you about another piece of this article. It says, The most proximal of cultural influences come through direct socialization.

Can you tell me what that means?

A Direct socialization is exactly how it sounds, it's how we're socialized. It's how maybe a child interacts with another child or how a child interacts with an adult. It's just how they learn to be social.

Q Okay. It says, One study of the prevalence of boys reported anti-socialized found an association with maternal rejection.

Would you consider that an accurate reflection of the state of knowledge?

A Yes.

Q Okay. Can you explain what that means a little bit?

A I mean, all children want to be accepted by their mommy. Maternal rejection means that you're not getting that. And so, oftentimes, children will do just about anything to be accepted and approved by their parent, main so, their mother.

Q And it goes on to say, Exposure to harsh disciplinary style might predict the development of anti-social deception.

Are you familiar with that?

A I am.

Q Can you explain what that means?

A I mean, I think when children are exposed to over discipline or inappropriate discipline, whatever word you want to use, it can certainly develop into anti-social behaviors. One of those being lying.

Q Would that be to avoid harsh discipline, for instance?

A Yes, I think it could be. It could also be just to have acceptance.

Q Okay. Now, it says, similar -- or excuse me, it says, Lower social economic status might also predict children's anti-social lying, although the findings on that are mixed.

Are you aware of that?

A I would agree they're mixed, yes.

Q And it says, Similarly greater levels of parenting stress and single parent family structure in the home may be related to children's lie telling indirectly through less adaptive parenting.

Can you explain what that means?

A Well, I think it would be logical to say that when a child is growing up in a family that's chaotic, you know, that maybe there's a lot going on, there's a lot of

stress, be it one parent or two parents in the home, that obviously affects the way that child responds to the world and can thus develop into anti-social behaviors.

Q The article kind of sums all this up. Tell me if you think this is a fair summation. It says, Overall, these results suggests that anti-social lies may develop earlier and be relied on more extensively among children from harsh chaotic or high risk family environments.

A I would agree with that.

Q Could a child lie to please a parent?

A Yes.

Q Okay. Are you aware of any studies that show that?

A I mean, there are all kinds of studies in my field. There are some that support that. I guess, there are probably some that deny that. I would tell you, what I rely a lot on is my 19 years of practice, and in all the families that I've dealt with, all the children that I've dealt with. So that is what I would rely on a lot, too.

Q Well, let me ask you about the publication developmental review. Are familiar with that?

A Yes.

Q Is it peer reviewed?

A Yes.

Q Okay. I have an article here, also, by Dr.

Talwar and Crossman. And again, they're experts in your field?

A They are.

Q Okay. Now, they cite to a study -- or they cite to several studies that say other lies that children may tell are often to obtain a reward. And these may be motivated first, by desire for material benefit and later, by a desire for social rewards. So can you describe what material benefits versus social rewards would be?

A Means children can lie to, obviously, gain material things. If you say this happened, then I will give you this. Or if you say this didn't happen, I will give you this. And they can also, as the article says, lie for affirmation of other adults.

Q So it could be important -- the article list another reason as to be seen as important or credible by adults. Is that basically what you're saying?

A Yes.

Q Now, are you aware of any studies that have looked at the ability of adults to tell if a child is lying by the way they present?

A Yes, there have been studies on that.

Q What have those studies shown?

A There have been lots of behavioral studies to where, you know, there have been, I guess, you could say

scenarios set up where children would be in a room and they would hide a ball or move something in the room. Then the parent would then come in. And depending on how that parent reacted, that child then may or may not change their story as to whether or not they hid the ball. A lot of behavioral studies have been done on lying.

Q Are you aware of a study where children were told to and coached by their parents to tell a plausible, but untrue story and then have strangers come in and listen to the story and try to decipher or discern whether it was true or a lie based on just that observer's observation of the child?

A There have been studies on that, yes.

Q What have those studies shown?

A Most of them have shown that the response of the adult then affects what a child says or whether or not they sustain their lie or then retract their lie.

Q How accurate were the adults in their initial discernment of whether it was a truth or a lie?

A The study that I read was 50/50.

Q So chance?

A Yes.

Q So just to be clear, you know, there's two sides to a coin. You know, so I don't know if anybody -- there's only two options, right? If you're doing this

kind of stuff, it's either true or false?

A I would say so.

Q Is that right?

A Yes.

Q So you have no better chance of figuring that out than flipping a coin?

A I would say that's what 50/50 means, yes.

MR. SHIPMAN: Your Honor, I have no further questions.

THE COURT: Ms. Major.

CROSS-EXAMINATION

BY MS. MAJOR:

Q Ms. Allen-Cook, this study about the parent coaching the child and then, I guess -- correct me if I'm wrong, but I think I heard you say that a parent goes in and tells the child to lie, tells them to lie and then leaves and another adult comes in and the adult ask the child to repeat whatever the parent has just told them. Is that the study?

A That was one of the studies he was citing, yes.

Q Okay. And the adult who was not the parent who was told this lie has a 50/50 chance of determining whether it is a lie or not; is that correct?

A Yes, that's correct.

Q Okay. What was the child told to say in those

studies?

A The study that he referred to, there was things, I think, about the weather, things about whether a ball was hidden, things of that nature.

Q Okay. Was it single lies or was it a complex story that the child had to remember?

A In that specific study, it was single.

Q Okay.

A There have been studies on the latter that you just talked about, too, though.

Q Tell us about those.

A There have been studies mainly in the field of child abuse where, you know, children have --

Q Can I stop you right there?

A Yes.

Q There have been studies where children -- children's parents have told the child, tell them you were sexually abused, tell them they did these horrible things to you and the child is supposed to repeat that to another adult?

A There have been studies on that. And sadly, in my practice, I have seen that happen, unfortunately.

Q What studies are these?

A There are lots of studies in the field of child abuse where a parent -- you know, not even just a parent,

any adult could -- I'm sorry.

Q I mean, the blind -- I guess these clinical studies. Are you testifying that there are clinical studies where a parent comes in and tells the child a lie about being sexually abused, and then that child is told in the study to repeat this sexual abuse lie to another adult and that adult is told whether to determine whether the sexual abuse story is a lie? They've made clinical studies about that?

A No, no, that's not what I'm saying. What I'm saying is sadly, in my practice, I have seen that. I have seen where, you know, because of the dynamics that a child is growing up in, a child has been told to say something and to continue that. And then either A, the child will come back and say no, that didn't happen, or the child will then continue that story based on what the parent wanted them to say.

Q Okay. Why -- who would you be treating in that situation?

A Children who've been traumatized and abused.

Q Do you still treat this child who maintains this lie?

A Yes. I mean, you then have to come in and try and continue the work and see what you can do to help repair that child. Sadly, in 19 years, I've seen that,

goodness, probably, I'm just guessing right now, but 15, 20 times, I've seen that happen.

Q How many times have you seen a child tell the truth about sexual abuse?

A Probably about 75, 80 percent.

Q Okay. You -- what is anti-social behavior?

A Kind of layman's term would be exactly how it sounds, inappropriate social behaviors. Whether it be inappropriate language, whether it be stealing, lying, things of that nature. Things that are not socially acceptable.

Q Okay. And those treatises or articles from which Mr. Shipman read to you, I believe a lot of them referenced anti-social behavior in children who have been traumatized or exposed to a chaotic life or had discipline -- had parental problems. They -- what he was reading referenced anti-social behavior, was that accurate?

A Correct.

Q Yes. So that type of behavior could include violence, stealing, all sorts of bad behavior in addition to lying; is that correct?

A Yes. It's exactly like it sounds, anti-social. Something out of the social norm, things that we would not deem to be socially appropriate.

Q Okay. And you said that children will lie to be accepted and children will lie to avoid harsh punishment. Children will lie to please a parent. And children will lie for affirmation and lie to obtain a reward, whether it be material or social. Is that correct?

A And those were from the study that he was citing, yes, ma'am.

Q On all of those examples, the child's getting something out of this lie; is that correct?

A Yes, I would say so.

Q Okay. And are you familiar with the source in a Snow article about the five stages of disclosure?

A I am.

Q What are those stages?

A I don't know that I can recall those right off my head, but I have read that study a lot of times.

Q The denial stage, tentative disclosure stage, active disclosure stage, recantation disclosure stage and reaffirmation stage, does that sound --

A Yes, that's correct.

Q And the recantation stage, what is that?

A That is when a child says something happens and then comes back and says it didn't happen, which means they've recanted their story. They've taken back what they said before.

Q Okay. And then the reaffirmation stage is what?

A That is when a child has said something happened and then they come back and reaffirm that, continue to say that yes, it happened.

Q And the stages of disclosure, that's not necessarily how every case goes, correct?

A Definitely not.

Q Not every child will recant?

A No.

Q But some will recant?

A Correct.

Q So they will lie about lying?

A Yes, they can.

Q Something happened to me, oh, wait, I was lying about that and then come back and say, actually, I was lying about lying, this did happen to me. That can happen?

A Yes, that is part of recantation, yes, ma'am.

MS. MAJOR: All right. Thank you. I don't have any further questions.

MR. SHIPMAN: Briefly, Your Honor.

THE COURT: Yes, sir.

REDIRECT EXAMINATION

BY MR. SHIPMAN:

Q Are you familiar with a study that involved kids

having to come up with a common, but not necessarily universal event, like camping, and then having to tell that to neutral observers?

A I know there was a study done on that. You'd have to give me some more details, I'm sorry.

Q Okay. So this was a study conducted by Talwar and others. It investigated adults' judgments of the veracity of children's coached, true and fabricated reports during a mock court proceeding. Undergraduate students viewed the video files of children between the age of four and seven describing events that are common, but not universally experienced, such as going camping. Half of the children gave true accounts, half of the children gave false accounts. Children assigned to the false condition were coached by a parent to describe an event they never experienced. Then when adult lay people were brought in, it was about chance and figuring out which ones were coached and which ones weren't. Do you recall that?

A Yes.

Q Reading about that study?

A Yes.

Q Okay. Now, these five stages of disclosure, that is not a diagnostic tool, is it?

A No. It's not my understanding that the writers

of that ever expected it to be diagnostic. Usually, in the field of child abuse and trauma, when those things are written, even about child abuse dynamics and things of that nature, there are minutes made for us to kind of glean from them, to learn from them. But this field is not an exact science, so most of the articles and the literature on it have to be read with the understanding that it's not an exact science.

Q The field of disclosure?

A The field of child sexual abuse.

Q Okay. And so these five stages aren't meant to determine whether anyone has, indeed, been abused?

A No. It's my understanding that that article was written to explain disclosure, to explain how children disclose and the different types of disclosure that could occur.

Q It's more just a description of what has been observed, not necessarily a tool to find out if it has actually happened?

A I would say I, in my work, would deem it as an explanation is kind of the way I look at it of disclosures and how they occur.

Q But it's not necessarily -- again, it's not a detection tool, or a detection, I don't know how to describe it, but it is not like an algorithm to determine

if -- you know, you wouldn't necessarily start at stage one and end at stage five?

A No. My understanding of the study was it was never written to be diagnostic. It was written to explain disclosures.

MR. SHIPMAN: Your Honor, no further questions.

MS. MAJOR: Just briefly, Your Honor.

THE COURT: Yes, ma'am.

RECROSS-EXAMINATION

BY MS. MAJOR:

Q In that study about the child that Mr. Shipman just referenced, about the child having to tell a lie about something that may be common, but unusual or however it was phrased about may be telling a lie about camping, do you know that if in that study, those children were asked to repeat that lie two years later?

A I don't know of that in study, no, ma'am.

MS. MAJOR: Thank you.

THE COURT: Okay. All right. Thank you, appreciate your being here.

THE WITNESS: Thank you, sir.

THE COURT: Okay. Mr. Shipman, do you have any additional witnesses you'd like to call?

MR. SHIPMAN: Your Honor, we would. I'd like to take up a quick matter of law, then I believe we have

MR. SHIPMAN: I believe so, Your Honor.

THE COURT: Okay.

While y'all are doing that, Mr. Gibson, you can go ahead and take a break if you need to.

And we're going to come back in five minutes till the hour, okay.

MR. GIBSON: Thank you, sir.

(WHEREUPON, a short break was taken.)

THE COURT: All right. Mr. Shipman, you ready?

MR. SHIPMAN: I believe Ms. Johnson is.

THE COURT: Ms. Johnson is ready.

All right, bring the jury in, please.

(WHEREUPON, the jury came into open court at approximately 2:57 p.m)

THE COURT: Ms. Johnson, would you call your next witness, please?

MS. JOHNSON: Yes, sir. The Defense calls Otis Gibson.

THE CLERK: If you'll please come forward. Please pause at the bench, place your left hand on the Bible, raise your right hand.

OTIS GIBSON, after being duly sworn, testified as follows:

THE CLERK: Thank you, please be seated. State your name for the record.

MR. GIBSON: Otis Edward Gibson.

DIRECT EXAMINATION

BY MS. JOHNSON:

Q Mr. Gibson, did you do what you're accused of doing?

A No, I did not.

Q How old are you?

A Forty-nine.

Q Where were you born?

A Greenville, South Carolina.

Q Where did you go to school?

A Berea High for a year -- I mean, Parker for a year, then Berea High School.

Q Tell me about your parents.

A Gladys June Gibson and William Edward Gibson.

Q Are they still alive?

A No, they're deceased.

Q When did they die?

A November the 16th, my dad, and Mother's Day 2017, my mom passed away.

Q In 2017?

A Yeah.

Q Tell me about your work history. What kind of jobs you've done?

A First job, I washed dishes at Tucker's,

dishwasher, just on Saturdays. When I was 18, got a job at Greenville News. Worked there for about nine or ten years. Then went back to Tucker's, cooked. I worked at the Waffle House for about three or four months. And I worked at [indiscernible] for about two years. Then I went to chicken farm.

Q Where do you currently work?

A Chicken farm.

Q How long have you worked there?

A Five years.

Q Okay. And let's talk about [redacted] Birnie Street.

