

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Greenville County

Honorable Letitia H. Verdin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JASON CARLTON BOOTH,

APPELLANT

APPELLATE CASE NO. 2019-001429

RECORD ON APPEAL

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THE FOLLOWING DOCUMENTS ARE ON FILE WITH THIS COURT:

STATE’S EXHIBIT NO. 2 (FORENSIC INTERVIEW)

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	2017-GS-23-00535
COUNTY OF GREENVILLE	)	2017-GS-23-00536
	)	
	)	
	)	
STATE OF SOUTH CAROLINA,	)	
PLAINTIFF,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
JASON CARLTON BOOTH,	)	
DEFENDANT.	)	
_____	)	

August 12, 13, 14 and 15, 2019
Greenville, South Carolina

B E F O R E:

THE HONORABLE LETITIA H. VERDIN, JUDGE

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

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Circuit Court Reporter

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EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVD</u>

(State's Exhibits)

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P R O C E E D I N G S

(WHEREUPON, State's Exhibit Number 1 was premarked for
identification.)

(WHEREUPON, proceedings commenced at 9:40 a.m.)

THE COURT: All right. Yes, ma'am.

MS. KLUSKA: Thank you, Your Honor. May it please
the Court. The State calls investigator Robert Perry to
the stand.

THE CLERK: Would you please place your left hand on
the Bible and raise your right hand.

WHEREUPON,

ROBERT PERRY

After having been duly sworn, testified as follows:

THE CLERK: And please state your name.

THE WITNESS: It's Robert J. Perry with Greenville
County Sheriff's Office.

DIRECT EXAMINATION

BY MS. KLUSKA:

Q Thank you, Investigator Perry. What do you do at the
Greenville County Sheriff's Office?

A I'm currently the supervisor over the Crimes Against
Children's Unit.

Q Did you have occasion to become involved in this
case?

1 A Yes, I did.

2 Q How so?

3 A Back in November 16, 2016, I responded out to Number
4 ■ Design Drive in TR, which is where Deputy Collins was at
5 the time. And she was called there in reference to a
6 possible sexual assault of a child, and she asked for
7 somebody from the Crimes Against Children's Unit to
8 respond.

9 Q When you arrived at ■ Design Lane, did you, as part
10 of your investigation, speak with the defendant?

11 A Yes, I did.

12 Q What was the date in which you took a statement from
13 the defendant?

14 A The same date that I arrived, November 16, 2016.

15 Q Who was present during that questioning?

16 A I believe his brother was in the house, maybe his
17 brother's girlfriend, Deputy Collins -- or actually Deputy
18 Nunez now. She got married. But Deputy Nunez was in the
19 house, obviously the defendant, Jason.

20 Q And that's where he was living at the time?

21 A Yes, it is.

22 Q To your knowledge, was the defendant under the
23 influence of alcohol or drugs to the extent that it
24 would impair his ability to understand you or your
25 questions?

1 A No, he was not.

2 Q Did he have any physical or mental disability that he
3 would have any issue, to your knowledge, of understanding
4 your questions?

5 A Not that I could tell.

6 Q Tell us about the physical surroundings of the room
7 when you were questioning the defendant.

8 A When we first got there, he was still sleeping in his
9 room. His brother woke him up. I asked if we could speak
10 and we walked out to the -- kind of the general area where
11 they ate. I think it was the kitchen, the dining room
12 area. We just sat down in the dining room.

13 Q How long was the defendant questioned?

14 A I don't know exactly. Maybe ten or 15 minutes, max.

15 Q But no longer than, say, an hour?

16 A That's correct.

17 Q Did he ask for any breaks or did you deny him any
18 breaks?

19 A No, ma'am.

20 Q Did you deny him any food or water if he asked for
21 it?

22 A No, ma'am.

23 Q Were there any threats or promises made in exchange
24 for his statement?

25 A No.

1 Q Was the defendant under arrest at this time?

2 A No, he was not.

3 Q So you said you went to ■■■ Design Lane on
4 November 16th. When did you actually arrest him?

5 A So he was charged and arrested December 22nd, so just
6 about five weeks.

7 Q Was the defendant free to go at any time during the
8 questioning?

9 A Yes, he was.

10 Q And did he speak with you voluntarily?

11 A Yes, he did.

12 MS. KLUSKA: Thank you, Your Honor. That's all I
13 have.

14 THE COURT: All right. Yes, sir.

15 CROSS EXAMINATION

16 BY MR. CHAMBERS:

17 Q How many statements did he give you under those
18 circumstances?

19 A Statements like during our entire conversation?

20 Q Was it just the one time that you talked to him and
21 elicited a statement from him?

22 A At that house, that's correct.

23 Q But you did talk to him again?

24 A Later on I did, yes.

25 Q And is that one being offered? I don't know. Are we

1 having a Jackson v. Denno on all of his statements or just
2 the one that you just testified to?

