

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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**RECEIVED**

**Apr 21 2021**

**SC Court of Appeals**

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

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THE STATE,

RESPONDENT,

V.

OTIS EDWARD GIBSON,

APPELLANT

APPELLATE CASE NO. 2019-002069

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RECORD ON APPEAL

---

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



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CERTIFICATE OF REPORTER

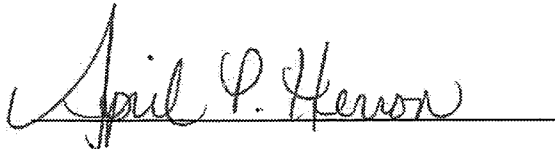
ORIGINAL

STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE )

I, APRIL P. HERRON, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Greenville County, South Carolina, on the 2-5 days of December, 2019.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

April 29, 2020



APRIL P. HERRON, Court Reporter

ORIGINAL REPORT     STATUS CHANGE     ADDITIONAL VICTIMS     ADDITIONAL STOLEN PROPERTY

SUPPLEMENTAL REPORT     OTHER REPORT     ADDITIONAL OFFENDERS     ADDITIONAL RECOVERED PROPERTY

INCIDENT TYPE Lowd Act: Commit on Minor Under 16

PATROL DISTRICT 09    PAGE 1 OF 1 PAGES

**I.D. OVERFLOW**

COMPLAINANT     VICTIM #     SUBJECT #     RUNAWAY     WANTED     WARRANT     ARREST     MISSING     JAIL     Other

NAME (LAST, FIRST, MIDDLE) Vincent S.

VICTIM RELATIONSHIP TO SUBJECT  
#1 AK V/Acquaint.    #2    #3

RESIDENT J    BIRTH k    SEX le    AGE 5    D.O.B.

ADDRESS 3    CITY GREENVILLE    STATE SC    ZIP CODE 29609    PATROL DISTRICT 09

DAY PHONE W    EVENING PHONE W

HEIGHT    WEIGHT    HAIR    EYES    FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL, PECULIARITIES, ETC.

VICTIM NO.    VISIBLE INJURY:  YES  NO    COMPLAINT OF NON-VISIBLE INJURIES:  NO  YES    VICTIM USING ALCOHOL:  NO  YES  UNK.    DRUGS:  NO  YES TYPE  UNK.

SUBJECT NO.    USING ALCOHOL:  NO  YES  UNK    USING DRUGS:  NO  YES TYPE:  UNK

ARRESTEE ARMED  YES  NO WEAPON TYPE:     ON VIEW ARREST  SUMMONED  CUSTODY

JUVENILE DISPOSITION: 1.  HANDLED, RELEASED     REFERRED TO OTHER AUTHORITY

**NARRATIVE**

Arrest Location:

ON AUGUST 2, 2005 THIS INVESTIGATOR MADE CONTACT WITH COMPLAINANT ELIZABETH PARKER REGARDING INTERVIEWING THE VICTIM. PARKER STATED THAT SHE WOULD BRING THE VICTIM TO THE LEC FOR INTERVIEW ON AUGUST 3, 2005 AT 10:00AM.

CASE REMAINS ACTIVE

**DEFENDANT'S EXHIBIT**

1

12-4-19

PENGLAND 800-981-0888

**VEHICLE**

STOLEN     RECOVERED     SUSPECT     VICTIM

TAG NUMBER    STATE    YEAR    V.I.N.    VALUE

YEAR    MAKE    MODEL    STYLE    COLOR

TAG ONLY    ADDITIONAL VEHICLE DESCRIPTION

**PROPERTY**

Status	Property Type	Quantity	Property Make	Color	Description	Serial #	Value

**ADMIN**

SUBJECT IDENTIFIED:  YES     NO    SUBJECT LOCATED:  YES     NO

ACTIVE     ADMIN. CLOSED     UNFOUNDED     ARRESTED UNDER 18     ARRESTED 18 AND OVER     EX-CLEARED UNDER 18     EX-CLEARED 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1.  OFFENDER DEATH. 2.  NO PROSECUTION. 3.  VICTIM/DECLINES COOPERATION 4.  EXTRADITION DENIED 5.  JUVENILE-NO ARREST

REPORTING OFFICER(S) INV. CHERYL CROMARTIE #86    DATE 8/2/05    Unit # / Star # 626    APPROVING OFFICER SGT. J.M. BROWN    DATE 8/2/05    Unit # / Star # 601

FOLLOW-UP INVESTIGATION:  YES  NO    (OFFICER)

