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**May 17 2021**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Horry County  
Honorable D. Craig Brown, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

DONALD FRANK HALSTEAD,

APPELLANT

APPELLATE CASE NO. 2019-001863

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SUPPLEMENTAL RECORD ON APPEAL

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ADAM SINCLAIR RUFFIN  
Appellate Defender

ALAN WILSON  
Attorney General

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

WILLIAM M. BLITCH, JR.  
Senior Assistant Deputy Attorney General  
Rembert Dennis Building  
1000 Assembly Street, Room 519  
Columbia, SC 29201

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSIONS

COUNTY OF HORRY ) 2018-GS-26-00504

STATE OF SOUTH CAROLINA, )

Plaintiff, )

vs. )

DONALD FRANK HALSTEAD, )

III, )

Defendant. )

**Transcript of Record**  
(Pre-Trial Motions)

March 25, 2019

**B E F O R E:**

Honorable Steven H. John  
Horry County Courthouse  
Conway, South Carolina

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

C. Leigh Andrew, Esquire  
Mary-Ellen Walter, Esquire  
**Attorneys for State of South Carolina**

James C. Galmore, III, Esquire  
**Attorney for Defendant**

Kay H. Richardson  
**Circuit Court Reporter**

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MARCH 25, 2019

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**EXHIBITS**

<u>No.</u>		<u>ID</u>	<u>EV</u>
S1	Advisement of Miranda Rights - 8/1/17		17
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1 **MARCH 25, 2019 - 9:35 A.M.**

2 (REPORTER'S NOTE: Defendant not present in courtroom.)

3 BY THE COURT:

4 THE COURT: State v. Donald Frank Halstead. Where is Mr.  
5 Halstead?

6 MS. ANDREW: Your Honor, he's not arrived yet, but we've  
7 just contacted the jail and they said he will be here by 10  
8 o'clock.

9 THE COURT: We're gonna proceed without him. Thank you.

10 MS. ANDREW: Apologies, Your Honor.

11 THE COURT: All right. We're gonna leave the *Jackson v.*  
12 *Denno* hearing for last since the defendant is not here. Let's  
13 go through the other matters.

14 You have -- the state had a motion for additional voir  
15 dire. Let me hear you about that.

16 MOTION FOR ADDITIONAL VOIR DIRE QUESTIONS:

17 MS. ANDREW: Your Honor, the state is just asking for  
18 those additional voir dire questions. I think they're very  
19 similar to the questions that Your Honor asks anyway. We just  
20 want to -- we're asking if anyone has been the victim of a  
21 sexual assault or anyone has had a family member who's been  
22 accused of a sexual assault. So, we're ---

23 THE COURT: How about y'all come up here and look at this  
24 form that I have used for years and see if that's acceptable.

25 MS. ANDREW: This is fine with me.

State v. Halstead - 2018-GS-26-00504  
MOTION TO AMEND INDICTMENT

5

1 THE COURT: If y'all remember the process, what we do is  
2 when we have selected out the 35 to 40 and they come in and  
3 fill it out and then all the ones that affirmatively answer  
4 yes to one of the questions, then we call them up  
5 individually, talk to them about that situation and see if  
6 they can be qualified or not as a juror.

7 MR. GALMORE: Yes, sir.

8 THE COURT: Okay?

9 MR. GALMORE: I don't have a problem with the form or the  
10 process.

11 THE COURT: All right. Great. Good deal.

12 MS. ANDREW: Thank you.

13 THE COURT: All right. So, we also had a motion to amend  
14 the indictment.

15 MOTION TO AMEND INDICTMENT:

16 MS. ANDREW: Your Honor, that motion is going to be moot  
17 at this point. The state is going to proceed under the other  
18 indictment which does not require the state to present  
19 evidence the defendant was a sex offender.

20 THE COURT: Okay.

21 MS. ANDREW: I received a copy of his certified  
22 conviction and he was convicted and required to register a  
23 couple of months after these crimes occurred. So, we'll be  
24 proceeding under 2018-GS-26-00504.

25 THE COURT: Okay. So, 2018-GS-26-504, true-billed by the

1 Grand Jury on January 24th, 2018, criminal sexual conduct with  
2 a minor in the first degree, allegations are that Donald Frank  
3 Halstead, III, did in Horry County, in the State of South  
4 Carolina, on or between September 1, 2010 and December 31,  
5 2010 willfully and unlawfully commit the crime of criminal  
6 sexual conduct with a minor in the first degree by engaging in  
7 a sexual battery with a minor who is less than 11 years of  
8 age, to wit -- can you help me ---

9 MR. GALMORE: Minor .

10 MS. ANDREW: Minor .

11 THE COURT: --- Minor whose date of birth is [REDACTED]  
12 [REDACTED] 2005 in violation of the Code of Laws of the State of  
13 South Carolina, 1976, as amended. So, is there any problem  
14 with that, Mr. Galmore?

15 MR. GALMORE: No, sir. We would've made a motion to  
16 elect but given the solicitor's posture, we do not oppose.

17 THE COURT: All right. So, then that's the one that the  
18 state will be proceeding on. All right. Very good.

19 All right. You had a motion to offer expert testimony.

20 MOTION TO OFFER EXPERT TESTIMONY:

21 MS. ANDREW: Yes, sir. The state will offer the expert  
22 testimony of Mr. Ray Olszowski. His CV is attached to the  
23 motion. He's been an expert on the issue of child abuse  
24 dynamics for us in the past. He has never met the victim nor  
25 has he reviewed the file. He will solely be a blind expert

State v. Halstead - 2018-GS-26-00504  
MOTION TO OFFER EXPERT TESTIMONY

7

1 who will address the issues of child sexual abuse. For  
2 example, why a child would wait some time period to disclose  
3 abuse and about child memory and developmental age of a child,  
4 how they can process and understand things.

5 THE COURT: All right. Mr. Galmore, does the defense  
6 object to the state's offer in that regard?

7 MR. GALMORE: Yes, sir, Your Honor. We -- number one, we  
8 feel that this is highly prejudicial testimony and not  
9 relevant. Furthermore, the jury can reach whatever  
10 conclusions that they're able to reach based on the evidence  
11 that will be presented, which will be Nevaeh's testimony. I  
12 don't know if we need to bolster it with the statements of a  
13 so-called expert who has no actual contact with Nevaeh or with  
14 the facts of the case. Again, Your Honor, the reasons, one,  
15 it's highly prejudicial. It's highly -- it's not relevant.  
16 The jury can reach a verdict of guilty or not guilty without  
17 the additional testimony from the expert. And, he has no  
18 actual contact with this case or with the victim in this case.

19 THE COURT: All right. As to -- now, you will still,  
20 once -- and I'm gonna allow -- I'm gonna go through all the  
21 reasons now, but just to make clear, Mr. Galmore -- first,  
22 you've got a copy of the state's motion, right?

23 MR. GALMORE: I do not.

24 MS. ANDREW: You should have. I'm ---

25 THE COURT: Is the CV attached to that copy you just gave

1 ---

2 MS. ANDREW: It is, Your Honor.

3 THE COURT: All right. So, the CV of the expert is  
4 attached thereto.

5 MR. GALMORE: Yes, Your Honor.

6 THE COURT: All right. When the Court allows the expert  
7 to testify, and again I'm gonna go through the reasons in just  
8 a second, you will have that opportunity when the state offers  
9 the individual, Mr. -- is it ---

10 MS. ANDREW: Olszwski.

11 THE COURT: I'm sorry?

12 MS. ANDREW: Olszwski.

13 THE COURT: Olszwski, all right, you'll have to remind me  
14 when it comes up again. Olszwski, all right. Very good.  
15 That's like trying to spell -- I'm not sure. All right.  
16 Anyway, be that as it may, you'll be able to challenge his  
17 credentials, his qualifications, their offer as an expert at  
18 that point in time. When they offer him, you'll be able to  
19 examine him and, as to his qualifications and to the matters,  
20 and the Court again will rule on it at that point in time.  
21 So, you'll be able to fully explore that at the time he is  
22 offered before the jury to challenge him and have the Court's  
23 ruling at that time.

24 But, as to the issue of the prejudice, looking at the  
25 state's motion, this again is based upon the state's motion as

State v. Halstead - 2018-GS-26-00504  
MOTION TO OFFER EXPERT TESTIMONY

9

1 to what they intend to elicit from this particular witness, I  
2 do find that a examination of prejudice and probative value,  
3 under the rules of evidence, I do find it to be more probative  
4 than prejudice. And looking at the Supreme Court decisions on  
5 these types of experts that have been handed down in recent  
6 years, I do find that the area of testimony to be elicited by  
7 this particular witness is proper under the facts and  
8 circumstances of this case. The allegations apparently came  
9 up sometime in 2017 as we've just read from the indictment,  
10 the allegations are that this occurred on or between September  
11 1, 2010 and December 31, 2010. This is an area that is -- it  
12 is useful for the jury to hear in evaluating the matter. And  
13 again, it's gonna be their job, duty, and responsibility to  
14 evaluate the testimony of the expert to see if it's believable  
15 or not based upon the matters presented. But, the area of  
16 offered testimony, I do believe is proper for the jury to hear  
17 to give them a better understanding of the dynamics of the  
18 situation and whether or not there is a valid reason or  
19 rationale behind a delayed reporting. And all those areas  
20 that can be fully explored on cross examination of the  
21 witness, but I do find it to be a proper area. So, I do find  
22 it to be more probative than prejudicial and, in that regard,  
23 I find it to be relevant for the jury to hear this particular  
24 type of testimony.

25 As to the issue of no contact with the victim or the

1 circumstances of the parties in this case, it is the very  
2 essence of this type of testimony that it be elicited without  
3 any contact with the victim or the alleged perpetrator because  
4 it is not based upon evaluation of their facts and evidence,  
5 it's an area of study, an area of examination that can be  
6 explored in general regarding these types of delayed reporting  
7 cases. And, one, it's not necessary for there to be contact.  
8 But, secondly, you find that the testimony is more relevant  
9 and probative when there is no communication between this  
10 expert and the alleged victim in the particular matter. So,  
11 therefore, I'm going to allow it based upon the information  
12 contained in the state's motion. Again, reaffirm you'll be  
13 able to challenge the offer and the qualifications at the time  
14 of trial before the jury, Mr. Galmore, and to question the  
15 expert at that point in time as to the qualifications that he  
16 does or does not possess at that point in time.

17 All right?

18 MR. GALMORE: Yes, sir. Thank you.

19 THE COURT: Thank you very much.

20 All right. Obviously, if you -- and there again,  
21 obviously there's -- and going back on that, there's been a  
22 couple of Supreme Court decisions on this area. After you  
23 have examined the expert and his offer in this matter, if you  
24 think it runs afoul or any of those decisions, of course, I'll  
25 be expecting you to bring it up at that point in time.

State v. Halstead - 2018-GS-26-00504  
MOTION FOR COMPLIANCE WITH RAPE SHIELD STATUTE

11

1 MR. GALMORE: All right, sir.

2 THE COURT: Thank you very much.

3 All right. So, another motion that has been filed by the  
4 state was a motion for compliance with the Rape Shield  
5 Statute. Have y'all talked about this among yourselves?

6 MOTION FOR COMPLIANCE WITH RAPE SHIELD STATUTE:

7 MS. ANDREW: Your Honor, the state doesn't anticipate  
8 that this will be an issue at all. It's just something that I  
9 file in all the sexual assault cases out of an abundance of  
10 caution. Mr. Galmore has not indicated that he would be  
11 trying to bring up evidence of that nature.

12 THE COURT: Is it an issue in this particular case, Mr.  
13 Galmore?

14 MR. GALMORE: No, sir, Your Honor.

15 THE COURT: All right. Very good. All right.  
16 Obviously, if at any point in time during the trial, if  
17 something comes up and you then deem it to be an issue then,  
18 of course, we'll -- you bring it to the Court's attention and  
19 we'll deal with it at that point in time.

20 MR. GALMORE: Yes, Your Honor.

21 THE COURT: All right. Thank you very much.

22 BY THE COURT:

23 THE COURT: All right. So, how about on -- besides the  
24 *Jackson v. Denno* hearing, Mr. Galmore, are there any issues  
25 that the defense has that you want to bring to the Court's

State v. Halstead - 2018-GS-26-00504  
BY THE COURT

12

1 attention?

2 MR. GALMORE: No, sir. That's it, just the hearing.

3 THE COURT: All right. Anything else from the state?

4 MS. ANDREW: Nothing from the state, Your Honor.

5 THE COURT: All right. Well, we'll recess then until the  
6 defendant appears and we'll start then with the *Jackson v.*  
7 *Denno* hearing.

8 Thank you very much.

9 MS. ANDREW: Thank you, Your Honor.

10 **RECESS - 9:49 A.M.**

11 **\*\*\*\*\*OFF THE RECORD\*\*\*\*\***

12 **(On the Record - 10:08 A.M.)**

13 (REPORTER'S NOTE: Defendant Halstead enters courtroom @ 10:08  
14 A.M.)