3 A I think it was just Number [REDACTED] Design Lane.

4 Q What was that statement; do you know?

5 A That he basically didn't inappropriately touch his
6 daughter. He denied the allegation.

7 MR. CHAMBERS: So that's the only statement. You
8 may not know. Is this the only statement y'all are
9 offering?

10 MS. KLUSKA: Your Honor, for the purposes of the
11 record, I'm happy to go into the additional statement.
12 Just for clarification, when Investigator Perry talked
13 to the defendant a second time, he went to the jail after
14 he was arrested and he had him sign a consent form in
15 order to search his computers. I can go into that if you
16 need me to.

17 THE COURT: All right. But you're not offering any
18 statement other than the consent to search his computer?

19 MS. KLUSKA: Correct, Your Honor. Again, he just
20 denied the allegations. But, again, for purposes of the
21 record, if you need me to go into that and lay the
22 foundation, I can.

23 MR. CHAMBERS: It's up to them Your Honor.

24 THE COURT: All right. If you want to pursue it,
25 that will be fine.

DIRECT EXAMINATION (Continued)

BY MS. KLUSKA:

Q Investigator Perry, did you, again, have the occasion to speak to the defendant about this case?

A Yes, I did.

Q Do you know the date that you went to speak with him?

A I don't remember it right off the top of my head.

Q Was it after his arrest?

A Yes, it was.

Q So where was he located?

A He was at the Greenville County Detention Center.

Q And you went to speak with him while he was incarcerated?

A That is correct.

Q What was the purpose of that meeting?

A Basically, I had received information that he may have inappropriate images of children on his computers, so I went to him to talk to him about that particular issue.

Q And did he again deny the allegations?

A That's correct.

Q Did he sign the consent-to-search form?

A Yes, he did.

Q And did he speak with you freely and voluntarily about the allegations?

1 A Yes, he did.

2 MS. KLUSKA: Thank you, Your Honor. Nothing
3 further.

4 THE COURT: All right.

5 MR. CHAMBERS: Your Honor, I don't have any other
6 questions.

7 THE COURT: All right. Thank you, sir.

8 MS. KLUSKA: Your Honor, we ask for a ruling on the
9 admissibility of the statement.

10 THE COURT: All right. Well, I do find that the
11 statement that was given at his home, I think it was his
12 home address, was freely and voluntarily made, I find that
13 by the preponderance of the evidence, and that he was free
14 to leave, not under any duress.

15 And I also find to the extent that there's any sort
16 of a statement offered with regard to the jail interview,
17 I find that that was freely and voluntarily made and he
18 signed a consent to search his computer at that time. But
19 it does not sound like the State is intending to offer
20 that, but just in case we do reach that. And therefore, I
21 find that the statement can be submitted to the jury for
22 their consideration as to whether or not it was freely and
23 voluntarily made.

24 MS. KLUSKA: Thank you, Your Honor.

25 THE COURT: Thank you.

1 Anything else we need to take up pretrial?

2 MS. KLUSKA: Nothing from the State except for our
3 forensic interview.

4 THE COURT: Okay.

5 MR. CHAMBERS: Nothing from the defense, Your Honor.

6 THE COURT: All right then. Very well. Let's be in
7 recess until the conclusion of jury qualification.

8 MS. KLUSKA: Thank you.

9 THE COURT: Thank you.

10 (WHEREUPON, a recess is taken at 9:48 a.m.)

11 (WHEREUPON, State's Exhibit Number 2 was marked for
12 identification.)

13 THE COURT: All right. So now we're going to move to
14 the issue of the forensic interview; is that correct?

15 MS. KLUSKA: Yes, Your Honor.

16 THE COURT: And is Mr. Booth still up here?

17 (Pause in proceedings.)