A Okay.

Q Tell me about that address.

A Well, that was my mom and dad house. That was their house. They rent the house.

Q Okay. How long did you live there?

A Off and on, off and on. When I was 12, we moved over there. I left when I was 18. My mom still stayed there. I was off and on over about 37 years, 38 years, you know.

Q Okay. When you lived there in 2017, once your mom died, how long had you been living there?

A About a month, about two weeks, three weeks by myself.

Q And before that, you lived with your mom there.

How long did you live with her there?

A Me and my mom -- huh?

Q How long had you lived with her there?

A About seven years.

Q Okay. You said she died on Mother's Day in 2017.

A Yeah.

Q Okay. What was your living situation after your mother died?

A I took her room. I had the back room, but I moved to her front room. And that's about it. I took her room.

Q Did anybody else live there?

A Yeah. Well, Allen, a friend of mine, Allen, I let him move in. And we stayed together about -- we been there about a month, about a month before.

Q What was your arrangements with Allen?

A He paid me $200 every two weeks.

Q To live there?

A Yeah.

Q Okay. Now, let's talk Gina Barros. How do you know Gina Barros?

A Seventeen years. I mean, met her over there on Second Street at her grandpa, Gordon Wells.

Q What were you doing when you -- where were you

working?

A I was working at Tucker's at that time.

Q Is that how you met her?

A Yeah.

Q You said you've known her 17 years?

A Yeah.

Q Did you ever live with her early on or did she ever live with you early on?

A Yeah.

Q Tell us about that.

A I lived at Tucker's house about a couple years, moved in. I mean, I moved in. Well, let me back up, let me back up a little bit. I lived on Third Street, Woodside, in the barn house, I moved back -- I moved to the house, the owner, Janice's big sister owned it. The rent was cheaper, so I just moved over there.

Q Okay. And did Ms. Barros at any time live with you?

A About a month.

Q Okay. Tell us about that.

A She had -- I had the bedroom, she had the pull-out couch.

Q Okay. And that lasted a month?

A About a month, month and a half.

Q Why did that last a month?

A I guess everything was -- well, I don't like a lot of people. I just like to be by myself, you know. But when you steady having people coming over without asking me, we got problems.

Q Okay. So there were a lot of people in the house?

A Few people come over there without asking me, so, you know.

Q And you heard testimony about her dropping $1200 for rent, did that happen?

A No.

Q What happened?

A Me and my friends, Danny and Kelly, who I knew about 20 years, we went out to eat. And we went somewhere, I forgot where we went out to eat at. But I bought -- well, I got paid that Friday, so I had money. We just went out to eat. It wasn't a big deal. The bill wasn't that high. And I paid for it. I offered -- if I take you out to eat, I suppose to pay for it, so I paid for it. And what the $1200 come in at, I don't know about $1200.

Q If somebody is going to help you with rent, you're not going to turn it down?

A Must be crazy, but, no.

Q And did you know anything about her children or

have any dealings with her children, I guess, when you lived at Woodside or when you worked at Tucker's?

A Well, I know Vincent S. and -- Vincent S. and -- what his -- Vincent S. and -- I can't think of the other name now.

Q Miguel?

A Miguel. They was good kids. I mean, they was good kids. Just --

Q What did you observe with those children?

A Just dirty. Dirty Pampers.

Q Who were they living with?

A They was staying with -- they was at Gordon's, so that's what I expect. She was staying with Gordon and them over there.

Q Okay. So let's come back to May of 2017, right after your mother died.

A Okay.

Q And what led to Gina Barros moving in about that time?

A Well, I -- well, I had a phone call. So I answered my phone. It was her. I told her no. She had the kids. When she asked to move, I said no.

Q Okay well, let me stop you. Why did you tell her no?

A Because I just didn't want the headache and -- I just didn't want the headache with all this.

Q Okay. What happened after that?

A About a week or two later, she called me back. She said -- then I said, oh, okay.

She said, Well, me and Tamika, we going to get a house together. I just need two weeks so we can get a place.

I said, All right. I said -- my better judgment, I said -- I knew I should have stuck to my guns, but I said, Okay, I'll give you two weeks to find you a place to go.

She said, I'm going to get a place.

Q Okay. Do you know about what time that was or what month that was? May or June?

A About June, about June or July.

Q Okay. What was your understanding of the arrangement for her to move in?

A I mean, just keep up the -- clean up, do something. I mean, I don't know, I believe she had a job. I don't know if she had a job or not. That's been a while, so.

Q Did you expect her to help with the household, I guess, bills?

A Yeah, I thought, that's what I thought, but.

Q And for how long did you think she was going to be there?

A I thought it was going to be about a month, two, until she got saved up. You know, her and Tamika was going to get a house together. That's what I thought.

Q Okay. So when did Minor 1 move in?

A About middle of June.

Q And did you want her to move in, Minor 1?

A I didn't at the first time, but -- I mean, no, not really, I didn't, but she didn't have nowhere to go. The understanding was Big Teia, her godmother, dropped her off. But she the one had her on the weekend, Gina had her on the weekend and found out it was -- all this other stuff was going on. So she stayed.

Q Okay. And so Minor 1 didn't initially come with Gina?

A No, she got her on the weekend.

Q Okay. But she didn't initially come with Gina?

A No.

Q Okay. Describe living with Gina.

A Truth?

Q The truth, yeah.

A You know they say war is hell, that's about what it was. It was just -- just -- I wasn't born -- you know, we were raised to clean up behind ourself, you know. That's what we did. That's the way I was raised by my mom and dad. All the kids were born and raised like that.

But, I guess, it didn't work out that way. It just like --

Q What kind of house did Gina keep?

A Room stayed dirty, junky, wouldn't pick up behind -- I picked up behind Minor 1, through the kitchen and all this. It was rough. Even my own niece wouldn't come over, none of my nieces wouldn't come over. Sister wouldn't come over. Brother wouldn't come over. So that's --

Q Like the trash pile from the video in the floor, was that normal with Gina living there?

A Yeah.

Q Okay. Was that how you lived before they moved in?

A No.

Q And, you know, what was your reaction or what did you try to do?

A I should have never -- I should have stopped it right there. But I'm too nice of a person, I guess, to let it, you know, just --

Q Did you ever voice your frustration?

A Yeah. I just told her this -- y'all going to have to find another place because I can't live like this.

Q How many times did you say that?

A About three or four times.

Q Okay. Do you remember exactly when you said that?

A I know it was about like a month before Thanksgiving. Because that's when everybody -- that's when Allen, Terri, Terri boyfriend, Gina and her son, like, everybody was in the house.

Q Okay. Let me stop you there.

A Okay.

Q Tell me about Terri, who is Terri?

A Supposed to be her aunt?

Q When did she move in?

A About September, about middle of September.

Q Did she bring anybody else?

A She came by herself, but she asked me like two weeks later, her boyfriend was coming down.

Q Okay. What were the arrangements you had with Terri?

A She said she'd pay me $300 a month or $400 a month. She'd get a job and she'd help out. I said okay, that's fair enough. But too many -- go ahead.

Q What about Ahkeem?

A I don't know. I mean, he moved in. The deal with that was he was supposed to come down, got him a job. Because he was talking about getting his own place. And I told him I'd get him a job at the chicken farm, but he had

to get his social security card. He didn't have a social security card. So they ain't going to let you work without a social security card.

Q How was he around his sister?

A Ignore her. You know, like every brother ignore their little sister, ignore their brother. I got three sisters, so.

Q But you thought he was going to, ultimately, pay you for living there?

A Who Ahkeem?

Q Ahkeem.

A He said he was. Well, he was -- he was waiting on his mom -- his grandmom or mom, whatever you want to call her, Gina's mom supposed to send him a social security card. Supposed to get his social security card. That's one thing, he had to fill the application out. He got the job, but he couldn't work without a social security card.

Q Okay. Was there a lot of arguing with you and Gina?

A Yeah, it was.

Q And what was that arguing about?

A House cleaning.

Q Anything else?

A Minor 1. I mean, just.

Q Any conversations in front of Minor 1?

A Yeah. I mean, I had to tell her to shut -- I mean, I had to use the F word about four or five times. Minor 1 would be right there and I don't know what made her pop off. I was molested by this and this. I had to tell her to shut the F up. Saying that in front of the kid. I mean, she's right there. This is like three or four times. It was like boiling point you doing that. I mean, really, it wasn't no sense in you doing stuff like that, saying stuff like that in front of the kid.

Q Three or four different times?

A Yeah, like three or four times.

Q Go into details?

A I just tell her shut the hell up. Excuse me, my language, I'm sorry. I'm sorry about cussing, but that's.

Q That's okay. Why was it so hard to kick them out?

A They ain't have nowhere to go. Well, she bought a Jeep. And she said she was going, but Minor 1 kept saying we can go sleep in the jeep. I told them go ahead, bye, go. You got it, bud. Go sleep in the damn thing. I don't care. I don't care no more. That's what I said, that's the way I put it. That's what I said.

Q Where was that jeep?

A It was at Gordon's. It was broke -- well, she

had it at somebody house. It broke down, they supposed to fixed it, but never did get it fixed, then they had it towed to Gordon's house.

Q Okay. Did you ever give Gina an ultimatum to leave?

A Yeah. I told her just going to have to go. This --

Q Do you remember when that was?

A Not straight off my head, but about -- had to be somewhere in November.

Q Now, you're bringing people in, but you're trying to kick other people out, why is that?

A I guess -- well, Terri and her boyfriend, it wasn't -- Terri helped clean and she was paying me. Her boyfriend was staying there. Allen was paying me. Allen stayed quiet. Ahkeem, he didn't bother me. He just -- he stayed up all kind -- he stayed up all night. He didn't bother me none.

Q Okay. Was there any fighting with Gina and Terri?

A Well, they had an argument. Yeah, it was about Terri was -- I forgot what that was about. It was about who house it was. Gina said it was her house. And I said, no, it's still my damn house. It was my house to begin with. It was started over -- I forgot what it

started over. It started over something. It started over something. I forgot what it started about.

Q Okay. As far as watching Minor 1, who watched Minor 1?

A Well, if I was asleep in my room, Terri would watch her.

Q What about Ahkeem, did he ever watch her?

A Not that I know of.

Q Now, there's been some testimony about Minor 1 sleeping in the bed with you.

A Yeah.

Q Is that true?

A Yes.

Q Did you do what you're accused of doing?

A No, I did not.

Q How did you sleep?

A Well, I slept -- when I slept, I slept with short, T-shirt, socks and facing -- I sleep facing the door. So my back was turned against the wall. And I'm --

Q Okay. When did things kind of get out of control with Gina living in the house?

A It was just out of control for like two -- like a couple of months.

Q Okay. Had you expected to keep them in your house?

A No.

Q On the night of the incident -- or excuse me, the night the police came, what happened, I guess, first with you and Minor 1 and Gina?

A Minor 1 was on the bed, I was on -- I was on the front, she was in the back. She was in -- Gina was in the recliner.

And Minor 1 said, Momma, I got something to tell you.

She said, What?

And so I -- you know, I -- she wouldn't say it.

Minor 1 said, Let's go in the kitchen.

So they went in the kitchen. I had to go use the bathroom. It's my house, I got the right to use the bathroom. So I went to the bathroom, came back out and it was just like -- well, she said that I stuck my thing in her rectum. I was like dumbfounded. I'm just like, what? I was just dumbfounded. I couldn't say anything. Couldn't react. I'm just like what?

MS. JOHNSON: Beg the Court's indulgence.

THE COURT: Yes, ma'am.

BY MS. JOHNSON:

Q Otis, when you sleep, where in the bed do you sleep?

A I sleep on the edge.

Q That's the edge closest to the door?

A Yeah, that's -- I like to sleep on the edge. It was a big bed. I slept on the edge.

Q So are you on your left-hand side?

A Yeah, facing the door.

Q So your body is facing the door?

A Yeah.

Q And your bottom is facing the wall?

A Yeah.

Q Did you expect Minor 1 and Gina to live in the house with you this long -- or that long?

A Not really.

Q How long did you expect them to stay?

A Well, I thought it was going to be like everything finished with her and Tamika, instead of me just saying this ain't going to work, I mean, I just let them -- I mean.

Q Did you ever get any help with any household bills from Gina?

A No. But once. One time. She gave me a hundred dollars to pay one cable bill.

Q Okay. Otis, you've heard these allegations, are they true?

A No. No, it's not.

MS. JOHNSON: Please answer any questions Ms. Major has.

MS. MAJOR: May it please the Court.

CROSS-EXAMINATION

BY MS. MAJOR:

Q All right. Mr. Gibson, who is Tamika?

A A friend of Gina's.

Q Okay. Okay. So you've known Gina for 17 years; is that correct?

A Yes, ma'am.

Q Did y'all have a good relationship for those 17 years?

A Yeah.

Q Were y'all friends?

A Yeah.

Q Were you good to her?

A Yeah.

Q A good friend to her?

A We just friends.

Q I don't mean anything elicit about were you good to her, but were you there to support her, you know, friendship-wise?

A Yeah. Friendship, yeah.

Q Was there any romantic relationship between the two of y'all?

A No.
Q Was there every any hint of it?
A No.
Q Okay. Did she ever make a move on you?
A Once.
Q Tell us about that.
A It was in my room. She jumped on me. I told her I'm going to wait till I get married.
Q Okay. Has Gina had a hard life?
A She said she did.
Q Okay. Was she unstable from when you knew her over those 17 years?
A When you drink everyday, I guess she did have a problem, so I did consider that.
Q Did you disagree with some of parenting decisions?
A Between then and now or just --
Q Just over those 17 years?
A Yeah.
Q I mean, I think you said that the kids were dirty?
A I mean, yeah.
Q Would she put her kids in harms way? I mean, would she create a harmful environment for Vincent S. and Miguel?

A I wouldn't put it that far. But you still can't let your kids run around with dirty clothes on and dirty Pampers and stuff like that.

Q Okay. All right. And Minor 1, do you remember when she was born?