15 **BY THE COURT:**

16 THE COURT: All right. This is 2018-GS-26-504 regarding  
17 State of South Carolina v. Donald Frank Halstead, III. In  
18 this particular matter the Court has ruled on the motion for  
19 additional voir dire. We are gonna be doing the same thing  
20 that the Court always does in these types of cases regarding  
21 questions to the jury. The -- regarding the indictment, the  
22 state will be proceeding on 2018-GS-26-504, and I will allow  
23 the state to use certain expert testimony but the defense is  
24 allowed to challenge the offer and the qualifications of that  
25 expert at the time that expert is offered, at the time of

State v. Halstead - 2018-GS-26-00504  
BLAKE KLAUDER - DIRECT BY ANDREWS

13

1 trial.

2 So, we're here on *Jackson v. Denno* hearing; is that  
3 correct?

4 MS. ANDREW: That's correct, Your Honor.

5 THE COURT: All right. Very good.

6 All right. State ready to proceed?

7 MS. ANDREW: Yes, Your Honor.

8 THE COURT: All right. Go ahead.

9 JACKSON V. DENNO:

10 MS. ANDREW: Your Honor, the state calls Detective Blake  
11 Klauder to the stand.

12 THE COURT: All right, sir. Please come around and be  
13 sworn.

14 BLAKE KLAUDER, HAVING BEEN DULY

15 SWORN, TESTIFIED AS FOLLOWS:

16 CLERK: Please state your name for the Court and spell  
17 your last name.

18 MR. KLAUDER: Blake Klauder, it's K-L-A-U-D-E-R.

19 THE COURT: Go ahead.

20 DIRECT EXAMINATION OF BLAKE KLAUDER BY MS. ANDREW:

21 Q: Detective Klauder, can you tell me where you are  
22 currently employed?

23 A: With the Horry County Police Department in the Special  
24 Victim's Unit.

25 Q: And what are you current duties as a detective in the

1 Special Victim's Unit?

2 A: All crimes involving what you would consider a special  
3 victim. Most of it is sex crimes.

4 Q: Okay. And what do you do as a police detective there?

5 A: As far as investigating the crimes, I will interview  
6 witnesses, victims, suspects that lead to these cases.

7 Q: Okay. And were you employed in the same capacity back in  
8 July and August of 2017?

9 A: Yes, ma'am.

10 Q: Did -- during your employment back in August of 2017, did  
11 you have an occasion to become involved in the case we're here  
12 for today, the case against Donald Halstead?

13 A: Yes, ma'am.

14 Q: Can you tell me how you became involved?

15 A: After patrol units responded and took the initial report,  
16 on July 3rd, I was assigned the case by my supervisor to be  
17 investigated.

18 Q: And I see you have something in your hand. Are you  
19 referring to your investigative report?

20 A: Yes, ma'am.

21 Q: Okay. If you need to refresh your memory by looking at  
22 that report, just look at it and then turn it over when you're  
23 finished before you answer the question.

24 A: Okay. Yes, ma'am.

25 Q: Okay. So, what's the first thing you did when you became

State v. Halstead - 2018-GS-26-00504  
BLAKE KLAUDER - DIRECT BY ANDREWS

15

1 involved in this case?

2 A: I will print out the copy of the report to review it and  
3 see where it needs to go from there. Due to this with the  
4 victim and her age, I had her go to the Children's Recovery  
5 Center for a forensic interview.

6 Q: Okay. And what did she disclose at that interview?

7 A: During that interview, she disclosed multiple sex acts  
8 that were supposedly to have been completed by the defendant,  
9 Mr. Halstead, to include vaginal penetration, oral  
10 penetration.

11 Q: And how did you identify Mr. Halstead as the suspect in  
12 the case?

13 A: The victim actually knew Mr. Halstead.

14 Q: Okay. Okay, and so after you got the victim's statement,  
15 what did you do next?

16 A: Once I received a copy of the forensic interview, I  
17 attempted to make contact with Mr. Halstead to do an  
18 interview.

19 Q: Okay. Were you able to make contact with Mr. Halstead?

20 A: Yes, ma'am.

21 Q: Okay. And did you set up an interview?

22 A: Yes, ma'am.

23 Q: And can you tell me when that occurred?

24 A: The first interview occurred August 1st, 2017 at my  
25 office, at the M.L. Brown Building.

1 Q: Okay, at the M.L. Brown Building?

2 A: Yes, ma'am.

3 Q: And where at the M.L. Brown Building did that occur?

4 A: In the interview room.

5 Q: And was the interview audio and/or video recorded?

6 A: Yes, ma'am.

7 Q: So, was it audio ---

8 A: Both.

9 Q: Both, okay.

10 A: Yes, ma'am.

11 Q: And during the course of the interview, did you give the

12 defendant what we refer to as the Miranda Warnings?

13 A: Yes, ma'am.

14 MS. ANDREW: May I approach, Your Honor?

15 THE COURT: Yes, ma'am.

16 BY MS. ANDREW:

17 Q: I'm gonna show you what's been marked as State's Exhibit

18 Number 1. Can you tell me what that form is?

19 A: This is the Miranda form that was used on August 1st at

20 12:09 P.M.

21 Q: Okay. And did Mr. Halstead sign that form?

22 A: Yes, ma'am.

23 Q: And what does that form advise Mr. Halstead of?

24 A: All of his Miranda Rights. Do you need me to ---

25 Q: Yes, just go through them real quick.

State v. Halstead - 2018-GS-26-00504  
BLAKE KLAUDER - DIRECT BY ANDREWS

17

1 A: The right to remain silent, anything you say can and will  
2 be used against you in a court of law. You have the right to  
3 talk to a lawyer and have him present with you while you're  
4 being questioned. If you cannot afford to hire a lawyer, one  
5 will be appointed to represent you at no cost to you before  
6 you're questioned if you so desire. If you make any  
7 statements or answer any questions, you have the right to stop  
8 at any time.

9 Q: Thank you.

10 MS. ANDREW: Your Honor, the state moves to enter Exhibit  
11 Number 1 into evidence.

12 THE COURT: Any objection?

13 MR. GALMORE: No, sir.

14 THE COURT: It's into evidence without objection for the  
15 purpose of the motion.

16 MS. ANDREW: Thank you, Your Honor.

17 STATE'S EXHIBIT NUMBER 1

18 ADMITTED INTO EVIDENCE FOR PRETRIAL ONLY

19 BY MS. ANDREW:

20 Q: And during the course of this interview, was Mr. Halstead  
21 under arrest when he came to the police station and was  
22 interviewed?

23 A: No, ma'am.

24 Q: Did you arrest him at any point during the interview?

25 A: No, ma'am.

1 Q: Did you threaten him or coerce him at any point during  
2 the interview?

3 A: No, ma'am.

4 Q: I'm gonna show you what's been marked as State's Exhibit  
5 Number 2. Did you provide a copy of the interview to the  
6 solicitor's office?

7 A: Yes, ma'am.

8 Q: Have you reviewed that State's Exhibit Number 2 and is  
9 that a copy of the audio and video recorded interview that  
10 occurred that day?

11 A: Yes, ma'am.

12 MS. ANDREW: Your Honor, the state would like to move  
13 Exhibit Number 2 into evidence which is the August 1st  
14 interview of the defendant.

15 THE COURT: Any objection?

16 MR. GALMORE: No, sir.

17 THE COURT: All right, sir. It's into evidence for the  
18 purposes of the motion.

19 STATE'S EXHIBIT NUMBER 2

20 ADMITTED INTO EVIDENCE FOR PRETRIAL ONLY

21 MS. ANDREW: The state would like to play it at this  
22 time.

23 THE COURT: You may do so.

24 BY MS. ANDREW:

25 Q: Detective Klauder, while we're getting this cued up, at

State v. Halstead - 2018-GS-26-00504  
BLAKE KLAUDER - DIRECT BY ANDREWS

19

1 the time of the defendant signed the Miranda form, did he  
2 appear to understand his rights?

3 A: Yes, ma'am.

4 Q: Did he voluntarily agree to speak with you at that time?

5 A: Yes, ma'am.

6 Q: Okay. Did he appear to be under the influence of any  
7 drugs or alcohol?

8 A: No, ma'am.

9 Q: Okay. Thank you.

10 (REPORTER'S NOTE: State's Exhibit 2 published for the Court.  
11 Audio not transcribed herein.)

12 MS. ANDREW: May it please the Court, Your Honor?

13 THE COURT: Yes, ma'am.

14 BY MS. ANDREW:

15 Q: Detective, we've just watched the interview you conducted  
16 at the M.L. Brown Building with the Defendant Donald Halstead  
17 on August 1st, 2017. Was that video a true and accurate  
18 representation of what occurred that day?

19 A: Yes, ma'am.

20 Q: Did you notice any additions or deletions to that  
21 interview?

22 A: No, ma'am.

23 Q: And at the conclusion of that interview, what -- did Mr.  
24 Halstead leave and go about his business?

25 A: Yes, ma'am.

1 Q: Did he come to that interview voluntarily that day?

2 A: Yes, ma'am.

3 Q: Okay. During the course of the interview, you referenced  
4 a polygraph test which you use as an investigative tool. Did  
5 Mr. Halstead take a polygraph test?

6 A: Yes, ma'am.

7 Q: And what were the results of that test?

8 A: The results proved deceptive.

9 Q: And did you then proceed to get a warrant for Mr.  
10 Halstead's arrest?

11 A: Yes, ma'am.

12 Q: What was the charge?

13 A: Criminal sexual conduct with a minor first degree.

14 Q: Okay. Did you personally serve that warrant on Mr.  
15 Halstead?

16 A: Yes, ma'am.

17 Q: And where did you do that?

18 A: Once we went for a second interview, he was arrested at  
19 his residence and transported to J. Reuben Long Detention  
20 Center where the warrant was served.

21 Q: Okay. So, the day you started the arrest warrants, did  
22 you go to his residence?

23 A: Yes, ma'am.

24 Q: Okay. And at that time, did you tell him that you had an  
25 arrest warrant for him?

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BLAKE KLAUDER - DIRECT BY ANDREWS

21

1 A: When I first got there, no, ma'am. I asked him to sit  
2 down for a second interview.

3 Q: Okay. And did he voluntarily sit down for a second  
4 interview?

5 A: Yes, ma'am.

6 Q: And at the beginning of that interview, did you read him  
7 his Miranda Rights again?

8 A: Yes, ma'am.

9 Q: Did you have him sign a Miranda form?

10 A: Yes, ma'am.

11 Q: Did he appear to be under the influence of drugs and  
12 alcohol at that time?

13 A: No, ma'am.

14 Q: Did he appear to understand his rights as you read them  
15 to him?

16 A: Yes, ma'am.

17 Q: I'm going to approach with what's been marked as State's  
18 Exhibit 3. Is that a copy of the Miranda form he signed that  
19 day?

20 A: Yes, ma'am.

21 Q: And can you tell me what date that interview was  
22 conducted?

23 A: It was August 8th, 2017.

24 Q: Okay. And was that interview audio or video recorded?

25 A: It was audio; it was not video.

1 Q: Okay. And how did you record that interview?

2 A: By a department issued recording device.

3 Q: I'm gonna show you now what's been marked as State's  
4 Exhibit Number 4. Did you provide a copy of the interview  
5 conducted on August 8th, 2017 to the solicitor's office?

6 A: Yes, ma'am.

7 Q: Have you reviewed the disc I just gave you?

8 A: Yes, ma'am.

9 Q: Is that a true and accurate copy of the interview  
10 provided to the solicitor's office?

11 A: Yes, ma'am.

12 Q: And did you denote that by signing across the back seal  
13 of it?

14 A: Yes, ma'am, I did.

15 Q: Okay.

16 MS. ANDREW: Your Honor, the state would like to place  
17 Exhibits Number 3, the Miranda form, and Exhibit Number 4, the  
18 second interview from August 8th into evidence.

19 THE COURT: Any objection to State's 3 and 4?

20 MR. GALMORE: No, sir.

21 THE COURT: All right. They're both into evidence  
22 without objection for the purpose of the motion.

23 STATE'S EXHIBIT NUMBER 3 AND 4

24 ADMITTED INTO EVIDENCE FOR PRETRIAL ONLY

25 MS. ANDREW: May I publish Exhibit Number 4, Your Honor?

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BLAKE KLAUDER - DIRECT BY ANDREWS

23

1 THE COURT: Yes, ma'am.

2 (REPORTER'S NOTE: State's 4 published for the Court. Audio  
3 not transcribed herein.)

4 THE COURT: Can y'all come up and talk to me for a  
5 second, please.

6 (REPORTER'S NOTE: Bench conference is held off the record.)

7 THE COURT: All right. So, based on our discussion, Mr.  
8 Galmore, it is correct that you believe that you have  
9 established for the Court enough testimony, enough evidence of  
10 the statement to bring to the Court's attention the issues you  
11 have with this particular statement?

12 MR. GALMORE: Yes, sir, Your Honor. We have heard the  
13 first statement, we've heard about 40 or so minutes of this  
14 second statement, and I believe that based on what we've  
15 heard, we're able to go forward and demonstrate to the Court  
16 that this statement was given in violation of *Jackson v.*  
17 *Denno*.