18 THE COURT: All right. Are we ready to proceed?

19 MS. KLUSKA: Yes, Your Honor.

20 THE COURT: All right.

21 MS. KLUSKA: The State calls Christine Carlberg to
22 the stand.

23 THE COURT: All right.

24 THE CLERK: Please place your left hand on the Bible
25 and raise your right hand.

1 WHEREUPON,

2 CHRISTINE CARLBERG

3 After having been duly sworn, testified as follows:

4 THE CLERK: Please be seated. And please state your
5 name for the record.

6 THE WITNESS: Christine Carlberg.

7 DIRECT EXAMINATION

8 BY MS. KLUSKA:

9 Q Where do you work, Ms. Carlberg?

10 A I'm employed by the Greenville Department of Mental
11 Health, and I'm contracted to work at the Julie Valentine
12 Center.

13 Q What does your job at the Julie Valentine Center
14 entail?

15 A I'm a forensic interviewer.

16 Q And what is your educational background to do this
17 type of work?

18 A I have a bachelor's of science in rehabilitation
19 services education with a minor in psychology from the
20 Pennsylvania State University, and I have a master's of
21 arts in marriage and family therapy from the Reform
22 Theological Seminary.

23 Q Where have you worked previously before Julie
24 Valentine Center and in what capacities?

25 A I was employed by the Mississippi Children's Advocacy

1 Center where I worked as a therapist and a forensic
2 interviewer. And prior to that, I was working at a mental
3 health center in Jackson, Mississippi, where I was a
4 therapist.

5 Q What type of training and education do you have
6 specifically for the job of forensic interviewing?

7 A I attended Corner House Child Abuse Forensic
8 Interview Training in September 2000, and since then I
9 have attended Finding Words in Mississippi and in South
10 Carolina, and then just various conferences through the
11 years.

12 Q Are you a member of any boards, past or present?

13 A I was a member of the Mississippi Children's Advocacy
14 Center Board, but not presently.

15 Q Are you currently affiliated with any organizations
16 that deal with forensic interviewing or child sexual abuse
17 and its dynamics?

18 A The Julie Valentine Center is a member of the South
19 Carolina network of Children's Advocacy Centers, and we're
20 also accredited with the national Children's Advocacy
21 Center, and through the South Carolina network, I
22 participate in peer review.

23 Q Would peer review be an example of how you consult
24 other professionals in your field?

25 A Yes, ma'am.

1 Q Are there any other publications such as journals or
2 articles that you rely on in order to make sure that you
3 are kept up with the most current information in your
4 field?

5 A We do. We rely on many journal articles, and through
6 our peer review, we also review new research and articles
7 that are coming out.

8 Q The articles that you review, are they widely relied
9 upon in your field?

10 A Yes, ma'am.

11 Q What is a forensic interview?

12 A A forensic interview is a nonleading, nonsuggestive
13 manner of gathering information from a child, or we do
14 interview delayed adults for purposes of an investigation.

15 Q What are the scientifically-based standards used to
16 conduct a forensic interview of a child who has been
17 sexually abused?

18 A We -- the forensic interview is based on sexual abuse
19 dynamics, linguistics and things like developmental level
20 of children.

21 Q Is there a standard protocol for conducting a
22 forensic interview?

23 A In South Carolina we use the South Carolina
24 ChildFirst protocol, which is a semi-structured protocol.
25 And the acronym for that is RTREC, which stands for

1 rapport, transition, report exploration and closure.