A Yeah, [redacted], '09.

Q Okay. Did you -- I know we've talked about her birthday, did you know her birthday before, that it was [redacted] before 2009?

A That's when she had it, I mean.

Q Did you know that before the last week, before this trial began?

A Yeah, I know that. Yeah.

Q So were you close with Minor 1?

A Over the last -- well, for the whole nine years or just recently? I mean.

Q Well, let's start when she was born?

A Well, I didn't see her that much because I always worked.

Q Okay. Did you -- was Minor 1 born up in Connecticut, did you know that?

A I know she went -- I know when she was pregnant, she said was going back up to Connecticut to have the baby up there.

Q Did Gina come back with Minor 1 after that?

A About three or four months.

Q Okay.

A I worked all the time, so.

Q Okay. Did you meet Minor 1 at some point as a baby?

A I seen her when Gordon and them passed me on the road, I was going to work. I seen the baby.

Q Okay. I mean, did you know Minor 1 when she was growing up? What was your relationship like with her when she was growing up?

A Like I said, I worked all the time so I didn't see her. I didn't see her all the time because I worked all the time.

Q Did you see Gina during this time?

A I mean, not like when she -- when she had that baby, I didn't. Because she -- I believe she moved to Mauldin, Mauldin, somewhere up in Mauldin.

Q Okay. But what was your relationship like with Minor 1?

A (There was no response.)

Q Did she recognize you? I mean, growing up, did she know who you were?

A No, not offhand.

Q She didn't know you?

A Not offhand.

OTIS GIBSON-CROSS BY MS. MAJOR

Q Did Minor 1 ever call you Daddy Otis?
A Yeah.
Q When did that start?
A When she was about seven, eight.
Q Seven or eight years old, that's when she started calling you Daddy Otis?
A Yeah.
Q Okay. Would you hang around her when she was seven or eight years old? Would y'all do things together?
A Me and her mom, I mean, I took them to the movies.
Q Right. Tell us about that.
A Take them out to eat.
Q What movies did you go to?
A Went to see -- well, I took her to see -- what was that? Hold on. Cinderella -- no, it wasn't Cinderella. What was it? I forgot the name of the movie, but I believe we went to see Wonder Woman. And the other movie like -- Beauty and the Beast, that's what it was.
Q All right. Was Minor 1 a wild child or a handful?
A At the movie or just --
Q No, just in general when she was seven or eight years old?
A What kid ain't wild?
Q Was she a typical kid?

A Yeah, typical, normal seven or eight-year-old kid.

Q Were y'all silly together? And I mean you, Gina and Minor 1?

A Well, I just aggravated them. I just aggravated them like a normal person, tickle her.

Q Right, playing around?

A Tickle her gut. I mean, tickle her stomach when she was in the room with us.

Q Yeah. Was Minor 1 a sweet child?

A Yeah. I mean, she was sweet. In her own way, I mean.

Q Okay. So at some point, you said that Minor 1 and Gina moved in with you. When did your mother pass away?

A Mother's Day 2017.

Q Is it 2017 or is it 2016?

A Seventeen. I know when my mom passed away. It was '17.

Q Okay. 2017?

A Yeah. Hell, I don't know. It was -- oh, Lord.

Q Well, did Minor 1 and Gina move in after your mom passed away?

A Not at first. Allen -- I had Allen move in with me.

Q When did Allen move in with you?

A He moved in like three weeks after I got the room cleaned up.

Q Okay. Three weeks when, after your mom passed away?

A Yes.

Q How long had Allen been living with you by the time Minor 1 and Gina moved in with you?

A About a month, month and a half. About a month.

Q When did Minor 1 and Gina move in with you?

A About middle of June.

Q Middle of June?

A Okay.

Q And immediately, were things not good as far as Gina living there for you?

A When she was there, it started off, you know, she was just normal. She was doing -- supposed to be finding a job and, I don't know, she never did find one.

Q Okay. When did you start getting irritated with Gina?

A When the house started getting junkie.

Q When was that?

A About two or three months on down the line.

Q So like September?

A Yeah, about like that. September.

Q But you let her aunt move in after that,

correct?

A Yeah. Terri -- well, she asked me -- she supposed to move in with Gordon.

Q Just so we're clear, is Gordon her grandfather, Poppy, who we've heard about?

A Yeah.

Q Okay.

A Terri supposed to move in -- Terri supposed to move with him. Somebody said no. So Gina asked me and I said yes.

Q Okay. And then Ahkeem --

A She took the bedroom.

Q Then Ahkeem moves in with y'all?

A No -- yeah, Ahkeem, Terri's boyfriend from North Carolina or somewhere up in North Carolina.

Q So you're irritated with Gina, but you still let two family members move in?

A Terri wasn't a bad person. Terri was not a bad person. She helped me keep the house clean, the kitchen, her room. Helped me with -- you know, kept the hall clean.

Q Okay. And you said that Gina would sleep in the bed with you?

A Sometimes she slept in the recliner. Sometimes her and Minor 1 would sleep -- she'd get behind her mom and

Minor 1 get right behind me and I'm facing the wall.

Q All right. Would Gina leave and go out with friends ever?

A Yeah.

Q Then who would be there with Minor 1?

A Well, me and Terri.

Q So you helped take care of her?

A Yeah, if I wasn't working, if I was in the room Terri would tell her not to come in there and bother me.

Q Would you get her to the bus for school?

A Yeah.

Q Sometimes?

A Yeah.

Q Okay.

A Well, she caught the bus on the front porch. The bus come by the house and pick her up.

Q Did you make sure that she got --

A On the bus.

Q -- on the bus? Did Gina's -- Gordon Wells, did he have a heart attack?

A Yeah.

Q Did Gina go and see him in the hospital?

A That night, yes, I believe she did.

Q Okay. Did you encourage her to go see her grandfather?

A She asked me could she go see him, I told her go ahead. I mean, it's her grandpa. I mean, if it had been my grandpa, I'd went regardless. I mean.

Q All right. Now, you said that you wore shorts when you would go to bed?

A Yeah, I wore shorts or I wear sweatpants, T-shirt.

Q Would you wear those red shorts?

A Yeah.

Q Okay. All right. The night of the accusation that this came out, that was Thanksgiving?

A It was 12:00, it was about 12:30 after Thanksgiving.

Q A.m.?

A A.m.

Q Was everybody still up?

A I was up, couldn't sleep. Minor 1 was up, she was up. Minor 1 was up in the recliner.

Q Okay.

A Minor 1 would get up, go get on the recliner. Then she'd get up from the recliner, come back jump on the bed and all.

Q All right. Did you hear Minor 1 say to her mom, Mom, I got to tell you something?

A Yeah, I heard that part.

Q What did you do?

A All I said was -- I forgot what I said, but she -- I forgot what I had to say. But she said, What is it? And she was like studying, kind of put it in order. She was like, Come in the kitchen. Minor 1 told her -- they went in the kitchen and talked. I got up, had to go use the bathroom. Came back out. Ahkeem went to the bathroom. So I don't know how long they was in the kitchen. I was laying down. I was in the room laying down.

Q Why did they need to go to the kitchen?

A I guess she had -- I mean, whatever she had to tell her.

Q But she said in front of you, Momma, I got to tell you something?

A Yeah. She didn't tell me -- she didn't tell me in front of -- in front of me.

Q What did Minor 1 say? Momma what?

A I need to talk to you. I need to talk you about something.

Q Okay. When you got out of the bathroom, what happened?

A I don't know. I just went back to my room.

Q Okay. What happened next?

A She said she wrote something on a piece paper.

I didn't see the paper.

Q How did you know -- what did you know? Take yourself back to that moment in time. Did Gina say to you, Minor 1 wrote something on a piece of paper? What did she say to you?

A She said Minor 1 wrote something on a piece --

Q Did she say what Minor 1 wrote on the paper?

A No. I -- no.

Q Okay. Why would she just say -- she just said Minor 1 wrote something on a piece of paper?

A That's what she said, Minor 1 wrote something on a piece -- Minor 1 just like, that's what she was doing. She was like study -- I don't know, she was just like I need to talk to you, uh, this, uh, this and that. So then said she wrote something on a piece paper. I did not see the paper. I did not see it. So she said -- they went outside, she got some clothes on, went walking. I said, you want me to walk with y'all?

Q Did you know what was going on?

A No, I did not know what was going on. She asked me -- I said, You want me to walk with you?

And she said, Yes.

So I stayed about five foot back. I wasn't up on them, I was back, back about like five foot back.

Q What were you thinking? They're taking off in

the middle of the night. You didn't say where are y'all going, what's going on?

A She said they were going walking.

Q And who was with them? Was Ahkeem with them?

A No.

Q It was the two them. Okay. And what happened?

A Walked around the block. They came back in the house. Then all of a sudden, she said, You stuck your thing in her butt.

Q So you followed them while they were walking around the block?

A I was about five -- it was dark. It was about -- it was about 12:30, one o'clock, getting close to one o'clock, that time of the morning. And, you know, I mean --

Q How far behind them were you?

A About this far. Like a couple -- about five foot apart. I wasn't on them. I was far off of them.

Q Could you hear what they were saying?

A No.

Q What did Gina look like? Did she look concerned, laughing, happy?

A I don't know. Until we got back to the house, all I know was she finally said, Minor 1 said that you stuck your thing in her rectum, butt, whatever you want to call

it, however you want to put it. I was just like, I'm dumbfounded.

Q Did you say no, I didn't. What are you talking about? Where is this coming from?

A I mean, I was dumbfounded. I couldn't -- I just couldn't say what the --

Q So you said nothing?

A I couldn't say nothing because I was like shocked. I was like. . .

Q What did Ahkeem do?

A I don't know. I mean, he -- I don't know. That right there. That right there, I don't know.

Q Okay. So you don't say no, I didn't, what are you talking about? You don't say anything when they're walking around the block at 12:30 at night with an eight-year-old child in the freezing cold? You're just following them around?

A Yeah, just make sure -- Ahkeem was in the house. She smoked. She walked around the house with a cigarette. I was five foot away from them. I could have just said well, go ahead, and just. . .

Q Why didn't you?

A That's -- I'm just not that way. I mean, if I see you walking, I mean, you my friend and you walking, I'm going to walk with you. I mean, I'm not let you -- I

mean -- what were you saying?

Q I'll let you finish, go ahead.

A I mean, if you my friend, I ain't going to let you walk by yourself with a kid. I mean, I'm not selfish or stupid or. . .

Q You don't ask where you going, what are you doing, this doesn't make any sense?

A No. She said -- this is what she said. I'm going walking. We going walking. I said, You want me to walk with you?

And she said, I'm going walking.

So I got -- so that's what I did. She -- her and Minor 1 was in front of me, I was the back, about five feet apart from them.

Q Did she say come on, go walk with us?

A No, not really. I wasn't going to let them walk by theirself. Ahkeem was -- he laying on the couch with the radio in his ear, with his headphones on.

Q Didn't you follow them around because you knew what Minor 1 was about to tell her mom?

A No, I did not.

Q That's not why? You had no clue what Minor 1 was about to tell her mother?

A No.

Q That's not why you followed them around?

A No.

Q That's not why you cut Minor 1 off in the -- when she was trying to tell her mom something in the bedroom?

A No.

Q That's not why Gina had to pull Minor 1 into the kitchen to get away from you?

A If she wanted to tell her in the kitchen, why didn't she tell her in the kitchen.

Q Because you kept interrupting her --

A No, I did not.

Q Isn't it true you knew what Minor 1 was about to tell her mom?

A No.

MS. JOHNSON: Judge, I object to this. He doesn't know what Minor 1 is going to say.

THE COURT: I understand. I sustain insomuch as you need to ask questions, don't offer commentary.

MS. MAJOR: All right.

BY MS. MAJOR:

Q After this, the police came to your house; is that correct? Did the police come to your house after this?

A Yes.

Q Okay. And you were arrested shortly thereafter, right?

A Yeah.

Q Have you seen -- I know you may have seen --

A No. Before you ask that question, no, I have not seen them. First time I seen them in two years since all this happened.

Q You've not seen Gina since this happened, correct?

A Correct.

Q All right.

A I was in jail for four months and been working ever since I got out.

Q Now, Minor 1 -- you and Minor 1 had a good enough relationship you thought, correct?

A Thought, but.

Q You thought so? Did you ever do anything wrong to her in your eyes?

A No, I have not touched her. I haven't done anything. All we did was play UNO, what she wanted to play.

Q So you did play UNO?

A Yeah, we played UNO. Played in front of momma.

Q Did you play it without her mom?

A One time. Once. One time. That's about it.

Q Okay. Why would she make this up then?

MS. JOHNSON: Your Honor, I object. She isn't

--

THE WITNESS: No, no, no, no. Okay.

THE COURT: Hold on a second, hold on a second. Do you want to maintain your objection?

MS. JOHNSON: I do.

THE COURT: Okay.

MS. JOHNSON: He does not know why she's going to make this up. I don't know why she's asking this. It's witness pitting.

THE COURT: Well, I don't know if it's witness pitting, but I will sustain the objection.

THE WITNESS: I want to answer the question.

THE COURT: Your attorney, sir, has objected to it. You may not answer it.

THE WITNESS: Okay.

MS. MAJOR: I don't have any further questions.

MS. JOHNSON: Beg the Court's indulgence?

THE COURT: Yes, ma'am.

REDIRECT EXAMINATION

BY MS. JOHNSON:

Q Otis, just a couple of things, okay. Minor 1 and Gina didn't move in together?

A No.

Q Okay. Just wanted to clear that up. Why wasn't there a relationship with you and Gina?

A The truth?

Q The truth.

A Had HIV. That's what they told me. And. . .

Q Did you ever touch this child inappropriately?

A No.

MS. JOHNSON: Thank you.

THE COURT: Okay.

Any recross?

MS. MAJOR: No, Your Honor.

THE COURT: Thank you, Mr. Gibson, you can step down, sir.

Anything further from the Defense?