18 THE COURT: All right, sir. All right. Very good.  
19 All right. Further questions you want to ask the  
20 officer, solicitor?

21 MS. ANDREW: Extremely briefly, Your Honor.

22 THE COURT: All right.

23 BY MS. ANDREW:

24 Q: Detective, we've just listened to the statement that  
25 Donny Halstead gave on August 8, 2017. Was that a true and

1 accurate representation of what occurred that day?

2 A: Yes, ma'am.

3 Q: Did you notice any additions or deletions?

4 A: No, ma'am.

5 Q: Did Mr. Halstead, during the course of that investigation  
6 seem to understand that there would be consequences to his  
7 actions if he was guilty of the crime he was accused of?

8 A: Yes, ma'am.

9 Q: Did he indicate that he was afraid to go to prison?

10 A: Yes, ma'am. He made statements about missing time with  
11 his daughter and became very emotional.

12 Q: Okay. And had he been to prison before?

13 A: Yes, ma'am.

14 Q: Okay.

15 MS. ANDREW: There are no further questions from the  
16 state, Your Honor.

17 THE COURT: Cross examination?

18 CROSS EXAMINATION OF BLAKE KLAUDER BY MR. GALMORE:

19 Q: Detective Klauder, I'm sorry, how long did you say you  
20 were with the Horry County Police Department?

21 A: In total or in the Special Victim's Unit?

22 Q: In total.

23 A: In total going on -- this will be my 13th year.

24 Q: Okay. And some portion of that, I guess, you were a  
25 patrol officer and at some point you became a detective?

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25

1 A: Yes, sir.

2 Q: And you say you were with the sex offenses for about a  
3 year; I think that's what was stated on the tape?

4 A: At that point in time -- I started in the Special  
5 Victim's Unit -- well, started investigations in June of 2016.

6 Q: As part of your investigative duties, you have to undergo  
7 training in interview techniques; is that correct?

8 A: We have training that we go through every year as far as  
9 courtroom testimony and continuous training that everyone has  
10 to go through.

11 Q: I'm not talking about courtroom testimony; I'm talking  
12 about the detective interacting with the suspect. Do you have  
13 training on that issue?

14 A: Necessarily that exactly, no, sir.

15 Q: You have had no training on how to question a suspect?

16 A: Other than working my cases in the 13 years of  
17 questioning and working my own cases, that's what I would use  
18 as my experience.

19 Q: So, policemen don't have to go back, say, on an annual  
20 basis to take extra classes just as you have to go back and  
21 prove your proficiency with a firearm on a regular basis?

22 A: Yes, sir. That's where you do your yearly training for  
23 legal updates, CDV updates, things of that nature.

24 Q: And that information includes how to interview suspects?

25 A: It includes showing interviews. There's not a specific

1 that this is how you interview someone.

2 Q: Showing interviews, you mean watching interviews on  
3 video?

4 A: Yes, sir.

5 Q: Okay.

6 A: I'm sorry. I will bring that back because I actually  
7 have had the Reid Investigating Technique class, the advanced  
8 investigators. So, yes, sir, that is the class I did attend.

9 Q: So, you have taken that Reid method class?

10 A: Yes, sir.

11 Q: Is that one occasion or more than one occasion?

12 A: That is a one-time that I went to that class; yes, sir.

13 Q: Do you have any classes or training on how to interview  
14 victims of sexual assault?

15 A: No, sir. And that's why she was asked to be sent to the  
16 Children's Recover Center where that's what they specialize in  
17 is in forensic interviews with children.

18 Q: So, you've been a detective in the Special Victim's Unit  
19 for almost three years and you've had no training on how to  
20 interview a victim of a sexual assault?

21 A: I do not interview child victims. That's why we send  
22 them to the Children's Recovery Center.

23 Q: All right. Now, I notice that you gave Mr. Halstead  
24 Miranda Warnings on August the 1st and again on August the  
25 8th.

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27

1 A: Yes, sir.

2 Q: Now, in those Miranda Warnings, did you ask him about any  
3 drug use?

4 A: Yes, I believe both times it is recorded, I asked him if  
5 he was under the influence of any alcohol or narcotics.

6 Q: Okay. And his answer was no.

7 A: Yes, sir.

8 Q: Okay. Did you tell him that he would be arrested if he  
9 said yes?

10 A: No, sir.

11 Q: Did you tell him that he would not be arrested if he said  
12 yes?

13 A: No, sir.

14 Q: Do you know if he believed that if he said yes he might  
15 be subjecting himself to an arrest?

16 A: I cannot speculate on what his belief was.

17 Q: Did you explain to him that, whether or not his answer  
18 was yes or no, that he would not be arrested for that answer?

19 A: No, sir.

20 Q: Did you offer to Mr. Halstead to take a drug test?

21 A: No, sir.

22 Q: Now, let's talk about his educational level; did you  
23 question him about that?

24 A: During the first interview, yes, sir.

25 Q: And what -- what was his response?

1 A: I, I can't tell you exactly what his response was.

2 Q: Okay. Did he graduate from high school?

3 A: I cannot tell you exactly what his response was. I don't  
4 have that in front of me.

5 Q: So, you don't know if he graduated from high school?

6 A: No, sir.

7 Q: And then you went over the questions on the Miranda form  
8 and you asked him if he understood those questions?

9 A: Yes, sir.

10 Q: And he indicated that he did understand them?

11 A: Yes, sir.

12 Q: How did you know that he understood those questions?

13 A: By his answer. If you tell me you understand, I believe  
14 you do.

15 Q: Did you ask him maybe to explain it to you?

16 A: No, sir.

17 Q: So, you just took him at his word?

18 A: Yes, sir.

19 Q: Did you ask him to paraphrase what those Miranda Warnings  
20 were?

21 A: No, sir.

22 Q: No. I think you indicated that at some point Nevaeh had  
23 been to the Children's Recovery Center?

24 A: Yes, sir.

25 Q: All right. And she indicated that the alleged assault

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1 occurred when she was five years old?

2 A: I believe -- I don't know if she exactly said five, but I  
3 believe it was, yes, sir. During the time that it's supposed  
4 to have occurred, she would've been five.

5 Q: In fact, she could not give you a time, timeframe for  
6 when it occurred?

7 A: It's hard for a child to give a determinate date of when  
8 something took place.

9 Q: And she could not give you a location from where any of  
10 this occurred?

11 A: Once again, it's hard for a child to give dates and exact  
12 locations.

13 Q: And there was no physical evidence to corroborate that  
14 any of this occurred?

15 A: No, sir, not -- not several years later.

16 Q: Okay. So, there was no rape kit done?

17 A: No, sir.

18 Q: There is no DNA in this case?

19 A: No, sir.

20 Q: There is not clothing, or sheets, or panties, or anything  
21 like that?

22 A: No, sir.

23 Q: Now, you indicated that you're familiar with the Reid  
24 technique; you've taken a class for that. Isn't it true that  
25 the Reid technique encourages officers to pose a question with

1 an alternative -- alternative answers and that each answer in  
2 the question presupposes the guilt?

3 A: No, sir. And I, I did give him opportunities by asking  
4 him if there were two types of people, which one of those he  
5 would be.

6 Q: Right. And you asked him was a predator or is this a  
7 mistake? Right?

8 A: Yes, sir. Yes, sir.

9 Q: Okay. And the Reid technique says that when you ask that  
10 question, the suspect will go with the lesser of the two  
11 evils; is that correct?

12 A: I don't know if that's exactly what it says, but I've had  
13 suspects that were innocent actually state I'm neither one of  
14 those. And that's an option he has. I don't lock him down to  
15 just two statements.

16 Q: Well, now, in your questioning, you didn't say are you a  
17 predator, is this a mistake, or did you not do it?

18 A: I don't say that to him as well.

19 Q: You didn't give him three options, did you?

20 A: No, sir.

21 Q: You gave him two options?

22 A: Yes, sir.

23 Q: And both options presumed guilt?

24 A: Yes, sir.

25 Q: So, you ask him was he a predator?

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1 A: Yes, sir.

2 Q: And that means he's guilty. And you asked him, is this a  
3 mistake?

4 A: Yes, sir.

5 Q: And the one with the mistake offers some lesser, morally  
6 acceptable reason why it happened?

7 A: He also had the opportunity to tell me he's neither, that  
8 he didn't do it.

9 Q: But you didn't tell him that?

10 A: No, sir.

11 Q: Now, it's my understanding that you all talked on August  
12 the 1st, and you talked on August the 8th, but that he also  
13 came up there before August the 1st for an interview that  
14 didn't take place.

15 A: He did and I did not know he was coming to my office, so  
16 I was not there. I was not prepared for that interview.

17 Q: Okay. Did you have any conversation with Mr. Halstead on  
18 that day?

19 A: Would you mind?

20 Q: Go ahead.

21 A: (Witness reviews notes.) When he presented himself to my  
22 office, no, sir. I did not talk with him while he was there.

23 Q: But he came into your office -- like you said, he  
24 presented himself to your office. That would be at the M.L.  
25 Brown Building?

1 A: I was advised that he presented himself to my office. I  
2 was not there.

3 Q: Okay. You were not there, you were told that he came  
4 into your office?

5 A: Yes, sir.

6 Q: Okay. And then he came on the 1st and gave an interview?

7 A: Yes, ma'am.

8 Q: And then there was this polygraph examination.

9 A: Yes, sir.

10 Q: Where did that take place?

11 A: In Florence.

12 Q: Okay. Did you go to the polygraph examination?

13 A: Yes.

14 Q: Did you take Mr. Halstead to the examination or did he go  
15 on his own.

16 A: He rode with his mother.

17 Q: All right. Now, at that point, you then received  
18 information from the examiner that he failed the test.

19 A: Yes.

20 Q: And I think your testimony on direct examination was that  
21 you went out and got a warrant and then you went to go speak  
22 with Mr. Halstead for a second interview?

23 A: Yes.

24 Q: So, when you interviewed Mr. Halstead on August the 8th,  
25 that whole interview that we just heard part of, you already

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1 had a warrant in hand?

2 A: Yes, sir.

3 Q: And you were gonna arrest him?

4 A: Yes.

5 Q: And in fact, you told him in the first interview if you  
6 fail the polygraph, I'm gonna have no choice but to arrest  
7 you?

8 A: Yes, sir.

9 Q: Okay. But you conducted an interview anyway. Prior to  
10 this interview on August the 8th, did you tell Mr. Halstead  
11 that I have a warrant in hand and I'm going to arrest you at  
12 the end of this interview?

13 A: No, sir.

14 Q: You did not? Did you tell Mr. Halstead if you cooperate,  
15 then maybe I won't serve this warrant?

16 A: No, sir.

17 Q: Okay. It was your intention to serve that warrant  
18 regardless of what Mr. Halstead said on August the 8th?

19 A: Yes, sir.

20 Q: Now, when we get to the second interview, you confront  
21 Mr. Halstead and tell him he failed the polygraph test. Did  
22 you ever present him with an actual written polygraph report?

23 A: I do not recall.

24 Q: Do you know what the questions were that the polygraph  
25 examiner asked?

1 A: Today, no, sir; I would not be able to tell you exactly  
2 what they were.

3 Q: Were you instrumental in helping to create the questions  
4 for the polygraph exam?

5 A: I'm -- I cannot answer that one. I do not know on that.  
6 Sometimes I do; sometimes I do not. So, I can't tell you  
7 whether I did or did not on that.

8 Q: Okay. So, sometimes you suggest to the polygraph  
9 examiner what the line of questioning needs to be?

10 A: No, I suggest the information I'm trying to find out.  
11 She is the professional in that and she is the one that  
12 determines how the question needs to be asked.

13 Q: And you don't recall if you did that in this case?

14 A: No, sir.

15 Q: Do you have any notes about your conversations or your  
16 contact with the polygraph examiner?

17 A: No, I do not.

18 Q: So, you went to Florence, but all the notes regarding  
19 that are no longer available?

20 A: I don't -- I don't keep notes for that. If I sent her  
21 the report and she made the questions, I wouldn't have notes  
22 anyways to sit down and tell her what I was looking to know.

23 Q: Did your polygraph examiner ask whether Mr. Halstead had  
24 ever taken a previous polygraph exam?

25 A: She did not ask me that.

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1 Q: Do you know if Mr. Halstead had ever taken previous  
2 polygraph exams?

3 A: I do not.

4 Q: Did you suggest to Mr. Halstead that, if he said that he  
5 did it, then he would be able to get some type of classes or  
6 counseling for himself?

7 A: I never said anything about getting classes, but if you  
8 admit that something happens, then I have no problem with you  
9 receiving counseling.

10 Q: Did you promise him that he would get counseling?

11 A: No, sir.

12 Q: But you discussed it in the interview.

13 A: We discussed the possibility of counseling, but I cannot  
14 promise him counseling. I do not offer counseling myself.

15 Q: And throughout the interview you said that it's important  
16 to admit what you do before you can get any type of  
17 forgiveness. Is that what you said in the interview?