2 Q You mentioned ChildFirst, but are there numerous
3 protocols?

4 A There are.

5 Q But you use ChildFirst which is accepted in South
6 Carolina?

7 A Yes, ma'am.

8 Q Have you received special training in ChildFirst?

9 A Yes, ma'am.

10 Q Can you estimate how many children you've seen and
11 how many forensic interviews you've conducted?

12 A I have conducted 3,475 interviews.

13 Q Have any of your interviews been subject to peer
14 review?

15 A Yes.

16 Q Did you have the occasion to conduct a forensic
17 interview of the victim in this case?

18 A Yes, ma'am.

19 Q How did she come to your office?

20 A She was referred by the Greenville County Sheriff's
21 Office.

22 Q Why was she referred to you?

23 A There were allegations of sexual abuse.

24 Q How old was she at the time of the interview?

25 A 8.

1 Q And what date did she come to you?

2 A November 22, 2016.

3 Q Did you make an audio or video recording of this
4 interview?

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

6 Q I'm going to show you what's been premarked as
7 State's Exhibit 2. What is that?

8 A That is a copy of the interview that I did with
9 D.B. .

10 Q Have you watched it recently?

11 A Yes, ma'am.

12 Q Is it a true and accurate depiction of the interview?

13 A Yes, ma'am.

14 Q Has it been tampered with in any way, any additions
15 or deletions made?

16 A No, ma'am.

17 Q And are those your initials and the date on the CD?

18 A Yes, ma'am.

19 MS. KLUSKA: Your Honor, at this time the State moves
20 to admit State's Exhibit 2 into evidence for purposes of
21 this hearing.

22 THE COURT: Any objection for purposes of this
23 hearing?

24 MR. CHAMBERS: No, Your Honor.

25 THE COURT: So admitted.

1 (WHEREUPON, State's Exhibit Number 2 was admitted into
2 evidence.)

3 BY MS. KLUSKA:

4 Q During the interview with D.B. [REDACTED], did you utilize
5 nonleading questions?

6 A Yes, ma'am.

7 Q And did she give a detailed account of sexual abuse?

8 A She did.

9 Q Was her disclosure coherent?

10 A Yes, ma'am.

11 Q Was it consistent?

12 A Yes, ma'am.

13 Q Was it demonstrative?

14 A Yes, ma'am.

15 Q Was it logical?

16 A Yes, ma'am.

17 Q And was it congruent, meaning did she use
18 age-appropriate language and behavior?

19 A Yes, ma'am.

20 MS. KLUSKA: That's all I have, Your Honor. Thank
21 you.

22 THE COURT: All right. Mr. Chambers?

23 CROSS EXAMINATION

24 BY MR. CHAMBERS:

25 Q You were talking about your training in doing

1 investigative interviews. What kind of training is that
2 that you've had?

3 A I attended the Corner House, which is a nationally
4 recognized training for forensic interviewing. That was
5 in September 2000. I also attended Finding Words in
6 Mississippi and in South Carolina. And then I've been
7 through two other conferences.

8 Q In time in hours, how many hours is that training?

9 A Corner House and Finding Words is 40 -- is the whole
10 week, 40 hours, and then the other conferences are various
11 amounts of hours.

12 Q And you said that you have been taught the ChildFirst
13 method; is that correct?

14 A Yes, sir.

15 Q And what does the ChildFirst method entail?

16 A The ChildFirst method is Finding Words, or ChildFirst
17 method. It is a semi-structured protocol. And the
18 acronym for that is RTREC. So it's five steps or five
19 phases. And the first one is rapport, the second one is
20 transition, and then it's report exploration and then
21 closure.

22 Q Is that different than the RATAC method?

23 A It's similar, but it does have some differences.

24 Q And to your knowledge, what are those differences?

25 A In this -- in this protocol we go over what we call

1 some rules for the interview which we did not do in the
2 RATAC, which we have the child promise to tell things that
3 really happened. We also have them demonstrate if they
4 can tell us if they don't know an answer, if they
5 understand what we're asking them and if they are able to
6 correct us.

7 Q And the videotape that you prepared and reviewed for
8 court, is it the entire videotape?

9 A Yes, sir.

10 Q You didn't stop or start at any point? You kept the
11 camera going the entire time?

12 A Yes, sir.

13 MR. CHAMBERS: All right. That's all the questions I
14 have, Your Honor.

15 THE COURT: Anything else from the State?

16 MS. KLUSKA: No, Your Honor.

17 Just for the record ---

18 THE COURT: You can step down.

19 Yes, ma'am?

20 MS. KLUSKA: I would just like to put on the record
21 that I furnished you with a copy of the videotape last
22 week, which I informed Mr. Chambers of that through email.
23 I'm assuming you've had a chance to watch the video. At
24 this time the State respectfully just asks that you rule
25 on its admissibility.