MR. SHIPMAN: We would rest at this time.

THE COURT: Okay.

All right. Anything reply from the State?

MS. MAJOR: No, Your Honor.

THE COURT: Okay. All right. So, ladies and gentlemen, you've heard that. And it is quarter till 4:00. So I don't want to argue and charge now because we won't be done until after 5:00 and I don't want to keep you here all night. Be back here at 9:30. At 9:30, we'll begin our argument and charge in this case. Please don't discuss the case and I'll see y'all tomorrow morning. Hope you have a great evening.

(WHEREUPON, the jury left open court at approximately 3:45 p.m.)

THE COURT: All right, motions?

MR. SHIPMAN: Your Honor, we would renew all of our previous motions, including our motion for directed verdict. Again, Your Honor, we ask for [indiscernible] based on our previous overruled objections that we cited cumulatively effected the trial in a way that was unfair to the Defendant. So we move for a mistrial on that basis as well.

THE COURT: Okay. All right. The prior rulings remain. I can assure you that the purpose of all my rulings has been to ensure a fair trial for both parties. And that's the sole purpose out of this case.

So y'all want to sit down with me for about five minutes or so in my office and have a charge conference?

MS. MAJOR: Your Honor --

THE COURT: The answer is yes. So y'all come back, give me a little time and then y'all come on back, again, about five minutes, okay.

MS. MAJOR: Yes, Your Honor.

MR. SHIPMAN: May I dismiss Mr. Gibson?

THE COURT: You may, yeah. I only need the

December 5, 2019

THE COURT: All right, anything before we bring the jury in?

MR. SHIPMAN: Your Honor.

THE COURT: Yes, sir.

MR. SHIPMAN: I want to put this on the record, I know this ship has sailed, but going back to the testimony we attempted to elicit from Captain Cromartie, I guess I was thinking of this when I was walking out of the building last night. But when I asked, Why did you -- why did you dismiss the case, trying to elicit the statement, I was asking not for the truth of the matter asserted. So I would like to put that on the record. And, you know, I guess I failed to make that argument.

THE COURT: No, you're okay. You're okay. I'll just speak to that just very generally. I told you I didn't think that it was admissible under those applicable rules, the first Rule 713 and 804?

MR. SHIPMAN: It's 613, Your Honor.

THE COURT: 613, okay. I didn't think they were admissible under those rules. But under a 403 analysis, I think the prejudicial value outweighed the probative value in that -- in that what, essentially, the Defense was trying to elicit was not

a statement. It was an allegation by a four year old, which ultimately was determined -- which was never determined to be substantiated in 2005. And I just thought that that was, first of all, too remote in time and there was not substantial indicia of reliability for it to be admissible in the case. So, I didn't think it was admissible under 613, 804 or under a 403 analysis. Okay.

MR. SHIPMAN: Thank you, Your Honor.

THE COURT: All right. Thank you.

All right. Bring them in, please.

(WHEREUPON, the jury came into open court at approximately 9:43 a.m.)

THE COURT: Ms. Collins, thank you for volunteering to be the foreperson of the jury. I appreciate that. I know you're excited about it, I can tell by your face and body language. It is essential that somebody serve as foreperson of the jury. And your duties are not onerous, I can assure you. When 12 people come together from different parts of society and they have to make an important decision, you know that they're going to be some people who are more ready to offer their opinion or more opinionated and probably are a little bit more vocal. Then there are going to be some people who

MS. MAJOR: Thank you, Your Honor.

Good morning, ladies and gentlemen. At the beginning of this case, I told you that this trial would be about child sexual abuse. It's also about the Defendant breaching trust of people who cared about him. It's about the Defendant seeing an opportunity and it's about the Defendant taking advantage of a particularly vulnerable child due to her family life situation. This case is about that Defendant's action.

Now, I'm required to prove this case to you beyond a reasonable doubt. That is not beyond all doubt, beyond a shadow of a doubt, beyond any possible doubt. It's beyond a reasonable doubt and you must be firmly convinced. Yes, it's the highest standard we have in any court. It's not impossible, or else nobody would ever be convicted.

Ladies and gentlemen, the Defendant has been charged with two counts of criminal sexual conduct with a minor. So I've got to prove to you that the Defendant committed a sexual battery on a child under 11. The Judge will instruct you on the law and the relevant definitions and he will tell you what sexual battery means. But what we're concerned with in this case is anal penetration and that penetration can be

however slight. So you heard a lot of witnesses and I thank you for your patience and for your attention. I'd like to go over the evidence with you and show you how he's guilty beyond a reasonable doubt.

So you have DNA in this case. Officer Minwegen from the forensics told you that she collected the Defendant's bedding, that seashell comforter, based on what she was told, and she collected those Frozen pajamas that night. Ladies and gentlemen, she told you that she took that bedding back. She ran the bedding, that seashell comforter, under a light source to look for bodily fluids. She found some stains, then did the presumptive test and it turned positive for semen. She told you that she ran the light under the Frozen pajamas and there was nothing there. No stains. That means no bodily fluid, that means no semen, it means there's nothing to test. That's why those weren't tested. You heard that there was a laundry room in the house or a washer and dryer and you also heard that her underwear had been washed. So there are many reasons why semen may not have been on those pajamas.

Ladies and gentlemen, the testing does not show when that semen was put there. And he is not here because he had semen on his sheets, okay. That is

not why we are here today. It is not dispositive or conclusive of his guilt. So that is not what the State is relying on. It is a piece of the puzzle. It is consistent with what Minor 1 said about him putting his penis in her anus.

You also heard medical testimony from Dr. Henderson. And she testified that there were no acute findings on that medical exam. But she also testified you wouldn't expect to see any. She described to you what the rectum is, how it's a muscle, how it's designed for things to pass through it and up in it. She testified that if there were any injuries that they can heal quickly due to blood supply. So the fact that there were no injuries is also still consistent with this Defendant putting his penis in Minor 1's anus.

Ladies and gentlemen, I think there's a big aspect of this case that I would probably agree with the Defense on. And that is that there are huge concerns. Huge concerns with Elizabeth Regina Parker's parenting style and her ability to protect her children. We can say this harshly or as gently as we want, but the bottom line is she was not equipped to protect her children.

You heard Lana testify to that. You heard Minor 1

not directly testify to that, but she said yeah, I love my mom. She can be a little crazy sometimes, but I love my mom. And you heard Elizabeth Regina Parker admit to that, that she has not made the best decisions. She let a homeless teen come live with her back in 2005. She exposed her children to random people. She admitted that she yelled and used some harsh discipline with the boys. Lana said she didn't even discipline Minor 1, that Minor 1 was just sort of running all over the place. And that Minor 1 had been to 11 different schools. So parenting skills are a concern here. But just because you may think that she is an unfit parent does not mean that her child wasn't sexually abused. In fact, quite the opposite. Her child was at substantial more risk to be put in harms way and to be sexually abused.

Ladies and gentlemen, and also, I think I used an inaccurate term in my opening. I said don't get distracted by the background noise. And I think what is more accurate is don't get distracted by a red herring. A red herring is something that misleads or distracts from a relevant or important question. And the Defense wants to use Elizabeth Regina Parker as a red herring. Don't look, don't look over here, don't look over here, but look over here, look at this bad

mom, how bad is she? Don't look at our client.

They want to ignore what the victim, Minor 1, said that he did. The Defense wants to rely on this 2005 incident where Vincent S. may or may not have been sexually abused or touched by this roommate. Elizabeth Regina Parker said that the babysitters told her that Vincent S. told them that he had touched him, the roommate had touched Vincent S.. Ladies and gentlemen, we don't know what happened with that case. There was never a case made. So I guess the Defense wants to make some leap that she had some master plan against this roommate in 2005 and now she's executing this plan against Otis.

Let me tell you why that does not make sense and let me tell you why it does not make sense that Elizabeth Parker is behind all of this. First of all, why would she get her daughter to falsely accuse this Defendant? You heard her testify that she loved Otis. Elizabeth Regina Parker had no ill will towards him. She trusted him. Seems like he was more of the stable one in that friendship. What did she gain by this coming out? She lost custody of her daughter. She had to get kicked out of Otis' house. She gained absolutely nothing by this. So why would she mastermind this?

But more important than the why would she do it, is the how would she do it? Minor 1 told on Thanksgiving night. She is removed from Elizabeth Parker's custody shortly after that. I think Lana testified around December 7th, beginning of December. She was not allowed unsupervised visitation, Elizabeth Parker was not allowed unsupervised visitation with Minor 1. And Lana told you that she stuck to that. Elizabeth Parker told you she stuck to that. Lana never saw Elizabeth Parker pulling Minor 1 aside and whispering and, you know, come over here and remember what we're supposed to say about Otis. That never happened.

Elizabeth Parker left Lana's property in January. So she's only there from about December 7th to January 2, then she leaves to go to Greenville to do the classes or for whatever reason, but she's gone and they're still in Easley. Elizabeth Regina Parker has not been around Minor 1 in any significant way since January 2007. That's almost two years ago. You heard Lana say that she has not seen her. You have heard Minor 1 testify that she has not seen her mom that often. And you heard Elizabeth Parker say that she had not seen Minor 1 that often, maybe on holidays.

How could Elizabeth Regina Parker convince her

then eight-year-old daughter to make this false allegation, not see her for two years and have Minor 1 keep that up? Also, ladies and gentlemen, you saw Elizabeth Parker's demeanor on the stand. I submit to you that she is just not capable of organizing and masterminding this whole alleged plan.

But the most important witness in this case is Minor 1. So you heard from the Defense expert that children lie. And, of course, they lie, of course children lie. And, of course, when they're really young, they don't even know how to lie. And they get a little older and they develop the brain capacity to lie. Of course, they lie. But you heard what she said about the reasons that they lie. They get something out of it. They get out of trouble. They get a material object. They get something.

What is Minor 1's motivation? To please her mother? She got taken away from her custody? To get back at Otis? Minor 1 loved Otis. She said in the forensic interview, yeah, Otis is one of my favorite dads. They watched movies and Beauty and the Beast. So she has no motivation to make this up.

Also, think about what happened after she told. She had to go talk to the police. She's taken away from her mom, she's taken away from Otis, taken away

from her home. She had to go to the hospital right after that. She had to go to the hospital later and get examined throughly by Dr. Henderson. She had to be subjected to that forensic interview. And then she had to come into court on Tuesday and get up on the stand in front of 14 adults, not to mention the rest of this courtroom and tell what he did. Why would she do that if this were a lie?

Ladies and gentlemen, she has been consistent since November 24th, 2017. She told Sergeant Crawford, the female officer on the scene, I was sexually abused two times. Once when Poppy was in the hospital and then once last Sunday, which would have been November 19th, 2017. Both times it happened in Otis' bed. She told Elizabeth Parker that night she had been sexually abused two times. Once when Poppy was at the hospital and then another time, I guess, when Elizabeth Parker was out with Kadeisha, one of her friends. Both times happened in Otis' bed.

Ladies and gentlemen, the forensic interview, I want you to -- you have this in evidence. And I want you to listen carefully. I know we watched it up here and I know it can get long and drawn out. She talks about two different incidents in there, but you

have to listen carefully. After she writes it, she reads it out.

A few months ago, me and Otis was playing UNO. Mom was at the hospital with Poppy because he had a heart attack. Then we stayed up late. It was past my bedtime. She called and said I was -- she called and said I was in bed. He said yes, I said no. Next time we played it again was time for me to go to bed. I climbed on top. I climbed on the bed, he turn the lights off, he pulled my pants down. Then she says I really don't want to read this part.

She's talking about two different incidents there. Poppy had his heart attack, then the next time when we played UNO again. He did the same thing to her both times. In the bed, lights off, pulled the pants down, his penis in her butt. And as she called it, his D-I-C-K.

Christine says, the forensic interviewer says, Next time you played UNO, was that like the same day or a different day?

And she says, A different day, like the next day after that, the next day.

Christine says, The next day?

Minor 1 says, When he did that stuff.

Ladies and gentlemen, I submit to you that she's

talking about the next day that he did this stuff, the next time that he put his penis in my butt.

You heard her get up there and when we got to the part about how many times did Otis do that bad thing that you didn't like, she said two times. She said once when Poppy had his heart attack and another time. Both times in Otis' bed.

Ladies and gentlemen, she consistently remembers details about this incident. Again, the Defense's expert wants to get up and tell about these studies about how children lie, about how the parent walks in and says, you know, tell them it's raining outside when it really isn't raining outside. An adult walks in and the child says it's raining outside. Or some story about camping that didn't really happen, but it's plausible. And that unknown adult or the adult who doesn't know has to decide whether that child is lying.

Those studies are absolutely worthless for why we are here today. Those children were not questioned. How long has it been raining? How hard is it raining? Where did you go camping? What did it look like outside? What color was your sleeping bag? They just say it and then the adult has to determine whether that's a lie or not. That's not

what we have here. A child, an eight-year-old child cannot consistently remember specific details of a lie, especially two years later.

So I'd like you to remember, keeping in mind the timeline. First, she discloses on November 24th, 2017. She has her forensic interview on February 6th, 2018. That's over two months. In her -- that night, she talks about her Frozen pajamas. In the interview, she talks about I was wearing my Frozen pajamas. That night, the Defendant comes to the door in red shorts. I believe those were his sleeping shorts. Two and a half months later, she talks about he was wearing red shorts.

Ladies and gentlemen, that forensic interview, again, February 2018. We are now November 2019, almost two years later. She talks about playing UNO. That's what they did before he did this to her. Playing UNO both times. What did she tell you up there? Playing UNO. I made it a point to ask her what's UNO so that we would -- you would pay attention to those details.

In her forensic interview, Christine asks her, Did he say anything to you, did he tell you not to tell or something to that effect.

And she said that he said, Don't tell your momma

because she'll slap me and I'll get in trouble -- and I'll get in trouble and you'll get in trouble and have to do wall sets.

Ladies and gentlemen, on Tuesday, she got up and said, He told me that second time don't tell because momma will slap me and I'll have to do wall sets.