18 A: For Squirrel to forgive him?

19 Q: For him to get any type of forgiveness from anyone, he  
20 needs to first admit what he did. Is that what you said in  
21 the interview?

22 A: When I talked to him about Squirrel, you would have to  
23 admit it to your best friend before he would even think about  
24 forgiving you. I -- that would be my belief.

25 Q: So, any statement he would've made, he would be under the

1 impression that it's with a purpose of trying to get some type  
2 of forgiveness.

3 A: Whatever forgiveness he would have with his best friend,  
4 does not involve me, sir.

5 MR. GALMORE: I don't have any further questions, Your  
6 Honor.

7 THE COURT: Any redirect?

8 MS. ANDREW: Nothing from the state, Your Honor.

9 THE COURT: You may step down, sir.

10 MR. KLAUDER: Thank you, sir.

11 THE COURT: Further witnesses from the state?

12 MS. ANDREW: There are no further witnesses from the  
13 state, Your Honor.

14 THE COURT: Witnesses for the defense?

15 MR. GALMORE: We would call Mr. Halstead, Your Honor.

16 THE COURT: All right, sir. Please come around.

17 DONALD FRANK HALSTEAD, III, HAVING  
18 BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

19 CLERK: Please state your name for the Court and spell  
20 your last name.

21 MR. HALSTEAD: Donald Halstead, H-A-L-S-T-E-A-D.

22 THE COURT: Go ahead, Mr. Galmore.

23 DIRECT EXAMINATION OF DONALD FRANK HALSTEAD, III BY MR.

24 GALMORE:

25 Q: Mr. Halstead, how old are you, sir?

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1 A: Thirty-four.

2 Q: And you're familiar with the allegations that are being  
3 lodged against you today?

4 A: Yes, sir.

5 Q: Let me ask you a few questions about this -- these  
6 statements that you gave. You've seen the statements today?

7 A: Yes.

8 Q: All right. First of all, the statement that you gave on  
9 August the 1st, were you under the influence of any drugs or  
10 alcohol at that time?

11 A: Yes.

12 Q: Please explain to the Court what you were using.

13 A: Crystal meth.

14 Q: And how much crystal meth would you say you had ingested  
15 when this interview took place on August the 1st?

16 A: I don't know a sure amount but I was several days, weeks,  
17 probably two weeks up. So, I don't measure how much I do. I  
18 was doing it -- I know it was quite a while.

19 Q: So, you think you were on a two-week binge when this  
20 interview took place on August the 1st?

21 A: Right. Well ---

22 Q: Did -- go ahead.

23 A: My girlfriend, Elise (spelled phonetically), got locked  
24 up June 14th, I want to say, and I started then. So, the 14th  
25 to the 1st was how long I was up.

1 Q: Okay. Now, the detective asked you were you under the  
2 influence of drugs on the tape, did you see that?

3 A: Yeah.

4 Q: And you told him that you were not?

5 A: Yeah.

6 Q: Why did you tell him you were not if you're in court  
7 today?

8 A: I was in the jail building -- I was in a jailhouse and I  
9 just think if I say anything to me connected to drugs, I'm  
10 gonna get locked up or searched or something.

11 Q: Would it be fair to say that you did not tell him that  
12 you had been on drugs because I think you said you would be  
13 searched or locked up because of it?

14 A: I reckon I was more concerned about being arrested.

15 Q: Speaking of arrest, when you -- let me show you what's  
16 been marked as State's Exhibit Number 1 and ask you if you  
17 recognize this document.

18 A: That's my -- that's my (inaudible) ---

19 THE COURT: I can't hear what you said, sir.

20 A: That's my signature, yes.

21 Q: Okay. Now, when you signed this document, what did you  
22 think you were signing?

23 A: To be honest, you know, every time I've been arrested,  
24 I'm read my rights, so I thought this was like a easier way  
25 for an arrest instead of the theatrics of put your hands

1 behind your back and hook you up and all that, I was more so  
2 voluntarily arresting myself.

3 Q: So, you thought you were under arrest on August the 1st?

4 A: Yes.

5 Q: Now, you had a second interview on August the 7th.

6 Between August the 1st and August the 7th, was there any drug  
7 use on your part?

8 A: Still hadn't been to sleep, so it was seven days on top  
9 of that.

10 Q: Okay. So, when you took this polygraph exam in Florence,  
11 would you have been under the influence of crystal meth also?

12 A: Yeah. I was doing it on the way there.

13 Q: I thought your mother rode up there with you?

14 A: She did. I was in the backseat. It's not like a big  
15 thing where there's a lot of noise and ---

16 Q: Oh, so, you were able to do it in the backseat and she  
17 wasn't able to really know what you were doing?

18 A: The radio was on and I was in the backseat, right.

19 Q: Now, when you were in Florence, did you have any  
20 discussions with the detectives about this case?

21 A: Well, it was only Klauder -- is that how you say your  
22 name? The guy that was just up here, Klauder.

23 Q: Yes, that's correct.

24 A: We talked a little bit beforehand and, you know, just  
25 preparing me for the test and all that. And I did the test

1 and then we talked a little bit after. And this is when he  
2 had mentioned to me that I could take classes.

3 Q: Well, let's be specific about that. What do you mean  
4 when you said he mentioned that you could take classes?

5 A: You know, the whole if I, you know, come clean, it's not  
6 -- so, I already knew they have test results, you know, he  
7 gave me the impression that they had to wait a few days to get  
8 the results. I'd done a polygraph test before, I know they  
9 got it right then and there, you know. So, I was already  
10 assuming that the test probably weren't working out in my  
11 favor, that's why he was coming to me on this class thing.

12 Q: And where did this conversation take place?

13 A: In the Florence building. I don't know the name of the  
14 building.

15 Q: And this was the day that you took the polygraph  
16 examination?

17 A: Right, right.

18 Q: And what specifically was said to you?

19 A: His part?

20 Q: Yes.

21 A: I mean, I don't remember word for word, but I mean, it's  
22 pretty much if you, you know, come clean, there's counseling  
23 and therapy available and this, that, and the other.

24 Q: So, it was suggested that if you come clean that there  
25 are therapy and counseling and other options for ---

1 A: Right. I was under the impression -- you know, granted,  
2 I didn't say anything then, cause I'm like, oh, this test is  
3 gonna work out, you know, because -- I maintained my  
4 innocence, you know.

5 Q: So, then comes the 8th and he tells you that you did not  
6 pass the test.

7 A: Right.

8 Q: Now, let's get this clear, right now as of this moment  
9 today, do you admit or deny that you had any type of sexual  
10 contact with Nevaeh?

11 A: Deny.

12 Q: Deny, okay. So, on this interview from August the 8th,  
13 it seems that you may've made some statements that could be  
14 interpreted as an admission?

15 A: Yep.

16 Q: Why would you make those statements?

17 A: Well, this is my thought process. I'm already going to  
18 jail. He said in the first interview that just the statement  
19 alone would get me locked up. Fail polygraph test, he's gonna  
20 lock me up. He tells me from the get-go, if I fail the  
21 polygraph test. But, in the back of my mind, it's the whole,  
22 the class thing is gonna keep me out of jail, then I'll feed  
23 them something but I'm not gonna admit and say I actually  
24 raped her because I didn't rape her. So, I thought I'd make  
25 some stories off the top of my head that would be good enough,

1 I guess, to get me in class, this way I stay out of jail.  
2 Because the only thing I'm thinking is of my daughter. I  
3 don't want to spend -- waste any time -- I've already, you  
4 know, been in prison, done time and I don't want to miss any  
5 time with my family and daughter that I just got started, you  
6 know. So, I'm thinking, all right, if I do these classes to  
7 stay out of jail, granted it's not good that I'm saying these  
8 things happened but, hey, I'm out of jail. I won't go to  
9 jail.

10 Q: Okay. So, you made these admissions because you were  
11 trying to get ---

12 A: Classes.

13 Q: --- classes.

14 A: And not jail.

15 Q: And not jail. All right, Mr. Halstead, please answer any  
16 questions the solicitor has.

17 THE COURT: Cross examination.

18 CROSS EXAMINATION OF DONALD FRANK HALSTEAD, III, BY MS.

19 ANDREW:

20 Q: Mr. Halstead, I think you said you've been arrested  
21 before?

22 A: Yes.

23 Q: How many times have you been arrested?

24 A: I don't know how many times.

25 Q: But you've heard Miranda Warnings numerous times?

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- 1 A: Right, when I'm arrested generally.
- 2 Q: Okay. You've actually been to prison ---
- 3 A: Yes.
- 4 Q: --- after being arrested. So, you've been convicted of a  
5 crime?
- 6 A: Yes.
- 7 Q: And when you went to talk to Detective Klauder, the first  
8 time, the August 8th interview, did you go voluntarily?
- 9 A: I did.
- 10 Q: Did you set up that appointment ahead of time?
- 11 A: No, August 8th he came to my house.
- 12 Q: I'm sorry. August 1st.
- 13 A: Right. I went to the M.L. Brown Building.
- 14 Q: You went voluntarily?
- 15 A: Right.
- 16 Q: Did you set up that appointment ahead of time?
- 17 A: Yeah. I had to take off work to go there.
- 18 Q: You were working at that time?
- 19 A: Yeah.
- 20 Q: But you were also on a crystal meth bender at that time?
- 21 A: Yeah.
- 22 Q: So, how much crystal meth would you say you ingested  
23 during that time?
- 24 A: I don't know how many -- how much -- the exact  
25 measurement. I just was doing it and then, when I feel like

1 I'm coming down, I just do a little bit more and just do a  
2 little bit more and just ---

3 Q: And how did you ingest that crystal meth?

4 A: I smoked it.

5 Q: Did you do that at work?

6 A: Yeah.

7 Q: Did you do that before you went to the police station?

8 A: Not right before, but -- it lasts several hours, so you  
9 don't have to do it right beforehand.

10 Q: Okay. Your answers to the detective's questions that day  
11 were responsive to his questions. Would you say that you  
12 understood his questions that day?

13 A: I understood his questions, yeah.

14 Q: Before the polygraph, you said that you ingested crystal  
15 meth prior to the polygraph as well. Were you smoking crystal  
16 meth in the car with your mother?

17 A: Not with her.

18 Q: With her in the car, should I say.

19 A: Right.

20 Q: And you talked to Klauder before you took the test; is  
21 that correct?

22 A: Before and after.

23 Q: And you were responsive to his questions at that time?

24 A: Yes.

25 Q: And you said you hadn't -- you had been -- had not slept

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DONALD FRANK HALSTEAD, III - CROSS BY ANDREW

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1 for seven days prior to that time?

2 A: It was longer than seven days. I -- on the 14th of July  
3 is when I started. And I didn't sleep the whole time until I  
4 got arrested on the 8th.

5 Q: Okay. During the course of the interview on August 8th,  
6 you say repeatedly, I'll never see my daughter again, I'm  
7 going to jail, but your contention is that you didn't think  
8 you would go to jail for this?

9 A: He said he was gonna arrest me if I failed my polygraph  
10 test. He said from the get-go I failed the polygraph test, so  
11 I thought I was gonna go to jail.

12 Q: So, you knew you would be -- you thought you would be  
13 arrested and the completion of the interview?

14 A: I was assuming so.

15 Q: Then ---

16 A: I mean, I really -- to be honest, I didn't really know.  
17 I thought if I said what I said it would've been, like, all  
18 right, well, we'll schedule some counseling or some classes or  
19 something like that. I can't tell you I thought I was  
20 actually gonna go. I assumed that I wasn't going to jail.

21 Q: So, because you thought there was a possibility that you  
22 were going to jail, you admitted to the sexual assault of a  
23 child?

24 A: Well, I try to phrase it more so that I was a victim  
25 because like I said, I didn't want to -- I didn't want to

1 confess and say that I actually raped or whatever.

2 Q: So, you're saying you were the victim of the sexual  
3 assault ---

4 A: That's what I was trying to steer it as.

5 Q: Okay. Are you -- are you familiar with what the crime  
6 criminal sexual conduct with a minor requires, what the rape  
7 of a child is?

8 A: I'm sure rape is the same no matter what.

9 Q: Well, are you familiar with putting your penis in  
10 someone's mouth is the rape of a child under our law?

11 A: I'm sure that whole act is considered rape, yeah.

12 Q: When the detective asked you about your indecent exposure  
13 charge, you said that you were running down the street because  
14 you were high on acid and someone saw your penis because you  
15 didn't have your pants on.

16 A: Well, it wasn't necessarily my penis was out -- like that  
17 whole case -- that whole situation was really weird. I was  
18 supposed to be a criminal informant and I didn't comply, I  
19 didn't tell on anybody, so they were getting mad. I ended up  
20 getting Axelrod as a paid attorney, he told them to lay off.  
21 They weren't laying off, they were still stalking me, still  
22 harassing me. I also thought because that they weren't  
23 bothering me anymore that it's okay if I start doing drugs  
24 again. So, I started getting back on acid and I was high on  
25 acid one day, I was in my house getting ready, taking a shower

1 and all that. And to be honest with you, I mean, it probably  
2 was acid, but I've sat and thought about it and I'm not sure  
3 to be honest what was actually going on, but I was under the  
4 impression that they were at my house and they were there to  
5 arrest me or do something, so I fled. I left my house and  
6 just went running through the neighborhood. I went running to  
7 this forest that's in my grandma's neighborhood that I'm very  
8 familiar with back when I was a kid. I thought I could go out  
9 there and hide there. I was in my boxer shorts and a shirt,  
10 but I wasn't running naked through the neighborhood.