1 THE COURT: All right. I have had an opportunity to
2 review it in its entirety.

3 Mr. Chambers, anything you'd like to be heard on in
4 regard to this matter?

5 MR. CHAMBERS: No, Your Honor.

6 THE COURT: All right. Well, I find pursuant to
7 17-23-175 that the interviewer was properly trained and
8 followed recognized protocol and standard in conducting
9 this interview. The interview itself that I watched was
10 in accordance with what she testified with today. The
11 interview itself, the disclosure from the child did have
12 internal coherence. It was elicited through nonleading
13 questions. The child was told what to do if something was
14 said that was wrong, was given the opportunity to correct
15 anything like that, or didn't understand a question. And
16 the child did make a disclosure that seemed to be fairly
17 consistent throughout. Therefore, as long as the other
18 criteria of 17-23-175 were met during trial, then I would
19 find that the forensic interview is admissible.

20 All right. Anything else we need to take up before
21 the jury comes?

22 Well, we're second in line, so we're waiting behind
23 picking a jury over in Judge Stilwell's courtroom because
24 we just don't have enough jurors for both. And I've
25 requested 40 jurors to come in here, and so we'll just

1 wait until we hear we're up. Thank y'all very much.

2 MR. CHAMBERS: I believe this is a ten-strike case
3 for me, Your Honor.

4 THE COURT: It is. It is. And that's why I had
5 asked for maybe ten extra than what we actually need just
6 in case the nature of the case we needed additional
7 jurors. I may even ask for as many jurors as we can fit
8 in here.

9 But yes. You are correct. It is a ten-strike case.
10 All right. Thank you.

11 MS. KLUSKA: Thank you.

12 (WHEREUPON, a recess is taken at 11:27 a.m.)

13 (WHEREUPON, the jury panel entered the courtroom at
14 11:45 a.m.)

15 THE COURT: Well, good morning once again. We're
16 still in the morning just barely. This is a little bit of
17 a surprise. We thought some of y'all were going to go to
18 Judge Stilwell's courtroom first. So I don't know if they
19 told you about the changeup, but at the last minute, we
20 felt like it would be more efficient to bring you here and
21 you wouldn't be waiting quite as long.

22 All right. Now, as you and I talked this morning and
23 I found that you were qualified to serve as a juror this
24 week, now I need to find out if you're qualified to serve
25 on this particular trial. Most of my questions are going

1 to be related to whether or not you know anybody involved
2 in the case or know anything about the particular
3 allegations in this case. That's what most of my
4 questions are going to be.

5 I'm going to have one or two questions that are going
6 to potentially ask for things of a personal nature. I
7 will tell you that what I'm going to do is at the end,
8 when I get to the point where I ask those couple of
9 personal questions, I'm going to ask you to hold your
10 answer on those few questions, and if anybody needs to
11 speak with me, we'll speak privately, just the attorneys
12 and me right up here, okay? But until we get to that
13 point, what I'm going to do is if you need to respond to
14 any of my questions, I'm going to ask you to stand and
15 then I'll call on you. And if you'll give me your name
16 and juror number, then we can, you know, talk about
17 whatever your response is then.

18 I want you to know and I want you to be absolutely
19 comfortable with the fact that if, at any moment, you just
20 don't like speaking in front of people or you just want to
21 talk to me about it up here at the bench, you just say, "I
22 want to step up there." You don't have to stand, okay, if
23 I'm making any sense. I sort of told you everything
24 backwards. So for the first ones you'll stand and give us
25 your name and juror number for the record. For the last

1 ones, I'm going to see if anybody needs to speak with me
2 privately at the end. Happy to do it. But throughout the
3 whole process, if anybody wants to speak with me
4 privately, you feel free to do it.

5 JURY QUALIFICATION

6 THE COURT: All right. All of that being said, we're
7 going to get going. This is a case that is captioned the
8 State of South Carolina vs. Jason Carlton Booth. I'm
9 going to begin by asking the attorneys to introduce
10 themselves to you, and I'm going to ask you one or two
11 questions about that in just a moment.

12 Ms. Kluska, could I ask you to introduce your folks?

13 MS. KLUSKA: Yes, Your Honor. Thank you.

14 Good morning, everybody. My name is Alexa Kluska,
15 and I'm an assistant solicitor here in Greenville county.

16 THE COURT: All right. And the other folks at your
17 table are from your office as well?

18 MS. KLUSKA: Yes, Your Honor. This is Christy
19 Sustakovitch and Melita Graham, and they'll be assisting
20 me throughout the course of this trial.