Again, I made it a point to say what are wall sets to highlight that specific detail that she said almost two years ago.

Ladies and gentlemen, there's another abuser in this case. And you heard from Ms. Shauna Galloway-Williams that once a child is abused once, they're at a higher likelihood to be abused again. She knows the difference between Otis and Cory W.. She knows the different things that they did to her. Cory W. was a child back then, 13 years old. They don't look alike. She's able to distinguish between the two. And Cory W. is not on trial right now. He is a juvenile. That case is not before you and that is not your concern. His case is not before you. We're here because of what the Defendant has done.

You heard from the Defendant. And he definitely downplayed his relationship with Minor 1, oh, she was sort of around, I don't know. But he could recall her birthday. And he confirmed many things that

Elizabeth Regina Parker and Minor 1 said, that he's known Elizabeth for 17 years. He confirmed the specific story when she jumped on him and, I guess, I was hitting on him and he threw her off. They both said the same thing. He confirmed that he went to the movies with Minor 1 to see Wonder Woman and Beauty and the Beast. He confirmed that he wore his red shorts to bed. He confirmed that they slept in the same bed together.

Importantly, he confirmed Elizabeth Regina Parker's description of him the night that this came out. They're in the bedroom and Minor 1 tries to tell her mom something and he won't let her. He confirmed that Minor 1 and Elizabeth went into the kitchen. He confirmed that Minor 1 wrote something down on a piece of paper. He confirmed that Minor 1 and Elizabeth left and Elizabeth Parker was going to smoke a cigarette. That's exactly what Elizabeth Parker testified to.

And he says he didn't know what was going on. I didn't know. They're going on a walk at 12:30 that night and I'm just following behind them because that's the nice guy that I am. Mind you, he had said earlier they could go sleep in the Jeep for all he cared because he was so sick of them. But he's going to follow them around. And he told you, he didn't

ask what was going on. He didn't ask any questions, like where are they going, what are they talking about? He didn't ask her. Following them around. He confirmed they went back in the house, apparently, that's when he learned about it.

He said that he was dumbfounded. He, again, confirmed that he had never protested. He never said what are you talking about because he was so in shock. And yes, of course, initially, you're like, what, I did what? And maybe can't speak. But then you say wait, no. What? Absolutely not. And he never said anything. He admitted he never said anything. He never said what are you talking about?

Ladies and gentlemen, it doesn't make sense. If he didn't know what was going on beforehand, it doesn't make sense for him to just be following them around, you know, just going to stick around going for a walk. He knew what Minor 1 was telling her mother. He knew it. He didn't want her to. He was trying to prevent it in that bedroom. But Minor 1 was going to tell and Minor 1 told. And he knew what she was telling her mother.

Ladies and gentlemen, demeanor is very important in this case. You saw Minor 1 on Tuesday. You saw her come up here. She looked nervous at first, but she

would talk about the Decedents movie. Some of it was hard to understand, there are a lot of characters there that she got excited about. She talked about her dogs. She talked about her teachers. She talked about jumping on the trampoline. But then when we -- and she even talked about Otis, the nonsexual stuff. Yeah, he was my daddy and she talked about -- then when we got to the sexual abuse part, you could see a physical reaction. It was real. It was raw. It was not scripted. She was not blind about what he did to her.

And you can also tell that in the forensic interview. Look at the forensic interview as a whole. You can hear her -- they come in and she talks about her family and then talks about Otis. And she wants to make a list of what they did at the store, Hotpocket, cereal. But she does not want to talk about the abuse and feels more comfortable writing it down. She writes out what she writes out.

And Christine asked her, after they go through the details, when they get to the part about putting his penis in her butt, get to part you can see her and she says, Now, what does this say? And Minor 1 goes, uh. She doesn't want to talk about it. She does not want to talk about it. That is such a child

innocent raw real reaction and emotion.

And look at it as a whole, she gets uncomfortable when they start talking about the sexual abuse. When -- she's not -- she's acting like a child. When she's in that room alone, is she sitting there plotting, all right, what's Christine going to ask me next? What can I say? All right, here we go. No, she's coloring. Purple, color, color, la, la, la, silly me. She's not sitting in there plotting and scheming and thinking about her next move.

Ladies and gentlemen, also, she corrects Christine. When Christine says something that she disagrees with, she corrects her. Also, keep in mind that she is eight years old. So the way you ask a child -- or if you ask a child a question, it's a very -- they take it in and they process it. It's black and white. So when Christine asked, Have you seen Otis? Well, yeah, I see Otis all the time. And Christine has some concerns and knows that she hasn't seen him and wants to correct that. Minor 1 wasn't lying there, I see him all the time. She just didn't understand the question. So Christine has to rephrase the question. She's an eight year-old child.

Ladies and gentlemen, Elizabeth Parker had no reason to get her daughter to make this up and she could not pull this off. Minor 1, the eight-year-old, back in 2017, had absolutely no reason to make this up and keep it up for two years. The Defendant has every single reason in the world to say this didn't happen. Look over here at this bad mother. She's so bad, so unfit. Don't look at me. He's got every reason to do that.

Ladies and gentlemen, he is guilty and you can be firmly convinced of that, you can be firmly convinced of his guilt. I ask that you return a verdict of guilty.

THE COURT: Yes, sir.

CLOSING STATEMENT

MR. SHIPMAN: May it please the Court?

THE COURT: Yes, sir.

MR. SHIPMAN: Good morning. I'm going to try to keep this within 30 minutes. I know everybody is ready to get out of here. But this is my last chance I get to talk to you about why my client is innocent of these charges, so I may go over a little bit. If I do, hold it against me, but don't hold it against my client.

The solicitor started out by telling you that

this is not an impossible burden for them. It's not beyond every conceivable doubt. It's not beyond a shadow of a doubt. It's only beyond a reasonable doubt. She started out to be calling it background noise and I think she's regretted that decision since then. But what I will tell you is that, you know, we all know that people have been falsely accused and falsely convicted. And every one of those people was convicted by a jury who was convinced beyond a reasonable doubt. So this is a high burden. It is the highest burden that exists in civilized court. It's the only civilized burden to take somebody's freedom away from them.

She calls Gina Barros a red herring, that we're trying to hide the truth through Gina. We're saying don't look at Otis. We put Otis on the stand. You got to see him. You got to hear from him. You got to hear his story, which is more than the police wanted from him. So remember that as well.

And the State seems to believe that the foggier and fuzzier the details are in this case, somehow, the more convincing it's going to be. And I would submit to you that's not, that's not the case. That can't be true. You can't allow that to be the truth.

So what I -- I guess the first thing that stood

out to me about this case was just the lack of an investigation. The police arrived, they took notes, they conducted their interviews with everyone walking around and everybody was just roaming around the house. So there's no integrity to these interviews. They just took Minor 1's word for it. And they didn't look for any other explanation of what they observed. An investigation is supposed to proceed from facts to a conclusion. They turned it upside down. They started with the conclusions and looked for the facts to support those and excluded everything else. Otis offered to answer questions. He was never asked. Nobody ever talked to him. If they had done an investigation, it may never have gotten this far.

Now, you have to do the hard part. You have to decide if the State has proved its case beyond a reasonable doubt. I've done what I can do to get those facts that they missed in front of you, but you see how they fight me. They put their conclusions before the facts. And they don't want to cloud your mind with something like an investigation of facts.

Let's talk about Officer Ferris. He testified on the stand that he was exclusively focused on Gina or Elizabeth, however you want to call her. He wanted to pay attention to her and get information

from her, but he wasn't even paying attention that she was on the phone most of the night. And at very critical points of the investigation as well, she was on the phone. He said he reviewed his video, but he wouldn't let that be reflected in his report. He chose, instead, to rely on his imperfect memory rather than to use the camera. That's what the camera is there for, is to supplement the investigation. And he didn't think to review it. He didn't want to investigate the case, he wanted to close the case.

Officer Crawford, Jessica Crawford, she took the stand. And she's the one that talked to Minor 1. She met Minor 1 on the porch and she said that Minor 1 said that she was mad, but she appeared calm. Officer Crawford testified that Minor 1 was laughing and swinging her arms and walking down from the porch to the street, walking back, meandering through the house, eating a microwave dinner. Again, this is 1:30 in the morning after Thanksgiving. She was eating candy.

Officer Crawford pointed out some Disney Frozen pajamas to forensics because Minor 1 had told her that it was wet and that it got on her clothes and on the bed. So they decided to collect it for testing.

Then another officer, Minwegen, tested the pajamas and found nothing on them. But this didn't raise any concerns for anybody. They already made their conclusion.

And Officer Crawford also told you about Gina's outburst at the house. And I want to talk about that for a minute. If Gina is to be believed, she heard how her daughter was sodomized. She called 911. She spoke to an operator. She spoke to the first police officer to arrive on the scene. She wrote a statement and she spoke to the officer who took the statement from her. All very calm. And then Minor 1 walks into the room and tells her the story about her pocketbook. She still didn't react. She asked a couple questions, why didn't you yell? Why didn't you go to your brother? Oh, your brother would have kicked you out. She talked on the phone. Then she started saying, What car is he in? She decided she needed to put on a show. She needed to act like a distraught mother.

But as quick as that came, it passed again. Officer Crawford said it was over in a minute. She didn't even get out of the room. Maybe she should have scripted it better in her head with that little act that she did. But this vain outburst didn't

raise any of the officers' concerns. Again, they already had their conclusion.

The State brought in Mr. Nafziger and Dr. Kandala to talk to you about the DNA that was found in Otis' bed. They found seminal fluid and DNA on the comforter. The DNA belonged to Otis. But what does it prove? They can't date it. They don't know how long it's been there. It's inflammatory, but all it proves is that it's Otis' bed and that's never been in question. What they didn't find was blood or Minor 1's DNA. And they didn't find anything on the pajamas where Minor 1 said -- in a round about way Minor 1 said the semen would be. Obviously, she didn't know the word to say herself, but that's what she told Officer Crawford.

Now, Investigator Lindler, she testified. What did she do? She read the incident reports -- this is according to her own testimony, she read the incident reports. She watched the body cam footage. She requested a forensic interview at the Julie Valentine Center. Three months later, that interview was finally conducted. She reviewed that video, where only one allegation was made. She says the next day playing UNO. But she didn't say the next day. She clearly -- Minor 1 knew the difference between September

and November. She said many times months. She says in the interview the next day. She's probably talking about one incident. Nobody was concerned about that. Nobody asked any followup questions to address that. They already made their conclusion.

Then Lindler took buccal swabs from the mouth of Otis and Minor 1. Now, a buccal swab is just a Q-tip on the inside of the mouth. I think buccal means cheek in Latin or something like that, so it's inside the cheek. That's all it is.

The solicitor asked her to request the bedding be analyzed. The solicitor had to ask the investigator to analyze the bedding. And the investigator did that. Nobody asked for any further test on the pajamas. Because again, they had already made up their mind. They'd rather leave that ambiguous than clear it up. And that was it. That was the investigation. She didn't do anything. She had access to law enforcement records. She didn't look for or find Investigator Cromartie's report. Or maybe she did and didn't want you to know what was in there. Again, because she had already made up her mind.

That brings us to Ms. Galloway-Williams. In lieu of an investigation, they brought you Shauna

Galloway-Williams. She came in to testify as an expert on delayed disclosure and child abuse dynamics. But what did she really offer to you? She said a chaotic upbringing is a risk factor for sexual abuse. Does that prove that Otis did what Minor 1 alleged? No, it does not. Does that explain inconsistencies in Minor 1's story? Again, no, it does not.

She also told you that children delay disclosure for a number of reasons. But that's common sense. There's only two ways to disclose something. There's either immediate or delayed. It's not a mystery that needs explaining. It's either on or off. It's either now or later.

I tried to ask her a simple hypothetical question about why an adult might delay reporting a crime and whether or not those were, basically, the same reasons that a child would delay. But you saw how she reacted to that simple question. I didn't expect such a fight over whether waiting to disclose was a delay or not. Because it is. That's the only thing a delay can mean. She clearly only -- Shauna Galloway-Williams clearly only looks at these cases from the side of the prosecution. She's in the tent. She's already made up her mind, too.

So then if all she's got to say is common sense that everybody understands, then what is she for? She's the cleanup specialist. She parachutes into a batting cage for the State. She's done it 40 times. She plasters over the problems that the State has in its case, she masks them. She's there to tell you to ignore reasonable doubt. That it's okay to ignore reasonable doubt. And it is not. The solicitor might want to call it background noise or red herring. Everybody here is telling you to ignore the bat here except me and the law.

So I brought in Ms. Allen-Cook. I put her in the same seat as Ms. Galloway-Williams. And I brought her in to give y'all a full picture. She's been -- Ms. Allen-Cook has been a forensic interviewer just like Christine Carlberg and just like Shauna Galloway-Williams. Ms. Allen-Cook has been a child advocate just like they have. She's working in the child advocacy center in Florence County just like the Julie Valentine Center. She's testified for the prosecution, she's testified for the defense.

Those common sense reasons for delay, the apparent delays that Shauna Galloway-Williams gave you, those are all true, she said that, but that's

not all that there are. There's fabrication. A child can fabricate or lie, deceive. It doesn't necessarily -- you say lie and you assume that it's with malice. But, you know, I don't mean it necessarily that way. The child may be innocently just not telling the truth. But however you want to phrase it, that deception is learned from their environment. They do it for material or social reward. That's the standing in the eyes of others. Approval from respected adults, from parents that they may love.

Now, those risk factors that we talked about, chaotic home, harsh discipline, dishonest or [indiscernible] parents, all of which are present in this case. Those are also risk factors for deception in a child. And those risk factors don't go away overnight. She spent years -- Minor 1 spent years with Gina. She's only been away for a year and a half. It's terrifying in these kinds of cases, as Ms. Allen-Cook told you. You didn't get a chance to question Minor 1. You just have to observe her and see how she went. And we have, basically, the odds of chance of discerning a lie when it is being told in that manner.