11 Q: So, is that the same incident where you were watching  
12 three little girls swimming in a pool and ---

13 A: I wasn't watching three little girls; that's not accurate  
14 at all. I ran through the neighborhood.

15 Q: Well, needless to say, you're very familiar with the  
16 criminal justice process?

17 A: I've been arrested, yeah.

18 Q: And when you went to jail for that indecent exposure,  
19 whatever it was, you were placed on the sex offender registry  
20 for that offense?

21 A: After I got out, yeah.

22 Q: Were you given classes for that offense?

23 A: No. That wasn't any terms for that; it was just report  
24 every six months and pay, I guess, like 150 annually.

25 Q: Can you tell me if you were working regularly between the

1 dates of June 14, 2017 and August 8, 2017?

2 A: Yes. I worked up until like two days till August -- I  
3 was working until about August 6th.

4 Q: What were you doing on the time period between August 6th  
5 and August 8th? What kind of work were you doing at that  
6 time?

7 A: I worked at Coastal Comet (spelled phonetically) selling  
8 business level internet packages to businesses.

9 Q: So, how would you do that?

10 A: Over the phone.

11 Q: In person or did you call people on the phone?

12 A: Over the phone.

13 Q: On the phone. And were you able to do that job during  
14 that time period?

15 A: Yeah.

16 Q: You didn't get fired for ---

17 A: I did -- no, I was not fired. I told them -- when I had  
18 to call that third day, we pretty much had this, like, all  
19 right, this is getting excessive or whatnot. And, you know,  
20 the way I was telling them, I was like, look until this done  
21 and over with, I was like, you know, I'll come back -- and  
22 they were totally okay with it. You can contact them and they  
23 said I could go right back to work -- go back to work with  
24 them when I get out, but I told them until I get this done and  
25 over with, you know, I can't guarantee I'm not gonna call out

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1 again.

2 Q: So, you were working as a salesman where you call people  
3 on the phone, you were on a crystal meth bender, hadn't been  
4 to sleep for seven days, and your employer was pleased with  
5 your work performance at that time?

6 A: You can ask him. I did well the whole time, even before  
7 I was using. And of course, they don't know when I was using  
8 or if I was using. You don't tell your boss that but, you  
9 know, I did very well at my job.

10 Q: You're saying that it didn't affect your job at all?

11 A: It didn't.

12 Q: You were able to function, make the calls, report to  
13 work, everything the way you were supposed to do?

14 A: Yes, yes. I was very good at my job.

15 Q: And that was during the same time period that you were  
16 doing the interview on August 1st, August 8th, and this  
17 polygraph test?

18 A: All that was in the same week.

19 MS. ANDREW: No further questions, Your Honor.

20 THE COURT: Any redirect?

21 MR. GALMORE: No, sir, Your Honor.

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

23 Further witnesses by the state -- I mean, by the defense?

24 MS. ANDREW: Nothing further.

25 MR. GALMORE: No, sir.

1 THE COURT: Anything else from the state?

2 MS. ANDREW: Nothing from the state, Your Honor.

3 THE COURT: All right. Mr. Galmore, let me hear your  
4 arguments, please, sir.

5 ARGUMENTS OF COUNSEL:

6 MR. GALMORE: Yes, Your Honor. This is a classic example  
7 of a false confession. We have different kinds of false  
8 confession. There is the internal false confession where the  
9 person simply believes that he did whatever he's being accused  
10 of doing. There is a diversion false confession, for example,  
11 a parent will admit to a crime to try to deflect blame from  
12 their loved one or a child. This is what's called the  
13 compliance false confession. Basically, it's given to escape  
14 from a situation. Basically, to get out of the room. In this  
15 case, Your Honor, the reason why I say this confession is  
16 false is it is a half-hearted confession. You've heard it on  
17 the tapes. He's not giving a full-throated admission of  
18 anything. It's only in reaction to pulling and prodding by  
19 the detective that there is a response that's given at all.  
20 Your Honor, it's not a very detailed statement. If you listen  
21 to what he says, we don't get very much information, and it  
22 doesn't match up with the victim's version of events. I think  
23 you will recall in the first interview they took pictures of  
24 Mr. Halstead, they were looking for tattoos. That's because  
25 that was the initial allegations that his body is covered in

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1 tattoos. We -- you've seen the pictures, I don't need to ask  
2 him to get up but we saw the pictures actually on the video,  
3 there are no tattoos on Mr. Halstead's body at all. The  
4 statements that he gave were suggested by the police. So, for  
5 example, in that second interview, they go back to a three --  
6 three questions. They say was there vaginal intercourse, was  
7 there anal intercourse, was there oral -- was there oral sex.  
8 And, the problem with this is the same problem with this Reid  
9 method. What they -- what the Reid method does is they give  
10 you a question with two alternatives. And in this case, the  
11 question was are you a predator or is this some type of  
12 mistake? And Rule Number 7 of the Reid technique says posed  
13 alternative question, given two choices for what happened,  
14 more one socially acceptable than the other. A suspect is  
15 expected to choose the easier option. And, in fact, that is  
16 what he says. And it says -- but whichever alternative the  
17 suspect chooses, guilt is admitted. That is because the  
18 question is a loaded question. The question has a guilty  
19 option and another guilty option. I asked the detective, did  
20 you ask a question with a third option that said or are you  
21 not guilty of any of this or did you not do this at all. He  
22 did not ask that question with a third option. He  
23 specifically asked a loaded question repeatedly. Now, when I  
24 come back to saying that the confession was at the behest of  
25 the police or suggested by the police, what happens there is

1 they say was it oral sex, was there vaginal, was there anal.  
2 And his response is pick the lesser of those three options.  
3 And he says, well, it's oral. And then we get into the  
4 description, we've listened to the tape, you've got the  
5 transcript, there's not even a confession. He kind of says,  
6 well, it kind of might've went into her mouth, almost went  
7 into her mouth. There's not even a confession there. It's  
8 more along the lines of response to the police officer's  
9 loaded question.

10 Your Honor, I know the polygraph is typically not  
11 admissible in court and I suppose at some point we'd have to  
12 make a motion if we come to that point so that it will be  
13 excluded here. But, the problem with the polygraph in this  
14 case is that they take the results from the polygraph exam and  
15 they use them as part of this Reid method technique to try to  
16 get him to give a statement. Every time I -- every time he  
17 says it didn't happen, they go back to you failed, you failed  
18 with a -7 and you failed on these three issues. And his  
19 response is the same as when that leading question from are  
20 you a predator or are you a monster. He chooses the lesser of  
21 the two evils. He doesn't go with the third option. And it's  
22 great for the detective to get up and say, well, he can also  
23 say he's not guilty at all. Yeah, but we're talking about an  
24 experienced detective versus an average citizen who is being  
25 cross examined. The detective has gone to classes for

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1 interrogation techniques, most citizens do not. So when  
2 they're given that question, they answer the question the best  
3 way they can. The problem is he's given a loaded question and  
4 he's given -- and it's given to him repeatedly. It's given in  
5 the first interview, and then in the second interview what  
6 they actually said is -- Detective Scales (spelled  
7 phonetically), who says on Page 6, so we're going back to what  
8 he asked you, are you a monster, a predator, or someone that  
9 made a mistake that can benefit from counseling. So, in the  
10 first interview, they only set it up as predator or a mistake.  
11 In the second interview, it's a predator or is this a mistake  
12 and you want some counseling, or any benefit from counseling.  
13 That's why we're alleging that the statement was coerced by  
14 promises of leniency and counseling. You heard from Mr.  
15 Halstead, he testified that there was conversation that went  
16 on outside of these tapes. And that's just common sense,  
17 Judge. If they're gonna bring somebody to the M.L. Brown  
18 Building and sit them down in an interrogation room, obviously  
19 he walks up to the front door, a phone call was made before  
20 they interview. He goes in, gives them some brief information  
21 before sitting down for the interview. So, I think we can  
22 concede that conversation has taken place in this case that is  
23 not recorded. Whether or not that conversation was to the  
24 extent that Mr. Halstead explained, that's for the Court to  
25 decide. But, Your Honor, I would point out to you, as you go

1 through those two tapes and those transcripts, just look at  
2 what happened. They, they ask him questions, he denies it.  
3 Then, they come back in and they use this Reid technique. And  
4 once they use the Reid technique, it presupposes guilt, it  
5 takes out the denial. In fact, Rule 3 of the Reid technique  
6 says try to minimize the frequency of suspect's denials. So,  
7 whenever he says it doesn't happen, you'll hear on the tape  
8 that the detective says, I'm being honest with you and you're  
9 BS'ing. So, every time there's a denial, they confront it,  
10 they stop it, they say, no, we're not listening to that. I'll  
11 give you two choices; those are both choices that are guilt  
12 and less guilt but they're both guilty choices. And  
13 inevitably, any suspect who is not a trained professional is  
14 going to answer the questions the best they can, he's gonna  
15 pick -- like it says in the Reid technique, he's gonna pick  
16 the lesser of the two evils, and he's gonna respond  
17 accordingly. So, when you listen to his statement, it is the  
18 lesser of the options that they presented. They said anal,  
19 oral, vaginal. He picks the lesser of the options. And then  
20 the story that he gives to fill in that lesser isn't that  
21 great. But then, as you go further in the second interview  
22 whenever he denies it again, they go back to you failed oral,  
23 you failed anal, you failed vaginal. And he goes back to  
24 explaining oral sex again. So, it's -- continually, he is  
25 taking the lesser of the two evil's road, and this is an

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1 unfair interview because it's set up to be suggestive from the  
2 start.

3       Lastly, I would say why wouldn't he confess to each of  
4 these issues. On this polygraph, they claim that he failed on  
5 the question of oral, he failed on anal, he failed on vaginal.  
6 But, if you listen to the statement, according to the police,  
7 he admits to the oral but denies the other two even to this  
8 day. Why is it that he would admit to one and deny the other  
9 if he, you know, is confessing, coming clean, and helping  
10 them? The answer is, Your Honor, because he's following the  
11 instructions that he's being given by the detective. He's  
12 been given these choices and he's continually choosing the  
13 lesser of -- or as they say in the Reid technique, he's  
14 choosing the morally or socially acceptable of the options.  
15 And that's why I feel that this, this -- that's why I feel  
16 that this statement is a -- is a coerced statement. There are  
17 promises of classes, there's constant referral to classes, and  
18 he's being questioned in an unfair way.

19       That is our showing, sir.

20       THE COURT: All right, sir.

21       State?

22       MS. ANDREW: Your Honor, the state feels that this  
23 statement was a voluntarily made statement on behalf of the  
24 defendant. He was given Miranda Warnings both times when --  
25 almost immediately when the interview started. The techniques

1 used were not used to overcome the defendant's freewill, and  
2 there's no indication that they did in fact overcome his  
3 freewill. We've watched the first tape in its entirety and  
4 portions of the second one. When you watch the tape, it  
5 doesn't appear as if the detectives are threatening or  
6 coercing him; they're simply interrogating him. Halstead also  
7 did not say during his testimony that anything was promised to  
8 him during any conversation with any police officer outside of  
9 these tapes. He never said that he had a conversation or any  
10 one did threaten or coerce him or promise him anything.

11 He wants us to believe that he was high on crystal meth  
12 during these interviews. However, he has testified that he  
13 was able to work with no problem. Everyone in this courtroom  
14 has watched these tapes where he appears to be able to  
15 understand and answer questions with no problem in a very kind  
16 of normal fashion that most people would understand someone to  
17 be understanding what's going on.

18 The state's argument is that even though the detectives  
19 mention the classes, they never said that he would not be  
20 arrested. They, in fact, talk about consequences of his  
21 actions. During the interview, there are specific references  
22 to that. They had every intention of arresting him at the end  
23 of the interview and they never gave him any indication  
24 otherwise.

25 The state would submit to the Court that this statement

## RULING OF THE COURT

1 -- both statements are admissible subject to the redactions  
2 that we previously agreed on.