0817-05E

AGENCY I.D. GREENVILLE COUNTY SHERIFF'S OFFICE  
 SCO230000 SUPPLEMENTAL REPORT

CASE NUMBER  
 015100011033471

ORIGINAL REPORT  STATUS CHANGE  ADDITIONAL VICTIMS  ADDITIONAL STOLEN PROPERTY  
 SUPPLEMENTAL REPORT  OTHER REPORT  ADDITIONAL OFFENDERS  ADDITIONAL RECOVERED PROPERTY

INCIDENT TYPE: Lewd Act: Commit on Minor Under 16  
 PATROL DISTRICT: 09 PAGE: \_\_\_\_\_ OF: \_\_\_\_\_ PAGES

**I.D. OVERFLOW**

COMPLAINANT  VICTIM #  SUBJECT #  RUNAWAY  WANTED  WARRANT  ARREST  MISSING  JAIL  Other

NAME (LAST, FIRST, MIDDLE): Vincent S.  
 ADDRESS: \_\_\_\_\_ CITY: GREENVILLE STATE: SC ZIP CODE: 29609 PATROL DISTRICT: 09

VICTIM RELATIONSHIP TO SUBJECT: #1: V/Acquaint. #2: #3: RESIDENT: J FACE: k WEX: lc AGE: D.O.B.: \_\_\_\_\_

HEIGHT: \_\_\_\_\_ WEIGHT: \_\_\_\_\_ HAIR: \_\_\_\_\_ EYES: \_\_\_\_\_ FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL, PECULIARITIES, ETC.: \_\_\_\_\_

VICTIM NO.: \_\_\_\_\_ VISIBLE INJURY:  YES  NO COMPLAINT OF NON-VISIBLE INJURIES:  NO  YES VICTIM USING ALCOHOL:  NO  YES  UNK. DRUGS:  NO  YES TYPE: \_\_\_\_\_

SUBJECT NO.: \_\_\_\_\_ USING ALCOHOL:  NO  YES  UNK. USING DRUGS:  NO  YES TYPE: \_\_\_\_\_

ARRESTEE ARMED  YES  NO WEAPON TYPE: \_\_\_\_\_ ON VIEW ARREST  SUMMONED  CUSTODY

JUVENILE DISPOSITION: 1.  HANDLED, RELEASED  REFERRED TO OTHER AUTHORITY

**NARRATIVE**

Arrest Location:  
 ON AUGUST 3, 2005 THIS INVESTIGATOR INTERVIEWED A FIVE YEAR OLD MALE REGARDING THE ABOVE INCIDENT.  
 THIS INVESTIGATOR THEN ASKED THE VICTIM THE FOLLOWING QUESTIONS AND THE VICTIM RESPONDED.

INV: WHAT IS YOUR NAME? VICT: Vincent S.  
 INV: HOW OLD ARE YOU? VICT: 4  
 INV: WHEN IS YOUR BIRTHDAY? VICT: IT IS COMING UP ON [REDACTED]  
 INV: DO YOU GO TO SCHOOL? VICT: YEAH  
 INV: WHAT SCHOOL DO YOU GO TO? VICT: GREENVILLE  
 INV: WHAT GRADE ARE YOU IN? VICT: IN SPOOKY PLACE  
 INV: WHO IS YOUR TEACHER? VICT: MS. LESLIE  
 INV: WHERE DO YOU LIVE? VICT: AT MY HOUSE  
 INV: WHO DO YOU LIVE WITH? VICT: MY MOM, THAT OTHER GIRL, AND MY BROTHER  
 INV: WHAT IS YOUR MOTHER'S NAME? VICT: ELIZABETH PARKER  
 INV: WHAT IS YOUR DADS NAME? VICT: JR.  
 INV: DO YOU HAVE BROTHERS AND SISTERS? VICT: YEAH MIGUEL  
 INV: HOW OLD IS HE? VICT: 2  
 INV: DO YOU HAVE A TELEPHONE? VICT: I DON'T KNOW  
 INV: WHY ARE YOU HERE TODAY? VICT: I DON'T KNOW  
 INV: CAN YOU NAME YOU BODY PARTS? VICT: YES

**VEHICLE**

STOLEN  RECOVERED  SUSPECT  VICTIM

TAG NUMBER: \_\_\_\_\_ STATE: \_\_\_\_\_ YEAR: \_\_\_\_\_ V.I.N.: \_\_\_\_\_ VALUE: \_\_\_\_\_

YEAR: \_\_\_\_\_ MAKE: \_\_\_\_\_ MODEL: \_\_\_\_\_ STYLE: \_\_\_\_\_ COLOR: \_\_\_\_\_

TAG ONLY:  ADDITIONAL VEHICLE DESCRIPTION: \_\_\_\_\_

**PROPERTY**

Status	Property Type	Quantity	Property Make	Color	Description	Serial #	Value

**ADMIN**

SUBJECT IDENTIFIED:  YES  NO SUBJECT LOCATED:  YES  NO

ACTIVE  ADMIN. CLOSED  UNFOUNDED  ARRESTED UNDER 18  EX-CLEARED UNDER 18  ARRESTED 18 AND OVER  EX-CLEARED 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1.  OFFENDER DEATH. 2.  NO PROSECUTION. 3.  VICTIM/DECLINES COOPERATION 4.  EXTRADITION DENIED 5.  JUVENILE-NO ARREST