That brings us to Minor 1. So let's talk about her

story. She says that Otis was on the bed. That he was lying on the edge. That he was lying on edge, his backside was facing the wall, his front was facing the door. That leaves only this part of the bed for Minor 1 to be in. And that means his back was to her. And she said he put his D-I-C-K in my butt. How is that physically possible? He's lying on the edge of the bed. His back is turned. That puts her back here. Anatomically, that cannot work.

In court, she was hesitant to speak. November 24th, 2017, the house is crawling with police officers and other folks in the house and she'd tell anybody around. She invited Officer Crawford to go in the room with her and gave her mother more details. At the Julie Valentine Center on February 8th, 2018, she recounted her day without hesitation in great detail. Getting up, going to school, leaving early, coming here. And Ms. Carlberg asked her why she was there. And she said to talk about Otis. So she's talking to someone before she came into that room. Somebody had to pick her up from school, drive her from Pickens Elementary School over to Whitehorse Road to the Julie Valentine Center and said why they were going.

And Ms. Carlberg started asking Minor 1 about Otis.

And Minor 1 responded by saying, Do you want me to tell you the story or about what I think I should say? And I think that bears repeating. She said, Do you want me to tell you the story -- or do you want me to tell you about the story or about what I think I should say?

And Ms. Carlberg asked, Has anyone told you what to say?

And again, she said, No, I just -- my mommy does it, but I don't know. Nobody told me, but I can write it down.

What kind of answer is that? She stumbled over that answer. She struggled answering the question. It sounds like she's trying to keep her mom out of trouble. She stood over here today, or this week, and told you that she still loves her mommy. She still misses her mommy. Mommy is her favorite. But again, the answer didn't raise any questions with Ms. Carlberg. She didn't ask any followup questions. She's already made up her mind. Everyone in this case had already made up their mind.

Now, Minor 1 starts writing down and drawing on the board and says Otis is one of her favorite dads. And Ms. Carlberg has to direct her back to Otis doing something bad several times. Then finally Minor 1 says,

Can we get mommy real quickly? No followup questions about that. No concerns raised in the forensic interview about that line of questioning when the answer is, Where is my mommy? Get my mommy. I want to talk to my mommy. You know, if this was a game show, you might call it phone a friend. You know, like she's looking for help. She wants to make sure she gets the story straight.

And then she eventually starts writing on the board. You see how she does it. They're writing in the kitchen on the easel that -- I don't know what it is. There's something about that writing. It's like it's a queue or something. But she's writing on the easel like it's rehearsed. She takes off the cap of the pen, she kind of looks up. You can hear her whisper to herself and she writes a few words. Then she whispers to herself some more and writes a few more words. It's like she's practicing that routine. It reminded me of when I used to have to check my math homework and I'd try to add it up in my head. I never was very good at math and that's why I'm standing here. So I would struggle like that when I'm trying to remember how to do the operation.

But the main thing here, what story she tells doesn't add up. One minute -- this is when she

starts talking to Ms. Carlberg. One minute she says she on her back. The next, she says she's on her stomach. She acted it out for Ms. Carlberg. She said his private part touched her bottom. But none of the ways that she described it happening makes any sense anatomically. Remember it this way, Otis is on the edge of the bed facing the door, bottom facing the wall. Her acting it out didn't make any more sense in that either than on the video.

Remember she told Officer Crawford that her back and clothes were wet and that it got on the bed, too. That was the reason they collected the pajamas and the bedding. She told Ms. Carlberg that it was not wet. She said there was no lights on, no TV on and she says that it went in her anus. But she said she saw it. She said she saw it. Anatomically, again, how does that work? No lights, no TV, how did she see it? Carlberg mentioned only one incident with Otis. Carlberg mentioned that. Carlberg asked if Otis had ever done anything else? Minor 1 said no. She asked has anyone else done anything else? She said no. Then on the third prompting, she eventually talks about Cory W..

None of it adds up. She never said that Otis climbed on top of her. She never said that Otis

grabbed her by the bottom, grabbed her by the waist, grabbed her by the hip. She never said Otis held her down. She never said Otis pushed her legs back or up. She never said that Otis put anything on or in her anus before the penetration.

You know, this is a delicate subject. We're all adults here. Anal penetration will not happen easily, okay. That is not generally meant to receive, it is meant to expel. So if something goes in the other way, there's not going to be any confusion about how it happened. Like I said, it doesn't happen fast. It doesn't happen easy. If something went the other way and it happened fast, there would have been injuries. There would have been some tear. There would have been some kind of mark.

So that brings us to the medical report. Dr. Henderson testified in February of 2018, three months after the alleged last incident, which would have been November 19th, that there were no acute injuries, no healing wounds, no tears, no cuts. A normal exam. That, basically, says nothing. She's right, injuries can heal. But this is three months after the fact, so that doesn't really move the ball. But she talks about the ER report from November 24th,

the same morning the police were called. So this is five days after the last alleged incident. There were no tears, no cuts, no healing wounds then.

The solicitor offered you no kind of medical reports leading up to -- between September and November where she had complained about any kind of injuries or wounds to that area of her body. If there were, they would have put them in evidence. So there's absolutely no proof that she was ever injured. We've got a grown man and a eight year-old girl. It's going to leave a mark if it happened the way she describes it. Never mind the physical impossibilities of the actual way she described it.

They talked about a bloody stool. The doctor said this girl had a history of constipation. The doctor said that constipation can cause a bloody stool. And you saw how much weight she has lost in the last two years. It's quite clear that she had a very poor diet when she was living with her mother. She was still eating one o'clock, two o'clock in the morning the night after Thanksgiving when police are around. That's what caused the blood in the bowel movement is her poor diet. Not Otis.

Now, what is there to say about Gina Barros or Elizabeth Parker, or whatever she wants to be called.

You've all probably met somebody like her in your lifetime. She never takes responsibility. It's always somebody else's fault. She's always being prosecuted. Her cousin put her out. Her first cousin put her out. Said it was too much for her. Her Poppy put her out twice. She won't work. She won't help around the house. She won't help. She won't admit the truth when it's staring her in the face. I talked to her about whether she was on the phone or not. She can see the phone and she wouldn't admit to it.

She said her Pops kicked her out because that's Pops being Pops. Her cousin, Lana, told you why she kicked her out. She's loud, she's obnoxious, she's destructive and a liar. Gina testified that she bounced around getting kicked out of every place she went because of issues. What's the common denominator here? She's the one that's brings all this. She's the issue. Her own cousin doesn't trust her because she lies, she breaks promises.

She won't even bother to go to classes to get her children back. Gina testified that she had to move out of the RV at her cousin's in January in order to go to Greenville to do her parenting classes. From Easley to Greenville, she had move out

and give up the supervised visitation. Her cousin, Lana, said those classes didn't start till April. So she doesn't know why she moved out. But she got up here and told you -- maybe she doesn't know that Lana had already told you the truth. She didn't go to those classes. She didn't want Minor 1 back. She wants you to think that she wants to get her back.

In her mind, she's a doting mother. She said she's made parenting mistakes like everyone, but the courts have taken away all five of her children. My momma didn't take me to Disney World. You know, I got on the wrong bus one time, you know, on the way to school. Those are parenting mistakes that everyone makes. Losing five out of five. She's batting a thousand in family court. That's not a parenting mistake that everyone makes.

I asked her about the medical neglect. I asked her about the inappropriate punishment. I asked her about the no food and no clothes and whether the court found that was the reason that they had to take her middle two children away. She wouldn't admit to that. It wasn't her fault. The court wasn't following the rule. They were relying on perjured testimony from Connecticut. She studied the law herself and she knows better than the judge. They

lied, she said. But again, what's the common denominator here? There's five kids involved in family court and five kids taken away from her. She's the common denominator. She's the issue.

One thing that did stand out to me, you know, I asked her about the medical neglect and the physical neglect, she denied all that. And I asked her about the exposure to inappropriate adult material. She said, oh, that was art. She didn't deny that. She didn't say that didn't happen. Where did she think I got that information from? The same place I got the information about that neglect and abuse.

She described herself as the only grownup in the house at [redacted] Birnie Street. She said she had a 6-foot tall baby in the form of Otis Gibson. She was the calm and stable center of that household. Do you believe that for a minute? She said the reason Vincent S., her five-year-old son, in 2005 made a false report against her roommate was because the runaway children that she let live in her home, the runaway teenagers, I think she said they were 14 and 15 years old, who she let live in her home wanted to hem up a transsexual and get him out of the house. Do you believe that? That she's just the saint here? She's the one protecting this vulnerable person from these

teenagers? She saw an easy target in the form of that roommate and she set him up. And that's what she's done to Otis.

It makes you wonder, what did she say to Minor 1 in that kitchen? Gina called Minor 1 her princess or her queen in training. She won't come to Easley to see her, but she says she's a princess. In spite of everything we all know about Gina, Minor 1 still loves her and still misses her. She said that. You wonder if Gina returns the feelings. She says that she sees her kids at school. They are ways to get what she wants. That's all that she's ever used before.

In November of 2017, Gina was at the end of her road without another bridge to cross or to burn. Poppy had kicked her out for the second time. Her grandfather kicked her out of the house. Lana wouldn't take her in. She said once was enough for her. Lana said she wouldn't have taken Minor 1 in this time, except that Minor 1 had no place to go and she had some assurance that Gina wouldn't be there. So when Otis finally had enough and made it clear that Gina had to leave, he was accused of sexual assault.

Now, there was testimony that after they left [redacted] Birnie Street, there was calls made to Big Teia to be taken back in, and Big Teia had changed her

number. Big Teia had had enough. Then her son gets accused of sexual assault. But again, oh, this roommate back in 2005, he was just the victim of these runaways. And nobody ever charged that case. For good reason. They smell a rat, just like I do.

The solicitor is going to tell you that Minor 1 couldn't keep this lie for two years. She's already told you that. That Minor 1 hasn't forgotten her mother. She still misses her mother, she loves her mother. Her mother has used her. Her mother has trained her up to a lifetime of chaos and inappropriate language around a child.

I don't think that Minor 1 is malicious. I don't think she's vindictive. But she's not telling the truth. She's a victim of her mother. She's too young to understand the consequences of what's going on here. If you're looking for the reason, if you're looking for the malicious, it's right there.

How can she keep it up for two years? She's been dealing with counselors. She's been coming up to the courthouse meeting with solicitors. She's been meeting with advocates. Who knows who else. This has been drilled over and over again. It may have started out with Gina's malicious. I don't believe that the solicitor is coaching this girl to

lie. I think it's inadvertent, that she's just being reinforced. This mother's malicious lie has been innocently reinforced. It's got to stop here. How can she come up here and let all these adults down? That's what Ms. Allen-Cook talked about. You keep it for -- she can't change the story now. She's too deep in it. Her mother is responsible for this. And again, without investigation this case, comes down to a coin flip.

And that's no standard to decide criminal charges on others. Again, the solicitor says it's all a red herring, but we put Otis on the stand. She said we're trying to distract you from Otis. Like, we're trying to pull the wool over your eyes. We put him on the stand. He answered questions. Y'all got to see him and hear him. He's a simple man. He's not sophisticated. He stutters and stops when he's talking. He's got a heart transplant. He's not a fluent speaker. He's not a fast talker like Gina. He goes to work. He goes home. He's not smooth and polished. He didn't try to snow you. He didn't try to deny the truth while staring you right in the face like Gina did. He's a caring man who got taken advantage of.

He might have been sick of Gina and Minor 1, but he

didn't want them on the street. He didn't want to let them walk off in the middle of the night by themselves. There was testimony that when they left for the second time, he gave Ahkeem a baseball bat. They don't live in the nicest neighborhood.

He took Gina in after she got herself kicked out of Poppy's. He took Minor 1 in when she otherwise would have gone to sleep in a car because of her mother. He knew how Gina treated Vincent S. and Miguel. He saw the dirty clothes and soiled diapers. Lana told you that Gina lost them for medical and physical neglect. He had a kidney condition that she wouldn't take them to the doctors for. You know, I asked Gina about the missed appointments and she blamed that on the doctor. She said the reason that her child with the kidney problem didn't get medical treatment was because the doctors were putting them off. Doctors take an oath to help people, to do no harm. It wasn't the doctor's fault. Like everything else that she said, it's a flat out lie.

Otis didn't want the same thing to happen to Minor 1. Nobody would. Nobody with any kind of conscience would. But like every other single bridge that Gina has come to, she burnt Otis, too. She and Minor 1 got to be too much. He wanted them out. Yeah,

he let Ahkeem come in, but Ahkeem just got out of prison and he said he wanted to get a job and go back to work and get on his feet, so Otis gave him a chance and got him a job. You see how he got repaid. He didn't keep the job long, that's what Lana said. That apple didn't fall far from the tree.

He let Terri come in, the aunt. But he said that the aunt carried her weight around the house, that she helped clean. She stayed to herself, stayed quite and was otherwise a good roommate. Can't say the same about Gina or, unfortunately, Minor 1 at the time under the mother's influence. Lana wouldn't let them back in the house because of how they were. If family can't deal with it, how can Otis deal with it? Otis might be a sucker, he might be slow, he might be a little bit dim, but he's not a rapist.

So at the beginning of this week, I said what an important service this is you're doing and how proud you should be to serve on a jury and what an awesome task this was going to be. This is a hard case. You saw Minor 1 cry up here on the stand. We can't know why she was crying. If you respect the presumption of innocence, you've got to assume there's an innocent reason for it. You've got to give Otis the benefit of every doubt. I've offered you the doubt. I

believe she was tortured by her enviornment. She's torn between pleasing the adults, pleasing her mother and testifying against Otis. That would cause anybody distress. Especially when you've got to do it in a room full of strangers.

I'm sorry, you didn't get to try a shoplifting. But there's no sliding scale of reasonable doubt. And that's what makes this so hard. These allegations are very serious. But the burden of proof is the same whether it's jaywalking or whether it's a murder. The augment does not get any greater on the curve. They can't raise the level of the charge, then raise the level of doubt that's needed. Otherwise, the whole system would be a farce. Reasonable doubt is reasonable doubt.