3 RULING OF THE COURT:

4 THE COURT: All right. As to the issue at hand, first,  
5 the *Jackson v. Denno* hearing, I do find that both statements,  
6 the one on August 1st and the one on August the 8th, are the  
7 voluntary statements of the defendant. While he was not the  
8 subject of a formal arrest on either occasion, clearly the  
9 surrounding circumstances would indicate to a reasonable  
10 person that they are in the custody and control of the police.  
11 The first one is in a police station, in an interview room.  
12 The second one is after a polygraph exam that the defendant  
13 took where he was told beforehand that if he failed he was  
14 going to be arrested. So, clearly, it was in his mind and he  
15 so indicated that on the stand here today that that clearly  
16 was something that could definitely happen to him at that  
17 point in time. So, Miranda Warnings were required, no  
18 question about it on both occasions, and Miranda Warnings were  
19 properly given. There is no indication, first, in the August  
20 1, by video and audio, that the defendant did not understand  
21 his Miranda Warnings. He clearly has some experience with the  
22 criminal justice system. He's been arrested before, he's been  
23 given his Miranda Warnings before. There's no indication that  
24 he did not understand them or he did not know what was  
25 transpiring at the time. Both times he was given his Miranda

1 Warnings, there's no indication -- on the audio, there's no  
2 indication that he did not understand or was confused in any  
3 way about the warnings that he was being given. He clearly  
4 voluntary gave up his constitutional rights and made  
5 statements, after Miranda Warnings, to the police. At no  
6 point in time did he ask to stop, at no point in time is there  
7 any indication that -- to the Court from what I could see in  
8 the first one and what I can hear in the second one that he  
9 was intoxicated, that he was under the influence of anything  
10 that prevented him from giving answers that indicated a  
11 understanding of the questions. There's nothing to show or  
12 indicate that he was not doing anything other than being  
13 responsive to the questions being asked.

14 I find these to be the voluntary statements of the  
15 defendant. Again, knowledge of his rights, voluntary giving  
16 them up, there's no indication that he was under the influence  
17 of any kind, and I do not find there's any suggestion that he  
18 was giving the statements by any kind of promise or hope of  
19 leniency or reward of any kind. Any statements about  
20 counseling or classes of some kind, there was no indication  
21 that that would be the outcome if he gave a statement to the  
22 police. So, I'm gonna allow those.

23 Now, clearly, there are, as the state has already  
24 recognized and given their proposal as to the redactions,  
25 there are inadmissible portions and parts of both of these

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RULING OF THE COURT

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1 statements that are gonna have to be redacted. What I'm gonna  
2 ask that you do, Mr. Galmore, is to review the proposal of the  
3 state as to both statements, the redactions that they have  
4 suggested. I want you to look at that on both of them and see  
5 if there are additional areas that you believe need to be  
6 redacted in addition to what the state has proposed. If there  
7 is, first, you will communicate that to the state and you will  
8 talk with them, and they will talk with you, and you'll see if  
9 you can reach some agreement as to that. If not, then you  
10 will file a motion, send me a copy, and I would schedule a  
11 hearing as quickly as possible to, again, listen to those  
12 portions that the both of you or all three of you could not  
13 come to an agreement on to see if the Court would believe  
14 those to be -- needed to be redacted or not. So, I'm gonna  
15 leave that to you to do that, Mr. Galmore, because if I don't  
16 receive the motion from you, I'll just assume that you and the  
17 state have reached an agreement as to the statements.  
18 Understanding you object to the statements coming in but  
19 understand the Court has ruled that the statements come in.  
20 Now, we have to see what parts need to be taken out.

21 MR. GALMORE: Yes, sir.

22 THE COURT: If there are some issue, you got to let me  
23 know. Okay? All right.

24 Anything else from the state?

25 MS. ANDREW: Nothing from the state.

1 THE COURT: From the defense?

2 MR. GALMORE: No, sir.

3 THE COURT: All right. Very good. Thank you very much.

4 MS. ANDREW: Thank you, Your Honor.

5 **ADJOURNED - 12:33 P.M.**

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C E R T I F I C A T E

I, the undersigned, Kay H. Richardson, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the pretrial motions held in the case of State of South Carolina versus Donald Frank Halstead, III, held in the Court of General Sessions for Horry County, Horry County Courthouse, Conway, South Carolina, on March 25, 2019.

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



Kay H. Richardson

Official Court Reporter

January 23, 2020.



# Horry County Police Department

Dedicated to Providing Comprehensive, Quality Law Enforcement

2560 North Main Street, Suite 7 - Conway, SC 29526 - Tel: 843-915-5350 - Fax: 843-248-1886

## Advisement of Miranda Rights

Subject's Name: <u>Donald Halstead III</u>	Date of Birth: <u>██████-85</u>	Case #: <u>17061566</u>
Officer's Name: <u>B. Klauder</u>	Badge #: <u>471</u>	Date & Time: <u>8-1-17 1209</u>
Location: <u>Mc Brown Building</u>		

### Advisement of Miranda Rights

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to talk with a lawyer and have him present with you while you are being questioned.
4. If you cannot afford to hire a lawyer one will be appointed to represent you at no cost to you, before any questioning, if you so desire.
5. If you make a statement or answer any questions, you have the right to stop at any time.

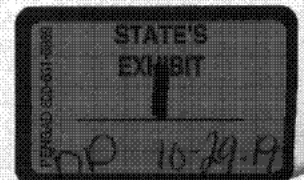
Do you understand these rights? Yes DA No \_\_\_\_\_

Subject's Printed Name: Donald Halstead

Subject's Signature: [Signature]

Officer's Signature: [Signature]

Witness (Print & Sign): Jim Chatfield [Signature]





# Horry County Police Department

Dedicated to Providing Comprehensive, Quality Law Enforcement

2560 North Main Street, Suite 7 - Conway, SC 29526 - Tel: 843-915-5350 - Fax: 843-248-1886

## Advisement of Miranda Rights

Subject's Name: <u>Donald Halstead III</u>	Date of Birth: <u>[REDACTED]-85</u>	Case #: <u>17061566</u>
Officer's Name: <u>B. Klauder</u>	Badge #: <u>471</u>	Date & Time: <u>8-8-17 1436</u>
Location: <u>410 17th Ave S. MB SC 29577</u>		

### Advisement of Miranda Rights

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2. Anything you say can and will be used against you in a court of law.
3. You have the right to talk with a lawyer and have him present with you while you are being questioned.
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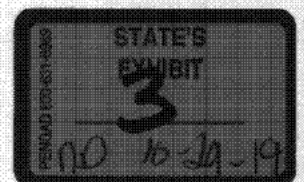
Do you understand these rights? Yes DH No \_\_\_\_\_

Subject's Printed Name: Donald Halstead

Subject's Signature: [Signature]

Officer's Signature: [Signature]

Witness (Print & Sign): [Signature] 406 Brian Saks



STATE OF SOUTH CAROLINA )  
COUNTY OF HORRY )  
)  
)  
STATE OF SOUTH CAROLINA, )

IN THE COURT OF GENERAL SESSIONS  
OF THE FIFTEENTH JUDICIAL CIRCUIT

DATE OF ARREST: August 8, 2017

-VS- )

NOTICE OF MOTION AND MOTION  
TO SUPPRESS STATEMENT

**DONALD HALSTEAD**  
DEFENDANT )

2018-GS-26-504 2017A2616700917  
2018-GS-26-5282

TO: PRESIDING JUDGE OF GENERAL SESSIONS 15TH CIRCUIT

LEIGH ANDREW, SOLICITOR:

YOU WILL PLEASE TAKE NOTICE that the above named Defendant, **Donald Halstead** in the above entitled matter, through his attorney, **James C. Galmore**, moves before the Presiding Trial Judge of General Sessions and requests that a hearing be held for the purpose of suppressing oral statements obtained in violation of Jackson v. Denno, 378 U.S. 368, 84 S.Ct. 1774, 12 L.Ed.2d 908 (1964). In support of this motion, the undersigned would respectfully show unto this Honorable Court the following:

1. The Defendant was arrested on or about August 8, 2017 and charged with Criminal Sexual Conduct with a minor, 1st degree for allegations occurring between September and December of 2010.
2. The Defendant gave tape recorded statements to police on August 8, 2017 and August 8, 2017. He also took a polygraph test on August 4, 2017.
3. The Defendant is informed and believes that these statements were not knowingly, intelligently, and voluntarily given. Further, the statements were obtained in violation of Jackson v. Denno in that the statements were the product of police coercion and promises of leniency.
4. Because the statements violate Jackson v. Denno, the Defendant requests that the

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HORRY COUNTY, SC

Court prohibit their introduction at trial.

Respectfully Submitted



**JAMES E. GALMORE**  
Deputy Public Defender  
15th Circuit Public Defender's Office  
203 Laurel Street  
Conway, SC 29526  
Phone 843-915-5385

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2019 MAR 13 PM 1:18  
RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	Warrant: 2018GS2600504
COUNTY OF HORRY	)	Indictment: 2017A2610700817
	)	Case: 17H04878
STATE OF SOUTH CAROLINA	)	
	)	
PLAINTIFF.	)	NOTICE OF INTENT TO OFFER
	)	EXPERT TESTIMONY
VS.	)	
	)	
DONALD FRNK HALSTEAD, III	)	
	)	
DEFENDANT.	)	

The State of South Carolina, by and through undersigned counsel, hereby gives notice that it intends to call, as an expert in child abuse dynamics, disclosure, and treatment. A copy of Mr. Olszewski's curriculum vitae is attached and incorporated by reference herein. Such testimony is permitted according to well-established case law in this state. This Notice is supported by the following Memorandum of Points and Authorities.

STATEMENT OF FACTS

The defendant is charged with one count of Criminal Sexual Conduct with a Minor, First Degree.

This case arises from allegations first made around July 2017 that the minor is the victim of sexual assault at the hands of the Defendant. The sexual assaults occurred in Horry County, South Carolina sometimes around or between the dates of September 3, 2010 and December 31, 2010 while the victim's father resided in Laurel Woods in Horry County, South Carolina. The victim in the case delayed disclosing the abuse for several years and she is unable to recall specific dates and times of the assaults, although she can relate the abuse to other events in her life.

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 HORRY COUNTY, SC

**ORIGINAL**

The State now seeks to introduce a “blind” expert in the field of child abuse dynamics, disclosure and treatment. Mr. Olszewski has never met with or interviewed the victim in this case, never read a police report, and has no knowledge about the specific facts of the case except for general information learned during conversations with the solicitor’s office.

### LAW AND ANALYSIS

The admissibility of expert testimony is governed by Rule 702 of the South Carolina Rules of Evidence. This rule provides:

If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise.

*Rule 702, SCRE.*

Whether a witness is qualified as an expert in a particular area and whether that witness’s testimony is admissible are issues in the trial judge’s discretion. *Nelson v. Taylor*, 347 S.C. 210 (App. 2001). South Carolina courts have repeatedly held that expert testimony on child sexual assault may be admissible where the probative value of such testimony outweighs its prejudicial effect. *See, e.g., State v. White*, 361 S.C. 407, 414 (2004). “Expert testimony...may be more crucial in situations where children are victims. The inexperience and impressionability of children often render them unable to effectively articulate the events giving rise to criminal sexual behavior.” *State v. White*, 361 S.C. at 414-415.

*State v. Smith*, 411 S.C. 161 (Ct. App. 2014) involved the sexual abuse of a child from the age of seven to the age of nine by his biological father. The child victim did not disclose the abuse until approximately three years after the abuse ended. The State presented the testimony of Tod Lynch-Stanley, who the trial court recognized as an expert in sexual deviance. In upholding the admission of Lynch-Stanley’s testimony regarding delayed disclosure, the Court

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of Appeals noted that Lynch-Stanley did not comment on the victim’s credibility. The court found that Lynch-Stanley’s explanation that delayed disclosure is consistent with the trauma suffered by the victim “was an appropriately general explanation of the medical or scientific reasons a child might not immediately disclose sexual trauma.” *Smith*, 411 S.C. at 171.

*State v. Brown*, 411 S.C. 332 (Ct.App. 2015) involved the sexual abuse by the defendant of two of his girlfriend’s siblings and their friend. After a hearing, the trial court qualified Shauna Galloway-Williams as an expert in child abuse dynamics and disclosure. Defendant was convicted on all counts. On appeal, he argued that the trial court had erred in admitting Galloway-Williams’ testimony.

In affirming the trial court’s decision, the Court of Appeals first noted that Galloway-Williams’ expert knowledge was “relevant and crucial in assisting the jury’s understanding of why children might delay disclosing sexual abuse, as well as why their recollections may become clearer each time they discuss the instances of abuse.” *Brown* 411 S.C. at 341. The Court also noted that this was beyond the ordinary knowledge of a juror. *Brown* 411 S.C. at 343. Further the Court noted the acceptance of expert testimony and behavioral evidence in sexual assault cases by both the Court of Appeals itself, as well as the South Carolina Supreme Court. *See e.g., State v. Weaverling*, 337 S.C. 460, 474 (S.C. Ct. App. 1999)(“both expert testimony and behavioral evidence are admissible as rape trauma evidence to prove a sexual offense occurred where the probative value of such evidence outweighs its prejudicial effect.”); *State v. White*, 361 S.C. 407, 415 (2004)(holding that both expert testimony and behavioral evidence regarding responses to sexual assault are relevant, regardless of the victim’s age).

The Court of Appeals found:

Galloway-Williams’ specialized knowledge of the behavioral characteristics of child sex abuse victims was relevant and crucial in assisting the jury’s

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HENRY COUNTY

**ORIGINAL**

understanding of why children might delay disclosing sexual abuse, as well as why their recollections may become clearer each time they discuss the instances of abuse.

*Brown* 411 S.C. at 341.