REPORTING OFFICER(S): INV. CHERYL CROMARTIE \*86 DATE: 8/3/05 Unit # / Star #: 626 APPROVING OFFICER: SGT. J.M. BROWN DATE: 8/3/05 Unit # / Star #: 601

FOLLOW-UP INVESTIGATION:  YES  NO (OFFICER)

029-2005E



AGENCY I.D. SC0230000

GREENVILLE COUNTY SHERIFF'S OFFICE SUPPLEMENTAL REPORT

CASE NUMBER

0 5 0 0 0 1 0 3 3 4 7 1

ORIGINAL REPORT, SUPPLEMENTAL REPORT, STATUS CHANGE, OTHER REPORT, ADDITIONAL VICTIMS, ADDITIONAL OFFENDERS, ADDITIONAL STOLEN PROPERTY, ADDITIONAL RECOVERED PROPERTY, INCIDENT TYPE Lewd Act; Commit on Minor Under 16, PATROL DISTRICT 09, PAGE OF PAGES

COMPLAINANT, VICTIM #, SUBJECT #, RUNAWAY, WANTED, WARRANT, ARREST, MISSING, JAIL, Other, NAME (LAST, FIRST, MIDDLE) Vincent S., VICTIM RELATIONSHIP TO SUBJECT V/Acquaint., RESIDENT J, BAC k, MIA lc, AGE, D.O.B., CITY GREENVILLE, STATE SC, ZIP CODE 29609, PATROL DISTRICT 09, DAY PHONE, EVENING PHONE, HEIGHT, WEIGHT, HAIR, EYES, FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL, PECULIARITIES, ETC., VICTIM NO., VISIBLE INJURY, COMPLAINT OF NON-VISIBLE INJURIES, VICTIM USING ALCOHOL, DRUGS, TYPE, TWO-MAN VEHICLE, DETECTIVE, ALONE, ONE-MAN VEHICLE, OTHER, ASSISTED, ARRESTED ON CURRENT OFFENSE, CLEARED BY ARREST ON PRIOR OFFENSE, ARRESTEE ARMED, JUVENILE DISPOSITION, ON VIEW ARREST, SUMMONED, CUSTODY, Arrest Location:

NARRATIVE: THIS INVESTIGATOR ATTEMPTED TO SPEAK WITH THE VICTIM ABOUT GOOD TOUCHES AND BAD TOUCHES. THE VICTIM STATED THAT HE DID NOT KNOW ABOUT GOOD TOUCHES OR BAD TOUCHES. THIS INVESTIGATOR POINTED TO THE MALE DOLLS HEAD AND ASKED IF THIS WOULD BE A GOOD TOUCH OR BAD TOUCH. VICTIM DID NOT RESPOND. THIS INVESTIGATOR POINTED TO THE DOLLS PENIS AND THE VICTIM RESPONDED BAD TOUCH. THIS INVESTIGATOR POINTED TO THE DOLLS BUTTOCKS AND VICTIM RESPONDED BAD TOUCH. VICTIM STATED GOOD TOUCHES WERE TABLES AND PLATES. WHILE ATTEMPTING TO SPEAK WITH THE VICTIM REGARDING THE ABOVE INCIDENT VICTIMS ATTENTION WAS DIVERTED BY DIFFERENT ITEMS IN THE ROOM. THE VICTIM WOULD NOT SIT DOWN AND CONSTANTLY MOVED AROUND THE ROOM. THIS INVESTIGATOR INQUIRED IF ANYONE EVER BAD TOUCHED HIM AND THE VICTIM RESPONDED NO. HOWEVER, THE VICTIM SHOUTED THAT "LEA IS GOING TO JAIL, MY MOM HAD A ATTITUDE". MY MOM SAID LEA NEED TO GO HOME. THIS INVESTIGATOR ASKED THE VICTIM THE FOLLOWING QUESTIONS: INV: WHO IS LEA? VICT: LEA LIVES WITH US SHE IS A BOY. INV: WHY IS LEA GOING TO JAIL? VICT: I DON'T KNOW MY MOMMA SAID THAT HE TOUCHED ME DOWN THERE. INV: DID LEA TOUCH YOU? VICT: NO, NOBODY TOUCHED ME THERE. A BIG GUY PUT A KNIFE IN MY BUTT HIS NAME IS JERRY WE PLAYED KNIFE TOGETHER, HE PUT A KNIFE IN MY BUTT AND I WAS BLEEDING AND I TOLD MY MOM. INV: IS JERRY AN ADULT OR A CHILD? VICT: HE IS A CHILD WE PLAY TOGETHER. I DID NOT REALLY BLEED I WAS PRETENDING TO BLEED.