21 THE COURT: Great. Thank you so much.

22 Any member of the jury panel related by blood or
23 marriage or otherwise acquainted with any of these ladies
24 sitting at this table from the Solicitor's Office? Anyone
25 have any acquaintance with them whatsoever? And if so,

1 please stand.

2 (No response.)

3 THE COURT: And none are standing.

4 Let me ask that question a little more broadly. Any
5 member of the jury panel related by blood or marriage or
6 otherwise acquainted with in any way anyone from the 13th
7 Circuit Solicitor's Office? And the Solicitor's Office is
8 just what they call in other states maybe the district
9 attorney or the prosecutor, so the prosecutor's office.
10 And the 13th Circuit is Pickens and Greenville counties.
11 Any member of the jury panel have any acquaintance with,
12 association with anybody from the 13th Circuit Solicitor's
13 Office? And if so, please stand.

14 Yes, sir. Tell me your name and juror number,
15 please.

16 JUROR NUMBER 30: Kevin Burns, Juror 30. My father
17 used to work for Walt Wilkins' father.

18 THE COURT: Okay. All right. Very well. Knowing
19 that Mr. Wilkins is, in fact, the circuit solicitor, do
20 you feel like you could be a fair and impartial juror in
21 the trial of this case?

22 JUROR NUMBER 30: No, ma'am.

23 THE COURT: What's that?

24 JUROR NUMBER 30: No, ma'am.

25 THE COURT: Okay. All right. I'll tell you what.

1 If you'll have a seat.

2 You're Juror Number 30, you said?

3 JUROR NUMBER 30: Yes, ma'am.

4 THE COURT: It may be that we're able to use you over
5 in Judge Stilwell's courtroom. All right. Thank you.

6 All right. Anyone else need to respond to that
7 question? And if so, please stand.

8 (No response.)

9 THE COURT: All right. Mr. Chambers?

10 MR. CHAMBERS: Your Honor, ladies and gentlemen, good
11 morning. My name is Randy Chambers. I'm in private
12 practice here in Greenville with the Chambers Law Firm. I
13 also do some work for the 13th Circuit Public Defender's
14 Office. Seated beside me, would you stand up for me, this
15 is Jason Booth. You're going to hear him referred to as
16 the defendant throughout this trial, and I'm representing
17 him here today. Thank you.

18 THE COURT: All right. Ladies and gentlemen, any
19 member of the jury panel related by blood or marriage,
20 otherwise acquainted with in any way, ever been
21 represented by, ever been involved in a case with, ever
22 been on the other side of a case with Mr. Chambers or
23 anyone from the Chambers Law Firm? And if so, please
24 stand.

25 Yes, ma'am. Tell me your name and juror number,

1 please.

2 JUROR NUMBER 66: Stacy Olive Erwin, Number 66.

3 THE COURT: Yes.

4 JUROR NUMBER 66: I am acquainted with Mr. Chambers
5 but only in a neighbor-type situation.

6 THE COURT: Okay. Tell me this. How often do you
7 think you see Mr. Chambers?

8 JUROR NUMBER 66: It's been quite a while. Many
9 years.

10 THE COURT: Okay. All right. He hasn't changed
11 much, has he? It's amazing.

12 But do you think you can be a fair and impartial
13 juror in the trial of this case knowing that he's a lawyer
14 on this case?

15 JUROR NUMBER 66: Certainly.

16 THE COURT: Okay. I surely do appreciate that.
17 Thank you.

18 Anyone else?

19 (No response.)

20 THE COURT: Ladies and gentlemen, you just met
21 Mr. Booth, who, as you heard, we'll refer to as the
22 defendant in this case. Anyone related by blood or
23 marriage or otherwise acquainted with in any way
24 Mr. Booth, Jason Carlton Booth? And if so, please stand.

25 (No response.)

1 THE COURT: And none are standing.

2 Ladies and gentlemen, if you serve as jurors on this
3 case, you are going to hear a whole lot about what an
4 indictment is and what an indictment is not. I want to
5 tell you and impress upon you that an indictment is in no
6 sense any evidence of anyone's guilt. It is just the
7 document by which somebody is brought into court. That's
8 it. And it contains the allegations that the State must
9 prove at trial in order to secure a conviction. But for
10 our purposes right now, what it does is it gives us just
11 the barest bones of the allegations that the State would
12 be required to prove at trial, and therefore, it will give
13 me just a summary to find out if anyone knows anything
14 about the allegations in this case.