I told you that you're going to get decide what the substance of our Constitution is, what the substance of these protections are, what they mean in practice. There's not going to be a referee back there. You've got to decide how seriously you take the criminal justice system. You get to decide for the rest of us our freedom. More specifically, you get to decide what it means for Otis. This is the only trial he's going to get.

The solicitor can call it background noise or

red herring or whatever. But here's the thing, for some of you, this background noise might be the fire alarm, it might be piercing your ears. And for some of you, it might just be a tingling bell in the back of your mind. But it doesn't matter. Even if it is just that the single tingling bell that says wait a minute, let's check this out, let's step back, that's hesitation to act. That's reasonable doubt. And you took an oath not to tune that out, even if it's ever so slight. Remember how much lies on your faithful observance of this oath.

I'll leave you with this. Gina Barros shows up at your door and says she wants to come in, she needs help. She's going to be on the street if you don't help her. She needs a place to stay. Would you let her in? Or do you hesitate? I suspect I know your answer and that's why I say on the money there's one inescapable conclusion to this case, Otis Gibson is not guilty of either of these charges.

THE COURT: All right. Ms. Major.

CLOSING STATEMENT

MS. MAJOR: Thank you.

Ladies and gentlemen, I just want to address a couple of points that Mr. Shipman made. Shauna Galloway-Williams does not know the people in this

case. She was not here to persuade you whether to believe Minor 1 or not believe Minor 1. The point of her testimony was to explain some aspects of this case that may seem contradictory. Why would Minor 1 not tell immediately? Like, you fall down and hurt your knee, you're like momma, my knee got hurt. Sexual abuse is different. And Shauna Galloway-Williams went over those reasons why a child may not tell immediately. Also, a child may still love the abuser, just not love what they're doing. Why would she go in and say Otis is one of my favorite dads? The point of her testimony was to explain that.

Ladies and gentlemen, of course, she's going to be more comfortable at the house. It was chaos. There were people around. And of course, she is going to be more timid coming in here.

Christine -- when Minor 1 said, Look, do you want me to tell you the story? Christine said, Did anyone tell you what to say?

No. Nobody told me what to say. Do you want me write it?

She didn't want to say it. Nobody told her what to say. She wanted to write it. She asked for her mom. If you noticed in the video, she talks about where the abuse happened. She's living in Easley

with Lana at this point during the forensic interview. She's asked where the abuse happened. In Greenville. She's got two separate, Easley and Greenville. She knows she is in Greenville right now for this forensic interview. She knows her mom lives in Greenville. She may have thought that she was going to go see her mom. She was being taken to Greenville. That's why she asked for her mom.

Ladies and gentlemen, she said that his penis wiggled. It wiggled. And the Judge will instruct you that sexual battery includes anal penetration or penetration, however slight, into the anal opening. Told you it felt weird.

She has not seen that forensic interview, as you know, since -- she's never seen the video of that. She gave the forensic interview and she has not watched that video. And I didn't ask her, isn't it true that you were playing UNO when this happened? She came up with that on her own. I didn't say, isn't it true that he told you that you would have to do wall sets and mommy would slap him? She came up with that on her own.

Ladies and gentlemen, this case is not a coin flip. This case isn't built on Minor 1 said it one time and now he's sitting over there. You have so much

evidence upon evidence upon evidence. And that robe of innocence is coming off with each piece of evidence that you have today.

Please remember, this is a secret crime. This is not a crime that occurs out in the open. It is a different type of crime than a shoplifting, or than an armed robbery where someone sees you do it. But you do have an eyewitness to this crime, and that's Minor 1. You can rely on more than just circumstantial evidence. You have circumstantial evidence as well, but you have an eyewitness. He just thinks you're not going to believe this eyewitness and he can get away with doing this to an eight-year-old witness. She is still an eyewitness and has provided you direct evidence of what he did.

And I'm not asking you to ignore Elizabeth Regina Parker. I'm not asking you to ignore her or ignore what she -- the aspect that she brings to the case, but put it in context, put it in its place. Yeah, she had problems as a mother. But put it in its place, problems as a mother. Don't forget about him. This is about him. Elizabeth Parker did not burn Otis. Otis burned Minor 1. That's why we're here, because of what he did to Minor 1. Not because Elizabeth Parker and Minor 1 came and messed up his

house.

And no, maybe you don't let her in and let her spend the night. But she also is not going to mastermind a whole plot and scheme and two years later, bring down someone. She's not capable of that. She has no reason to and she has no ability to. I ask that you find him guilty.

THE COURT: All right. Ladies and gentlemen, before I deliver the charge, we're going to take a very brief break. Just five minutes. Everybody can refresh themselves. I know, I'm fairly certain there's somebody in this courtroom other than me who needs to go to the restroom. So let's take a break and we'll come back in and do the closing charge.

(WHEREUPON, the jury left open court at approximately 10:52 a.m.)

THE COURT: Okay. All right. We'll be in short recess.

(WHEREUPON, a short break was taken.)

THE COURT: Okay. Ready for the jury?

MR. SHIPMAN: Your Honor, I would like to put something on the record.

THE COURT: Sure, absolutely.

MR. SHIPMAN: I assume there's no motion from The State?

MS. MAJOR: No.

MR. SHIPMAN: Your Honor, in the closing argument, the State referenced the charge involving Captain Cromartie and Vincent S., and said we don't know the reason why, suggesting that it's a mystery. We know the reason why. It's just can't get it into evidence. So I think, again, I just want to compound that in my argument that it's highly prejudicial to my client to not be able to get into that.

THE COURT: All right. You're protected on the record in that regard. I do think that -- I heard you specifically say in your argument that he had not been charged. Which I don't know if that ever actually come out in evidence. I don't know if it did or not.

MR. SHIPMAN: Captain Cromartie said she never filed a charge.

THE COURT: She said she never filed a charge. I understand she said that, but there was never any indication clear that he was never charged with anything by any law enforcement officer. You said that and I don't have any issue with that. Y'all are wide open to advocate. But I think it was fair that she be able to comment on it some way, shape or from in her reply. So you're protected on the record like

that, but I don't find any compound issues based on that.

MR. SHIPMAN: Thank you, Your Honor.

MS. MAJOR: Yes, sir. For the record, I guess my intent of saying we don't know what happened, I just meant in general with the whole allegation and how it arose, not specifically to whether he was charged or not.

THE COURT: Okay. Fair enough. Fair enough. Okay. Bring them in, please.

(WHEREUPON, the jury came into open court at approximately 11:03 a.m.)

JURY CHARGE

THE COURT: All right, ladies and gentlemen, when we began the trial, I told you that you have certain roles and duties to perform and I have certain roles and duties to perform. My duty, of course, is as the judge of the law, which means that it's my duty to give you the law as it relates to the evidence that's been presented in this case. Your duty is to determine what the facts are and to determine whether the State has met its burden of proof beyond a reasonable doubt.

Now, if you come into this courtroom with any prior opinions, any predispositions about what the

law is or what the law should be, then you must divorce yourself from that and you must disregard those prior opinions. Because under your oath, you swore to accept the law as I give it to you. And you must under your oath accept that law as I give it to you.

Now, as I've told you, because I'm the judge of the law and you're the judge of the facts, I cannot have any opinion regarding the facts in this case or your ultimate decision. So if at any point in time during this trial, you heard me say anything, you saw me do anything or you saw any expressions or mannerisms that gave you the impression that I have an opinion, disregard that. Because I can tell you truly and honestly that I do not have a stake in the outcome of this case and I don't have an opinion about what your ultimate decision should be.

Now, ladies and gentlemen, as I've told you before, the Defendant enjoys the presumption of innocence under our Constitution. Which means he retains that presumption of innocence until such time as 12 deliberating jurors determine whether or not the State has met its burden of proving each and every element of the offense beyond a reasonable doubt. He retains that presumption of innocence now

as we sit here and will continue to retain that presumption of innocence, again, until 12 deliberating jurors determine that the State has met its burden of proof beyond a reasonable doubt as to each charge and each element of each charge.

Now, understand that there are two indictments in this case. Now, with those two indictments, you will consider them separately and independently. You will look at one indictment and determine whether the State has met its burden of proof and look at the other indictment and determine whether the State has met its burden of proof. Understand, those are independent analyzes. Meaning, you don't have to do the same thing on both indictments. You can find that only one -- let's say if you were to find on one indictment that the State had met its burden of proof, you could find the Defendant guilty. And then on the other indictment, find that the State had not met its burden of proof and find the Defendant not guilty. It doesn't have to be the same. Consider them independent of one another.

Now, when we talk about burden of proof, as we have in several instances here, that is the burden that rests with the State to meet -- to prove its case. You may have had some other interaction with

the court at some time in your life and you may have heard of other types of burdens of proof. For instance, in a civil trial, generally speaking, the burden of proof is going to be by a preponderance of the evidence, which is a greater weight of the evidence. You may also have in a lot of civil trials as well, a clear and convincing standard. That happens with causes of action like fraud. And it can happen if somebody is asking for punitive damages. Neither of those burdens of proof apply in this case.

In this case, the burden of proof is proof beyond a reasonable doubt, which is the highest burden of proof that exists under our criminal justice system. Proof beyond a reasonable doubt is proof that would cause a reasonable person to hesitate to act. Or in other words, proof beyond a reasonable doubt is proof which firmly convinces you of the Defendant's guilt.

Now, understand that there's nothing on the face of this earth that you could know with absolute certainty. And the law doesn't require that the State meet its burden beyond any possible doubt. However, if after your review of the evidence in this case, you are firmly convinced of the Defendant's guilt, then under your oath, you would find the

Defendant guilty. However, if after your review of the evidence, you find that there is a real possibility that the Defendant is not guilty, then under your oath, you would find the Defendant not guilty.

Now, you're going to determine whether the State has met its burden of proof by reviewing and analyzing the evidence. Like I said, you're the finders of the fact. You're going to look at all the evidence that was presented in this case. And you're going to weigh it. You're going to determine what's valuable and what's not valuable. You're going to determine what the facts are from your analysis and your interpretation of the evidence in this case.

Now, one of the important things that you do in weighing evidence and deciding the importance of evidence is you look and you judge the credibility of witnesses. You decide who should be believed and who shouldn't be believed. Now, you bring important intuitive common sense tools into the courtroom with you. Because you judge credibility every single day. When you're at work, you probably have conversations with coworkers and you probably in the evenings or in the mornings watch some news show. And you're constantly judging the credibility of people. And

what you do is you look at what they're saying. You look at how they're saying it, how they are articulating and stating their testimony. You look at their facial expressions. You look at their body language. You make a determination as to whether somebody has something to gain or someone has something to lose as a consequence of their testimony. And from that, you make a determination whether someone should be believed or not. And you do the same in court. You're going to use those intuitive skills to determine whether somebody should be believed or not.

Now, understand, you can look at a witness' testimony and decide that it's all credible. You should believe it all. It has great weight. You can look at it and decide that none of it is believable and that none of it should have any value. Or you can take portions of it and parts of it and discard the rest. It's all in your determination. You decide, you decide what weight and value a witness' testimony should have.

The same applies to expert witnesses. I've told you what an expert witness is. And I'm not going to get tedious and define it again, but I just want to remind you that just because somebody is qualified as

an expert witness doesn't mean that their testimony is given any greater weight or value. You look at it just like any other piece of testimony and decide whether it was credible and what value it has in your determination in the case.

Now, in any case that comes before the Court, in any case, whether it's a civil case, whether it's a criminal case, you are going to receive evidence in one or two different forms. Evidence can take the form of direct evidence or circumstantial evidence. You've probably heard of direct and circumstantial evidence. And you've probably heard it bandied about here and there. But I'm going to give you a legal definition of direct evidence, circumstantial evidence.

Direct evidence is evidence which immediately establishes a fact to be proven. Circumstantial evidence is proof of collateral facts or a chain of facts that which in the end prove the fact to be asserted. Now, that's a simple definition, but I'm going to give you an example. I find for me personally, it really is more illuminating if I get an example which will demonstrate the difference.

So let's say one January evening, you're going to bed. And while you're going to your bedroom, you

walk past your front door or your front window and you look out and there's no precipitation on the ground at all. Next morning you wake up, you look out that same door or window and you see a blanket of snow on the ground. Also, in that blanket of snow, you see footsteps which come to your door and which lead away.

So under that set of circumstances, you've got direct evidence that it snowed that night because it's immediately established by the presence of the snow. You can touch it, you can feel it, you can make a snowball. It's right there. But you have circumstantial evidence that sometime late that night or early that morning, someone walked to your door and walked away. Now, you can't see that person, you can't talk to them, you can't touch them. But you know as a consequence of the timing of that snowfall and the presence of the footsteps in the snow that someone must have come to your door and walked away. That's circumstantial evidence.

Now, understand that the law does not prefer direct evidence over circumstantial evidence or circumstantial evidence over direct evidence. You decide what weight and what value evidence has regardless of whether it is characterized as direct

evidence or circumstantial evidence. Understand, however, that to the extent that the State relies on circumstantial evidence to prove its case, all of the circumstances when taken together must point to the proof of -- they must prove the guilt of the accused beyond a reasonable doubt and does not merely provide a suspicion of guilt.

Ladies and gentlemen, the charge, charges that you have before the Court are each for criminal sexual conduct with a minor in the first degree. As I've indicated to you, they're two separate and distinct charges. And you must consider them separately and distinctly to determine whether the State has met its burden of proof. Now, I'm going to read you the statutory definitions that are relevant to this case. These statutory definitions are the definitions which have been set by the legislature in the State of South Carolina.

A person is guilty of criminal sexual conduct with a minor in the first degree if the actor engages in sexual battery with a victim who is less than 11 years of age. I'm going to read that for you again, then I'm going to give you some important definitions. A person is guilty of criminal sexual conduct with a minor in the first degree if the actor

engages in sexual battery with a victim who is less than 11 years of age.