The Court also found significant the fact that Galloway-Williams had never interviewed the victims, never read a police report and had no knowledge about the specific facts of the case save for what she learned during conversations with the solicitor's office. Galloway-Williams never commented, in any manner, on the credibility of the victims.

As in *Brown*, the victim in this case delayed disclosing the abuse she suffered at the defendant's hands. She is also unable to recall specific days or dates of the abuse, although she is able to relate the abuse to other events in her life. Her recollections of the abuse has become clearer since she first made the disclosure. The State seeks to submit expert testimony to explain all of these issues in the context of child sexual abuse. Mr. Olszewski has never interviewed or treated the victims in the instant case. He has not been, nor will he be, provided with the police report in this matter. Further, he will not offer an opinion on the credibility of the victim.

Respectfully submitted,



C. Leigh Andrew, Assistant Solicitor  
Fifteenth Judicial Circuit Solicitor's Office  
1301 Second Ave.  
Conway, South Carolina 29526  
(843) 915-8662

Dated: March 22, 2019

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HORRY COUNTY  
2019 MAR 25 AM 8:56  
RENEE MELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

**ORIGINAL**

**CURRICULUM VITAE**

**Raymond J. Olszewski, Jr., LMSW**

Metropolitan Children's Advocacy Center  
3710 Landmark Drive, Suite 300  
Columbia, South Carolina 29204  
phone: (803) 898-1473  
Facsimile: (803) 898-1471

**PERSONAL INFORMATION**

Born: Manhasset, NY, July 29, 1971

**EDUCATION**

University of South Carolina, Columbia, SC  
Master of Social Work (M.S.W.), concentration in child welfare, May, 1996

State University of New York, College at Oneonta, Oneonta, NY  
BA, Psychology, May, 1993

Ulster County Community College, Stone Ridge, NY  
AA, Liberal Arts/Humanities, May, 1991

**POST-GRADUATE CERTIFICATION**

Diplomate, Forensic Social Work. Academy of Forensic Social Work (AFSW)  
Awarded May, 2001.

**LICENSURE**

South Carolina License #6047 in social work, awarded November 17, 1997

**EMPLOYMENT**

Social Worker, Metropolitan Children's Advocacy Center (Met CAC), of Columbia Area  
Mental Health and Children's Hospital of Palmetto Health Richland, Columbia, SC,  
December, 1999 - present.

Conduct forensic interviews of children suspected of maltreatment. Coordinate intake  
and referral process.

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HORRY COUNTY, S.C.

Raymond J. Olszewski, Jr. 2

HPI Instructor, University of South Carolina School of Medicine, Department of Neuropsychiatry and Behavioral Science, Columbia, SC, April, 2002 - present.

Teach and supervise medical students in the area of child maltreatment.

Social Services Supervisor, Richland County Department of Social Services, Columbia, SC, September, 1998 - December, 1999.

Supervised one of two child protective services units in a jurisdiction of nearly 300,000. Was responsible for over 800 case decisions. Testified in family court proceedings. Led county-wide multi-disciplinary team which met regularly to coordinate investigations into child maltreatment.

Child Protective Services Caseworker, Richland County Department of Social Services, Columbia, SC, February, 1997 - September, 1998.

Investigated over 250 reports of child abuse and neglect. Conducted over 400 child interviews in suspected abuse and neglect cases. Testified in family court proceedings.

Child Protective Services Caseworker, Florence County Department of Social Services, Florence, SC, June, 1996 - February, 1997.

Investigated over 80 reports of child abuse and neglect. Conducted over 120 child interviews in suspected abuse and neglect cases. Testified in family court proceedings.

### INTERN TRAINING

Social Work Intern, Council on Child Abuse and Neglect (now Prevent Child Abuse South Carolina), Columbia, SC, August, 1995 - May, 1996.

Provided in home counseling and support services for families involved in the child protection system. Instructor for twelve week parenting skills class offered to parents involved in the child protection system.

Social Work Intern, Charleston County Department of Social Services, North Charleston, SC, August, 1994 - May, 1995.

Assisted in the investigation of reports of child abuse and neglect. Observed and assisted in the interviewing of children in suspected abuse and neglect cases.

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### PRESENTATIONS/WORKSHOPS CONDUCTED

- Olszewski, Jr., RJ (on-going, 2001 - present) trainer, ChildFirst (formerly Finding Words) South Carolina: interviewing children and preparing for court, Children's Law Center of the U.S.C School of Law, The Met CAC, National Child Protection Training Center, at the Met CAC, Columbia, SC.
- Olszewski, Jr., RJ (on-going, 2003-present) trainer, Advanced ChildFirst South Carolina (formerly Finding Words South Carolina II, The advanced course), The Met CAC, Children's Law Center of the U.S.C. School of Law, Columbia, SC.
- Olszewski, Jr., RJ (August 19, 2016) The forensic interview, Adjudication of Child Sexual Abuse in Family Court, Columbia, SC.
- Olszewski, Jr., RJ (April 21, 2010) Compliant victim dynamics, forensic interviewing and group exercises, Unsafe Havens 1: Prosecuting Technology-Facilitated Crimes Against Children, Boca Raton, FL.
- Olszewski, Jr., RJ (April 21, 2010) Adolescent development, Unsafe Havens 1: Prosecuting Technology-Facilitated Crimes Against Children, Boca Raton, FL.
- Olszewski, Jr., RJ (August 26, 2009) Discussions with a forensic interviewer, The Forensic Interviewer at Trial, National Child Protection Training Center, Winona, MN.
- Olszewski, Jr., RJ (May 15, 2007) Interviewing children about abuse: understanding roles and responsibilities, Regional Child Protection Center Workshop Series, Des Moines, IA.
- Olszewski, Jr., RJ (January 24, 2007) Sexual behavior in children, what is normal? Lutheran Family Services in the Carolinas, Charlotte, NC.
- Olszewski, Jr., RJ (January 17, 2007) Sexual behavior in children, what is normal? Lutheran Family Services in the Carolinas, Columbia, SC.
- Olszewski, Jr., RJ (October 13, 2005) Forensic interviews with children, Children's Law Conference, Columbia, SC.
- Olszewski, Jr., RJ; Mackey, MSW, LCSW, Tomiko; Langendoen, LSW, Carol (October 12, 2004) Look past my face: does race or gender influence a forensic interview outcome?, Beyond Finding Words: Emerging Issues in Forensic Interviewing, Charleston, SC.

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Horry County  
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CLERK OF DISTRICT COURT  
GREENHILLS, SC

- Olszewski, Jr., RJ (May 14, 2004) When a child takes it back: recantation in child abuse cases, Texas District & County Attorneys Association's Prosecuting Crimes Against Kids Conference, San Antonio, TX.
- Olszewski, Jr., RJ (December 5, 2002) Forensic interviews with children, Two-day Forensic Training: Techniques for Interviewing Child Victims, Toledo, OH.
- Olszewski, Jr., RJ (December 4, 2002) The use of language in interviewing children, Two-day Forensic Training: Techniques for Interviewing Child Victims, Toledo, OH.
- Olszewski, Jr., RJ (December 4, 2002) Young childhood cognitive development, Two-day Forensic Training: Techniques for Interviewing Child Victims, Toledo, OH.
- Olszewski, Jr., RJ (December 4, 2002) Developmental impact of child maltreatment, Two-day Forensic Training: Techniques for Interviewing Child Victims, Toledo, OH.
- Olszewski, Jr., RJ (May 30, 2002) DSS investigation and procedure, Fifth Thursday Symposium on Child Abuse, Columbia, SC.
- Olszewski, Jr., RJ (February 28, 2002) Child abuse and neglect, Growing Home's Annual Community Care Series, Myrtle Beach, SC.
- Olszewski, Jr., RJ; DeFelice, PhD., Allison; Burke, PhD., Leslie (September 27, 2001) Special issues in the forensic interviewing of child victims, Prevent Child Abuse South Carolina, 26<sup>th</sup> annual conference, Columbia, SC.
- Olszewski, Jr., RJ; Carter, Allen; Jones, Dale; Williams, Jennifer (February 16, 2001) Multi disciplinary team investigations of child maltreatment, South Carolina Professional Colloquium on Child Abuse, Charleston, SC.
- Olszewski, Jr., RJ; Sloan, Christine; Carter, Allen; Jones, Dale (September 28, 2000) Multi disciplinary team investigations of child maltreatment, Prevent Child Abuse South Carolina, 25<sup>th</sup> annual conference, Columbia, SC.
- Olszewski, Jr., RJ; Curtis, Debbie; Percell, Prentis (August 9, 2000) Multi disciplinary team investigations of child maltreatment, Multi disciplinary response to child abuse conference, Florence, SC.
- Olszewski, Jr., RJ (October 1999) Child Protective Services: An overview. Richland County Guardian Ad Litem training, Columbia, SC.

FILED  
HOOPER COUNTY  
2009 APR 25 AM 8:55  
CERK OF COURT  
MURRAY COUNTY, SC  
JENNIE NELVIS

Olszewski, Jr., RJ (1999) How children enter foster care. On-going foster parent training, Columbia, SC.

### OTHER PROFESSIONAL EDUCATION

Childhood Trauma: seeking positive outcomes, 2011 Children's Law Conference, Columbia, SC, November 4, 2011.

A Brighter Future: Ending child abuse through advocacy and education, Spartanburg Community Indicators Project and USC Upstate's College of Arts and Sciences, Spartanburg, SC, March 19, 2010.

Interdisciplinary collaborative family practice for attorneys, child specialists, divorce coaches, financial consultants and mediators, Collaborative Law Training Associates, Inc., Columbia, SC, March 12-13, 2010.

When Words Matter: Emerging issues in forensic interviewing, NAPSAC's National Child Protection Training Center, St. Louis, MO, May 4-7, 2009.

Beyond Finding Words: Emerging issues in forensic interviewing, American Prosecutors Research Institute's National Center for Prosecution of Child Abuse, Atlantic City, NJ, August 27-30, 2007.

Beyond Finding Words: Emerging issues in forensic interviewing, American Prosecutors Research Institute's National Center for Prosecution of Child Abuse, Tunica, MS, March 6-9, 2006.

Multi-disciplinary team facilitator training, Southern Regional Children's Advocacy Center, Huntsville, AL, March 15-16, 2004.

Advanced child sexual abuse forensic interview training, CornerHouse, Interagency Child Abuse Evaluation and Training Center, Minneapolis, MN, September 22-25, 2003.

Parent-child interaction therapy, Cheryl B. McNeil, Ph.D., Columbia, SC, May 19-23, 2003.

Why women kill their children, Judy Slosar, LCSW; Mary Crawford, LCSW, 2002 Annual Conference of the National Organization of Forensic Social Work, St. Louis, MO, May 7, 2002.

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HORRY COUNTY  
RENEE H. ELMS  
CLERK OF COURT  
2019 MAR 25 AM 8:57  
HORRY COUNTY

Raymond J. Olszewski, Jr. 6

Clinical assessment of juvenile sexual offenders and risk for re-offending, Phil Rich, Ed. D., MSW, 2002 Annual Conference of the National Organization of Forensic Social Work, St. Louis, MO, May 7, 2002.

The role of trauma and attachment in juvenile sexual behavior, Rosemary Niedzwicki, LSW, 2002 Annual Conference of the National Organization of Forensic Social Work, St. Louis, MO, May 6, 2002.

Matching treatment approaches to the presenting problem(s), Mark Chaffin, Ph.D., Eight Annual South Carolina Professional Colloquium on Child Abuse, Charleston, SC, February 22, 2002.

National evaluation of child advocacy center model: an update, M. Elizabeth Ralston, Ph.D.; Polly B. Sosnowski, MSW, Eight Annual South Carolina Professional Colloquium on Child Abuse, Charleston, SC, February 22, 2002.

Online child exploitation: an overview, Jim Peters, J.D., Eight Annual South Carolina Professional Colloquium on Child Abuse, Charleston, SC, February 21, 2002.

Reactions of non-offending parents to the sexual abuse of their child, Ann Elliot, D., Eight Annual South Carolina Professional Colloquium on Child Abuse, Charleston, SC, February 21, 2002.

How to be a good witness, Carolyn Morris, MSW; Tana Vanderbilt, J.D., Eight Annual South Carolina Professional Colloquium on Child Abuse, Charleston, SC, February 21, 2002.

Child interviews when sexual abuse is suspected, Kathleen Coulborn Faller, Ph.D., ACSW, Prevent Child Abuse South Carolina, Annual Conference, Columbia, SC, September 26, 2002.

Child abuse, domestic violence, and animal abuse: Psychological & legal implications, Barbara Boat, Ph.D.; Honorable Sol Gothard, J.D., MSW, ACSW, 18<sup>th</sup> Annual Conference of the National Organization of Forensic Social Work, Philadelphia, PA, May 1, 2001.

Child psychological maltreatment: Making the case, Nancy Logan Detweiler, LCSW, LMFT; Karen Keroack, LCSW; Claudia Wright, J.D., 18<sup>th</sup> Annual Conference of the National Organization of Forensic Social Work, Philadelphia, PA, May 1, 2001.