VEHICLE: STOLEN, RECOVERED, SUSPECT, VICTIM, TAG NUMBER, STATE, YEAR, V.I.N., VALUE, MAKE, MODEL, STYLE, COLOR, TAG ONLY, ADDITIONAL VEHICLE DESCRIPTION

PROPERTY table with columns: Status, Property Type, Quantity, Property Make, Color, Description, Serial #, Value

ADMIN: SUBJECT IDENTIFIED, SUBJECT LOCATED, ACTIVE, ADMIN. CLOSED, UNFOUNDED, ARRESTED UNDER 18, ARRESTED 18 AND OVER, EX-CLEARED UNDER 18, EX-CLEARED 18 AND OVER, REASON FOR EXCEPTIONAL CLEARANCE, REPORTING OFFICER(S) INV. CHERYL CROMARTIE #86, DATE 8/3/05, Unit # / Star # 626, APPROVING OFFICER SGT. J.M. BROWN, DATE 8/3/05, Unit # / Star # 601, FOLLOW-UP INVESTIGATION

581115





WITNESSES

Rebecca Lindler

*AKL*

Greenville Police Department

11/24/2017

ARREST WARRANT NUMBER

2017A2320602811

ACTION OF GRAND JURY

**TRUE BILL**

*[Signature]*

FOREMAN GRAND JURY

*Foreperson of Grand Jury*

VERDICT

*Foreperson of Petit Jury*

*Date:*

DOCKET NO. 2018-GS-23-00069

EEM

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

May

TERM 2018

*2019*

THE STATE

vs.

OTIS EDWARD GIBSON

Indictment for

0385

CRIMINAL SEXUAL CONDUCT WITH A MINOR  
FIRST DEGREE

VIOLATION § 16-03-0655

RECEIVED

DEC 16 2019

SC Court of Appeals

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

INDICTMENT FOR  
CRIMINAL SEXUAL CONDUCT WITH A MINOR FIRST DEGREE

At a Court of General Sessions, convened on  
County present upon their oath:

MAY 21 2019

the Grand Jurors of Greenville

That OTIS EDWARD GIBSON did in Greenville County, on or about the 19th day of November, 2017,  
commit a sexual battery on T.P., who was less than eleven years of age. This is in violation of §16-03-  
0655(A)(1)[formerly 16-3-655(1)] of the South Carolina Code of Laws (1976) as amended.

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

Elizabeth Meyer  
SOLICITOR BAR # 74805

WITNESSES

Rebecca Lindler *RL*


Greenville Police Department

11/24/2017

ARREST WARRANT NUMBER  
DIRECT PRESENTMENT

DOB: [REDACTED] SS# [REDACTED]

ACTION OF GRAND JURY  
TRUE BILL



FOREMAN GRAND JURY

*Foreperson of Grand Jury*

VERDICT

*Foreperson of Petit Jury*  
Date:

DOCKET NO. 2019-GS-23-  
EEM

003425A

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

May

TERM 2019

THE STATE

vs.

OTIS EDWARD GIBSON

Indictment for

0385

CRIMINAL SEXUAL CONDUCT WITH A MINOR  
FIRST DEGREE

VIOLATION § 16-03-0655

RECEIVED  
DEC 16 2019  
SC Court of Appeals

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

INDICTMENT FOR  
CRIMINAL SEXUAL CONDUCT WITH A MINOR FIRST DEGREE

At a Court of General Sessions, convened on

MAY 21 2019

the Grand Jurors of Greenville

County present upon their oath:

That OTIS EDWARD GIBSON did in Greenville County, between the 1st day of September, 2017 and the 30th day of September, 2017, commit a sexual battery on T.P., who was less than eleven years of age. This is in violation of §16-03-0655(A)(1)[formerly 16-3-655(1)] of the South Carolina Code of Laws (1976) as amended.

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

*Elizabeth Meyer*  
\_\_\_\_\_  
SOLICITOR BAR # 74805

Apr 21 2021

## CERTIFICATE OF COUNSEL FOR APPELLANT

SC Court of Appeals

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Adam Sinclair Ruffin  
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 21st day of April, 2021.