Actor means a person accused of criminal sexual conduct. Sexual battery means sexual intercourse, cunnilingus, fellatio, anal intercourse or any intrusion, however slight, of any body part of a person's body of any object into the genital or anal openings of another person's body except when such intrusion is accomplished with medically recognized treatment or diagnostic purposes. Victim means the person alleging to have been subject to criminal sexual conduct.

Now, ladies and gentlemen, I'm going to give you your verdict forms that you will use in your deliberations.

What happened to my clerk? She didn't make it back.

Will you go ask my clerk if she has my verdict forms, please?

So I'll talk to you about them before I get them, okay, and then I'm going to show them to you. The verdict form is going to have the caption on it. It says verdict form. It's also going to have on there the relevant dates that are alleged in the indictment, so you'll know which verdict form is for

which alleged conduct. Okay.

So then -- so then it's got the caption of the case. Then it has indictment for and it gives you the relevant dates so that you'll know which one is which. Then on the top, it says, as to the charge of criminal sexual conduct in the first degree, we, the jury, by unanimous consent find the Defendant. Now, understand that it's important that you note that your verdict must be unanimous as is clearly stated on the verdict form. It can't be 11 to one or ten to two, it has to be a unanimous verdict. That verdict must also be based on the evidence and the law that was presented in the case. It can't be the product of anything outside of the law and the evidence. It can't be based on sympathy, it can't be based on passion, caprice, bias or prejudice. It has to be based on the law and the evidence presented, as you swore to do in your initial oath.

So ladies and gentlemen, you will have two options, okay, two options. Your first option is not guilty of criminal sexual conduct in the first degree. If you find after your review of the evidence that the State has not met its burden of proving each and every element of the offense beyond a reasonable doubt, then Ms. Collins, you would

simply either X or initial or check. It doesn't matter to me whether you check or initial, just something that's clear to me so I can interpret it, okay.

However, if after your review of the evidence, you find that the State has met its burden of proof, then Ms. Collins, you will either X, initial or check the second option, which is guilty of criminal sexual conduct in the first degree.

Once you finished with one of the indictments, and you can proceed in whatever order you think is appropriate, then you would go to the other indictment. Again, make an independent determination as to whether the State has met its burden of proof.

All right. So, ladies and gentlemen, what I'm going to do is I'm going to send you back to your jury room. I don't want you to begin your deliberations quite yet. This is the opportunity for the attorneys to do a quality control check on my charge. So what happens is the attorneys have the opportunity to take exceptions and say hey, you either said something wrong, you misstated a proposition of law or you left something out that you should have put in.

So if I have made a mistake and I need to

correct it or if there's something I need to tell you, then I'll bring you back in. If, if there are no exceptions to the charge, what I'll do is I'll send these two verdict forms back to your jury room with you. When you get these two verdict forms, you can begin your deliberations, okay, but not until you get these two verdict forms. Not long thereafter, you will get all of the evidence that was presented in the case. I'm going to give the attorneys a little bit of time to inventory and make sure that all the exhibits that were admitted are accounted for and you'll get those and you can take them back to your jury room. You have the videotape. You can play that videotape. If you want to play the videotape -- and I'm not suggesting you will or you should or you shouldn't. It's entirely up to you. If you need to do that, let me know and I'll get you a computer that you can use to look at that videotape if you decide that it is necessary. Just write me a note and let me know, okay.

So please return to your jury room. Don't begin any discussions just yet.

(WHEREUPON, the jury left open court at approximately 11:20 a.m.)

THE COURT: Okay. Exceptions to charge from the

State?

MS. MAJOR: No, Your Honor, none from the State.

THE COURT: From the Defense?

MR. SHIPMAN: Your Honor, the Defense takes exception to the firmly convinced language. It's our position that's just restated of the clear convincing standard. Therefore, dilution of the beyond a reasonable doubt standard, which I believe is more faithfully rendered in the hesitate to act language, Your Honor.

THE COURT: Okay. All right, you're protected on the record in that regard. Respectfully, I overrule your objection. I actually think that firmly convinced -- and it's always subject to debate. I think firmly convinced is better for the Defense, frankly. You disagree?

MR. SHIPMAN: Respectfully, yes, sir.

THE COURT: That's okay. I know that you are a little bit troubled because you never got to go to Disney World.

MR. SHIPMAN: I'm still mad at my parents.

THE COURT: Obviously. Obviously. So I'm going to cut you a break, okay.

So I am going to take the verdict forms, give to the bailiff, let him take them back and let them

begin their deliberations. Y'all do an inventory and then I'm going to dismiss the alternates from chambers, okay.

All right, good luck to both of you.

(WHEREUPON, deliberations began.)

(WHEREUPON, court was in recess awaiting a verdict.)

(WHEREUPON, Court's Exhibit No. 2 was marked for identification only.)

(WHEREUPON, the jury came into open court at approximately 11:56 a.m.)

THE COURT: Okay. I got your note. You need clarification of the statement. Now, understand that I can't tell you because I don't know. I'm not allowed to tell you what the evidence said. But what I can do is let the court reporter read back to you both the question that was posed by the attorney and the response. That may clarify it, it may not. I don't know. But I can tell you what was, what was recorded contemporaneously by the court reporter.

So I'm going to ask Ms. Herron to read beginning with the attorney's question and then read the response. Ms. Herron, you may read it now.

(WHEREUPON, testimony was read to the jury.)

THE COURT: That's it?

THE COURT REPORTER: Yes, sir.

THE COURT: That was the question and the response. Whether that clears it up for you or not is entirely up to you. Could you hear? Could you not hear it?

THE FOREPERSON: Couldn't hear very well. Just a little louder.

THE COURT: Okay. Let's read it again. What I'll do is I'll turn the mic up. Okay.

(WHEREUPON, testimony was reread to the jury.)

THE COURT: That's it. Could you hear that? Could you hear? Okay.

All right. So ladies and gentlemen, go back to your jury room. Hopefully, your lunch will be here in just a few minutes. So continue deliberations. Thank you.

(WHEREUPON, the jury left open court at approximately 11:58 p.m. and continued deliberations.)

(WHEREUPON, Court's Exhibit No. 3 was marked for identification only.)

THE COURT: Okay, be in recess until we hear further. Thanks.

(WHEREUPON, court was in recess awaiting a verdict.)

VERDICT

THE COURT: All right, State ready to receive the verdict?

MS. MAJOR: Yes, Your Honor.

THE COURT: And the Defense?

MR. SHIPMAN: Yes, sir, Your Honor.

THE COURT: Okay, could you bring the jury in, please?

(WHEREUPON, the jury came into open court at approximately 3:31 p.m.)

THE COURT: All right. Ms. Collins, has the jury reached a unanimous verdict, ma'am?

THE FOREPERSON: Yes, sir, we have.

THE COURT: Okay, can you hand the verdict form to the bailiff, please?

All right, publish the verdict please, ma'am.

THE CLERK: Your Honor, in the case of 2019-GS-23-3425A, The State of South Carolina vs. Otis Edward Gibson, as to the charge of criminal sexual conduct first degree, we, the jury, by unanimous consent find the Defendant guilty of criminal sexual conduct in the first degree.

In the case of 2018-GS-23-0069, as to the charge of criminal sexual conduct first degree, we, the jury, by unanimous consent find the Defendant guilty

of criminal sexual conduct in the first degree.

These are signed by our foreperson, Heather Collins.

Ladies and gentlemen, if you agree these are the verdicts you reached in your deliberations room, would you please raise your right hand?

(WHEREUPON, all members of the jury raised their right hand.)

THE COURT: All right, anything additional from the State?

MS. MAJOR: No, Your Honor.

THE COURT: Anything additional from the Defense?

MR. SHIPMAN: Poll the jury, Your Honor.

THE COURT: Will you poll the jury, please.

THE CLERK: The verdict that was just published was the verdict you reached in the jury room. I ask you, was it your verdict then and is it your verdict now? When I call your name, please answer yes or no.

Heather Collins?

THE JUROR: Yes.

THE CLERK: Cynthia Owens?

THE JUROR: Yes.

THE CLERK: Timothy Walden?

THE JUROR: Yes.

THE CLERK: Joshua Holskey?

THE JUROR: Yes.

THE CLERK: Sourav Saha?

THE JUROR: Yes.

THE CLERK: Brian Royal?

THE JUROR: Yes.

THE CLERK: Charles Johnston?

THE JUROR: Yes.

THE CLERK: Cody Fritz?

THE JUROR: Yes.

THE CLERK: Karen Harnesberger?

THE JUROR: Yes.

THE CLERK: Brad Seidel?

THE JUROR: Yes.

THE CLERK: Elterrice Westfield?

THE JUROR: Yes.

THE COURT: And Kathleen Butler?

THE JUROR: Yes.

THE CLERK: Thank you.

THE COURT: Anything further from the Defense?

MR. SHIPMAN: Not at this time, Your Honor.

THE COURT: All right. Okay.

Ladies and gentlemen, if you'll return to your jury room, I'll come dismiss you informally. It will just take a few minutes. So you can go back to your

jury room. While you're collecting your phones and everything, I'll come in and we'll have a talk, okay.

(WHEREUPON, the jury left open court at approximately 3:34 p.m.)

THE COURT: Okay. I'm going to go release the jury informally. I'll come back in and we'll proceed to sentencing at that time, okay.

(WHEREUPON, a short break was taken.)

SENTENCING

THE COURT: Okay, you may approach for sentencing.

Ms. Major, of course, I heard the evidence in this case. I agree with the jury's verdict. Is there anything else that the State would like to put on the record with respect to sentencing, ma'am?

MS. MAJOR: No, Your Honor. He has no significant prior record. I think maybe some fraud checks from a long time ago.

The victim's family, as you know, is here in the courtroom. They do not wish to speak. They just wanted me to convey to the Court that all Minor 1 wanted to know was why did he do this to her. They understand they're not going to get that answer, but just wanted the Court to be aware of that.

THE COURT: Okay. Good enough. It's my

understanding that each of these offenses or each of these charges carries up to 30 years; is that correct, ma'am?

MS. MAJOR: Your Honor, it's my understanding these charges carry 25 years to life.

THE COURT: Twenty-five to life. I must have been looking at the wrong statute. So it's 25 to life; is that correct? Mandatory minimum of 25?

MS. MAJOR: Yes, Your Honor. I think subsection B is the -- that may be the provision that carries up to 30 years.

THE COURT: Okay. Is that your understanding of the sentencing range for this, Mr. Shipman?

MR. SHIPMAN: It is, Your Honor.

THE COURT: Okay. And has Mr. Gibson served any time in jail? I know he has. Do you have a day count?

MS. MAJOR: Your Honor, I do not, but can get that to you just as soon as I can. It did not even dawn on me.

MR. SHIPMAN: Your Honor, it was about four months actually incarcerated in the jail and he's been on house arrest since then. So by my rough count, between house arrest time and jail time, he's got about two years credit for time served.

MS. MAJOR: And I would agree with that.

THE COURT: So two years credit for time served.

MR. SHIPMAN: Your Honor, it would be actually a little lower since it would -- he was arrested 11/24/17. So today is what?

THE COURT: So he's either been -- let's say he's either been incarcerated or on house arrest since 24-November-2017?

MR. SHIPMAN: Yes, sir.

THE COURT: Okay.

MS. MAJOR: Maybe 741 days.

MR. SHIPMAN: Or 730 plus 11. What's today's date, the fourth?

MS. MAJOR: The fifth.

MR. SHIPMAN: Yeah, that's about right. SCDC will calculate it by the date.

THE COURT: I'm going to put credit for time served since November 24th, 2017. All right. I'll let them do the math.

Mr. Shipman, I'll be happy to hear from you, sir.

MR. SHIPMAN: Thank you, Your Honor, may it please the Court. Mr. Gibson is 49 years old. So that's the one reason we're asking for the minimum sentence in this is because by the time he serves

that, he'll either be dead or well advanced in age given the 85 percent provision of that statute. He's got no prior record. He, of course, maintains his innocence.

I've spoken to several people who have known Otis for decades now. He started working at the Tucker Soda Shop in the west end when Mr. Tucker still owned it. Then he worked for the new owners. Then they retired and they gave the restaurant to someone else and he helped them and he worked with them. He's been a fixture in that community since he was a child.

I can't tell you the number of people who have called me and just given me just positive things to say about Otis. My own personal interaction with him has been positive as well. He's always been punctual. He's always kept all of his appointments. There's never been a cross word. He's been on house arrest now for two years without a single infraction. He's worked ever since he got back out at the chicken farm, which is not an easy job. You know, I think I've known him to be diligent and caring.

You know, of course, Your Honor, we don't think that this actually happened. So we plan to file an appeal. But I believe just based on his personal

character, without any prior record and his advanced age and all the good that he's done for people in his life, you know, if you'd set this aside. Your Honor, nobody said anything bad about him that I could ever find. So I would just ask for the minimum sentence in this case, Your Honor.

THE COURT: All right. Mr. Gibson, anything you would like to tell me, sir?

MR. GIBSON: Your Honor, I didn't do this. I swear on my momma life. I was trying to be a friend. Everybody told me don't let her move in. And I just overlooked everybody and did it as a friend.

THE COURT: All right. Thank you, Mr. Gibson, appreciate that.

MR. SHIPMAN: Your Honor, before sentencing, we would again renew all of our prior motions, to include our motion for mistrial, Judge.

THE COURT: Okay, the rulings on all those motions remain the same. And you're protected on the record in that respect.

Okay. On each of these charges, the sentence of the Court, Mr. Gibson, is you be committed to the Department of Corrections for a period 25 years. Each are concurrent with one another. You're to be given credit for time served on each since November

24th, 2017. Good luck to you, sir.

MR. SHIPMAN: Thank you, Your Honor.

MS. MAJOR: Thank you, Your Honor.

THE COURT: Thank you.

(WHEREUPON, the proceedings were concluded.)