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HORRY COUNTY  
2019 FEB 25 AM 10:57  
RANEE N. ELLIOTT  
CLERK OF COURT  
HORRY COUNTY, SC

Sex offender facts and fiction: A statistical guide to effective assessment and treatment, Charlene Steen, Ph.D., J.D., 18<sup>th</sup> Annual Conference of the National Organization of Forensic Social Work, Philadelphia, PA, May 1, 2001.

Child custody investigation in contested divorces, Pamela R. Montgomery, ACSW; Elizabeth D. Still, M.A., 18<sup>th</sup> Annual Conference of the National Organization of Forensic Social Work, Philadelphia, PA, April 30, 2001.

The social worker's role in protecting children in custody and divorce cases, Seth Goldstein, Esq., 18<sup>th</sup> Annual Conference of the National Organization of Forensic Social Work, Philadelphia, PA, April 30, 2001.

Courtroom psychology, Lawrence Jay Braunstein, J.D., 18<sup>th</sup> Annual Conference of the National Organization of Forensic Social Work, Philadelphia, PA, April 30, 2001.

Finding words: interviewing and preparing children for court, American Prosecutor's Research Institute's National Center for the Prosecution of Child Abuse in Collaboration with CornerHouse, Boise, ID, August 28-September 2, 2000.

Factitious disorder by proxy, Alicia Benedetto, M.A., Columbia, SC, July 14, 2000.

Family court hearsay exception, Tana Vanderbilt, J.D.; Michelle Ford, Ph.D., Second Annual Children's Law Conference, Columbia, SC, May 12, 2000.

Competency examinations of child witnesses, Thomas D. Lyon, J.D., Ph.D., Second Annual Children's Law Conference, Columbia, SC, May 12, 2000.

Preparing yourself to testify, William R. Byars, Jr., Second Annual Children's Law Conference, Columbia, SC, May 12, 2000.

Memory and suggestibility of the child witness, Thomas D. Lyon, J.D., Ph.D., Second Annual Children's Law Conference, Columbia, SC, May 12, 2000.

Preparing children for court, Julie Lipovsky, Ph.D., Second Annual Children's Law Conference, Columbia, SC, May 12, 2000.

Confronting child abuse in rural communities, Victor Vieth, J.D., Second Annual Children's Law Conference, Columbia, SC, May 12, 2000.

Forensic interview training, Linda Cordisco, M.Ed., LPC, Allison DeFelice, Ph.D., Elizabeth Ralston, Ph.D., Carolyn Gilbert. The Southern Regional Children's Advocacy Center, Charleston, SC, April 26-28, 2000.

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HORRY COUNTY  
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CLERK OF COURT  
HORRY COUNTY, SC

Raymond J. Olszewski, Jr. 8

Team investigative process for missing, abused, and exploited children, Pamela L. Smelser, LCSW-C; Chief Bradley J. Russ; Patricia A. Toth, J.D., Sandra L. Elvik, MS, RN, CPNP; Sgt. Gary O'Connor; Philip W. Condu; Teddy L. Daigle; Bill Hammond., United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention. North Charleston, SC, February 14-18, 2000.

Child sexual abuse victims, Leslie K. Burke, Ph.D.; Elaine Townsend, LMSW, Spartanburg, SC, December, 1999.

Forensic interviewing of children suspected of sexual abuse, Allison DeFelice, Ph.D., Criminal Justice Academy Child Abuse Investigator's Training, Columbia, SC October, 1999.

Advanced training in child sexual maltreatment, Polly Sosnowski, LMSW, Columbia, SC, September 13, 1999.

FILED  
Horry County  
2019 MAR 25 AM 8:57  
RENEE N. ELYS  
CLERK OF COURT  
Horry County, SC

STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSIONS  
COUNTY OF HORRY ) Warrant: 2018GS2600504  
STATE OF SOUTH CAROLINA ) Indictment: 2017A2610700817  
) Case: 17H04878  
) )  
PLAINTIFF. ) NOTICE OF MOTION AND MOTION  
) FOR COMPLIANCE WITH THE  
VS. ) RAPE SHIELD STATUTE  
) )  
DONALD FRNK HALSTEAD, III )  
) )  
DEFENDANT. )

Now comes the State, with notice to the defendant, by and through counsel for the defendant, James Galmore, Esquire, that the State of South Carolina moves to ensure compliance with S.C. Code Section 16-3-659.1, the "Rape Shield Statute," which mandates limited admissibility of opinion evidence, reputation evidence, or specific instances of sexual activity by the victim with persons other than the defendant. Furthermore, this law is established pursuant to the Rule 412, SCRE.

Please take notice that the State moves to prohibit any reference or line of inquiry by counsel regarding prior sexual knowledge and/or sexual activity concerning the victim, with any person other than the defendant. The exclusion of such reference shall include, is not limited to: any inquiry by counsel and/or any reference by counsel during summation, argument, or witness examination which alleges any specific instance of prior sexual activity or sexual knowledge.


Furthermore, S.C. Code Section 16-3-659.2 requires notice to the State before any such evidence may be proffered before the Court. In addition, the law mandates an *in-camera* review by the Court before any such evidence may be deemed relevant or admissible.

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2019  
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CLERK OF COURT  
HORRY COUNTY, SC  
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**ORIGINAL**

Date: March 20, 2019

RESPECTFULLY SUBMITTED,

  
C. Leigh Andrew  
ASSISTANT SOLICITOR

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HORRY COUNTY  
2019 MAR 25 AM 8:58  
RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

**ORIGINAL**

STATE OF SOUTH CAROLINA  
COUNTY OF Horry

ORDER IN A CRIMINAL CASE  
WARRANT(S) 2017A2610700817

IN THE COURT OF GENERAL SESSIONS

INDICTMENT(S): 2018GS2600504

State of South Carolina

DONALD FRANK HALSTEAD III  
DEFENDANT(S)

This form order  
submitted by:

Attorney for :  State  Defendant  
or  
 Self-Represented Litigant

**DISPOSITION TYPE**

- DECISION BY THE COURT AFTER HEARING.** This action came to a hearing before the court. The issues have been heard and a decision rendered.  See below for additional information.
- DECISION BY THE COURT AFTER STATUS CONFERENCE.** This case came for a status conference before the court. The status of this case and pending issues in this case were discussed and a decision rendered.  See below for additional information.
- MOTION: Notice of Intent to Offer Expert Testimony**
  - GRANTED  DENIED  CONTINUED  WITHDRAWN
  - WITHDRAWN BY MOVING PARTY: \_\_\_\_\_  
Signature of Moving Party
  - OTHER:

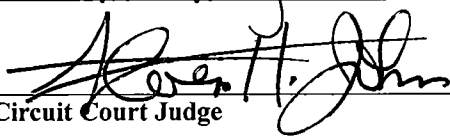
**IT IS ORDERED AND ADJUDGED:**  See Order of the Court below  See attached order  
 Formal Order to follow; to be prepared by:  State  Defendant  Other: \_\_\_\_\_

**ORDER INFORMATION**

This order  ends  does not end the case.  
Additional Information for the Clerk : \_\_\_\_\_

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 Horry County, SC

The State's motion is granted. The Court finds the testimony as described in the State's motion is relevant and its prejudicial effect does not outweigh its probative value. The Defense may make any objections to the expert's qualifications at the time the testimony is offered.

  
Circuit Court Judge

129  
Judge Code

3/25/19  
Date

For Clerk of Court Office Use Only

This judgment was entered on the 25<sup>TH</sup> day of **March, 2019** and a copy mailed first class or placed in the appropriate attorney's box on this 25<sup>TH</sup> day of **March, 2019** to attorneys of record or to parties (when appearing pro se) as follows:

**LEIGH ANDREW**

**JAMES GALMORE**

\_\_\_\_\_  
\_\_\_\_\_  
ATTORNEY(S) FOR THE STATE

\_\_\_\_\_  
\_\_\_\_\_  
ATTORNEY(S) FOR THE DEFENDANT(S)

*Renee Elvis*

\_\_\_\_\_  
CLERK OF COURT

Court Reporter:

RENEE H. ELVIS  
CLERK OF COURT  
12 HENRY COUNTY, SC

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FILED

STATE OF SOUTH CAROLINA  
COUNTY OF Horry

**ORDER IN A CRIMINAL CASE**  
WARRANT(S) 2017A2610700817

IN THE COURT OF GENERAL SESSIONS

INDICTMENT(S): 2018GS2600504

State of South Carolina

**DONALD FRANK HALSTEAD III**  
DEFENDANT(S)

This form order submitted by:

Attorney for :  State  Defendant  
or  
 Self-Represented Litigant

**DISPOSITION TYPE**

- DECISION BY THE COURT AFTER HEARING.** This action came to a hearing before the court. The issues have been heard and a decision rendered.  See below for additional information.
- DECISION BY THE COURT AFTER STATUS CONFERENCE.** This case came for a status conference before the court. The status of this case and pending issues in this case were discussed and a decision rendered.  See below for additional information.
- MOTION: Motion for Compliance with Rape Shield Law**
  - GRANTED  DENIED  CONTINUED  WITHDRAWN
  - WITHDRAWN BY MOVING PARTY: \_\_\_\_\_  
Signature of Moving Party
  - OTHER:

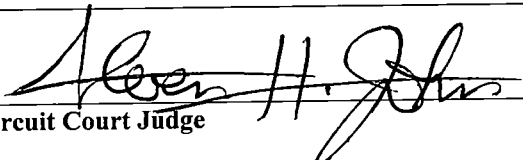
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 Horry County, SC  
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**IT IS ORDERED AND ADJUDGED:**  See Order of the Court below  See attached order  
 Formal Order to follow; to be prepared by:  State  Defendant  Other: \_\_\_\_\_

**ORDER INFORMATION**

This order  ends  does not end the case.  
Additional Information for the Clerk : \_\_\_\_\_

The parties agree that no rape shield evidence is being introduced at this time. The Court will address any such evidence if it is sought to be introduced at a later time.

  
Circuit Court Judge

129  
Judge Code

3/25/19  
Date

For Clerk of Court Office Use Only

This judgment was entered on the 25<sup>TH</sup> day of March, 2019 and a copy mailed first class or placed in the appropriate attorney's box on this 25<sup>TH</sup> day of March, 2019 to attorneys of record or to parties (when appearing pro se) as follows:

LEIGH ANDREW

JAMES GALMORE

ATTORNEY(S) FOR THE STATE

ATTORNEY(S) FOR THE DEFENDANT(S)

*Renee Elvis*

CLERK OF COURT

Court Reporter:

2019 MAR 25 PM 3:54  
RENEE M. ELVIS  
CLERK OF COURT  
49 HONKY COURT, SC

FILED

STATE OF SOUTH CAROLINA  
COUNTY OF Horry

ORDER IN A CRIMINAL CASE  
WARRANT(S) 2017A2610700817

IN THE COURT OF GENERAL SESSIONS

INDICTMENT(S): 2018GS2600504

State of South Carolina

DONALD FRANK HALSTEAD III  
DEFENDANT(S)

This form order  
submitted by:

Attorney for :  State  Defendant  
or  
 Self-Represented Litigant

DISPOSITION TYPE

- DECISION BY THE COURT AFTER HEARING.** This action came to a hearing before the court. The issues have been heard and a decision rendered.  See below for additional information.
- DECISION BY THE COURT AFTER STATUS CONFERENCE.** This case came for a status conference before the court. The status of this case and pending issues in this case were discussed and a decision rendered.  See below for additional information.
- MOTION: State Request for Additional *Voir Dire*
  - GRANTED  DENIED  CONTINUED  WITHDRAWN
  - WITHDRAWN BY MOVING PARTY: C. Leigh  
Signature of Moving Party
  - OTHER:

REC'D  
CLERK OF COURT  
Horry County, SC

2019 MAR 25 PM 3:54

FILED

IT IS ORDERED AND ADJUDGED:  See Order of the Court below  See attached order  
 Formal Order to follow; to be prepared by:  State  Defendant  Other:

ORDER INFORMATION

This order  ends  does not end the case.  
Additional Information for the Clerk :

The court will ask its standard additional questions for cases involving sexual assault and will follow its standard voir dire procedure in asking the questions.

Loen H. John  
Circuit Court Judge

129  
Judge Code

3/25/19  
Date

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ATTORNEY(S) FOR THE DEFENDANT(S)

*Renee Elvis*

CLERK OF COURT

Court Reporter:

RENEE M. ELVIS  
CLERK OF COURT  
19 HORRY COUNTY, SC

2019 MAR 25 PM 3:54

FILED

CERTIFICATE OF COUNSEL FOR APPELLANT

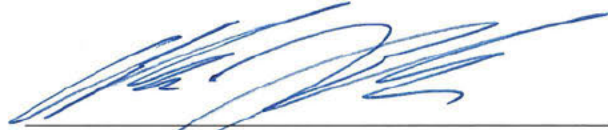
Counsel for appellant certifies that this Supplemental Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court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

Respectfully Submitted,

**RECEIVED**

**May 17 2021**

**SC Court of Appeals**



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 17th day of May, 2021.