15 All right. The first indictment alleges that Jason
16 Carlton Booth did in Greenville county, between
17 December 2015 and November 2016, commit a sexual battery
18 on DB, who was less than 11 years of age, and that is in
19 violation of the Code of Laws in South Carolina. And the
20 second indictment -- and that is for criminal sexual
21 conduct with a minor first degree. And the second
22 indictment is for criminal sexual conduct with a minor
23 third degree. And the allegations contained in that
24 indictment are that Jason Carlton Booth did in Greenville
25 county, between December 2015 and November 2016, being

1 over the age of 14 years, willfully and lewdly commit or
2 attempt a lewd and lascivious act upon or with the body or
3 its parts of DB, a child under the age of 16 years with
4 the intent of arousing, appealing to or gratifying the
5 lust, passions or sexual desires of himself or such child
6 in violation of the Code of Laws of South Carolina.

7 Any member of the jury panel believe he or she knows
8 anything about the particular allegations in this case?
9 And if so, please stand.

10 (No response.)

11 THE COURT: And none are standing.

12 Ladies and gentlemen, I'm going to go through a
13 witness list. These are two of the best -- three of the
14 best attorneys that ever practiced in this courtroom.
15 They list every possible witness that can testify in a
16 trial. Just in case something comes up, they list
17 everybody. So in other words, I don't want this to be
18 daunting when I read this witness list to you.

19 I'm going to go through this list of witnesses. Some
20 of these names are somewhat common names. If you think,
21 even think that you might know somebody on this list,
22 please stand and let's talk about it. Much better to talk
23 about it now than when we get into trial and then you
24 think about it then.

25 Any member of the jury panel related by blood or

1 marriage or otherwise acquainted with, have any
2 association with: D.B. [REDACTED] Booth or D.B. [REDACTED]; H.B.
3 [REDACTED] Amber Booth; Olivia Watson; Tiffany, also known as
4 Rose, Stone; Abigail Stone; B.V. [REDACTED]; Linda Hutton
5 of the Bay Laurel Center for Psychotherapy; Christine
6 Carlberg from the Julie Valentine Center; Dr. Nancy
7 Henderson of the Greenville Hospital System; Chyna Collins
8 of the Greenville County Sheriff's Office; Bob Perry of
9 the Greenville County Sheriff's Office; James Brown of the
10 Greenville County Sheriff's Office; Janet Bramlett or Joel
11 Booth? Any member of the jury panel have any association
12 or acquaintance with in any way any of these folks? And
13 if so, please stand.

14 Yes, ma'am. Tell me your name and juror number,
15 please.

16 JUROR NUMBER 190: Charline Sanchez, Juror 190, 190.

17 Part of the work that I do with Prisma Health
18 involves forensic pediatricians working alongside with
19 Nancy Henderson.

20 THE COURT: Okay. Tell me your juror number again.

21 JUROR NUMBER 190: 190.

22 THE COURT: And so your work is actually related to
23 maybe this area we're talking about?

24 JUROR NUMBER 190: Correct.

25 THE COURT: All right. Thank you. I appreciate

1 that. That's exactly the kind of information I need.

2 Thank you.

3 Anyone else?

4 Yes, sir. Tell me your name and juror number,
5 please.

6 JUROR NUMBER 107: Paul Johnson, Juror 107.

7 THE COURT: Yes, sir.

8 JUROR NUMBER 107: I work with Prisma Health System.
9 I'm a health administrator. I work alongside some of the
10 folks mentioned.

11 THE COURT: Okay. And let me ask you this. Do you
12 -- you work with them. You don't actually work in this
13 particular area.

14 JUROR NUMBER 107: No.

15 THE COURT: Okay. And he's signaling no.

16 Let me ask you this. Do you think that knowing that
17 Dr. Nancy Henderson might be a witness at this trial, do
18 you think you could be a fair and impartial juror in this
19 trial?

20 JUROR NUMBER 107: Yes.

21 THE COURT: Okay. All right. Thank you very much.
22 Thank you so much.

23 Anyone else need to respond?

24 Yes, sir. Tell me your name and juror number,
25 please.

1 JUROR NUMBER 138: John McCoy, Juror Number 138.

2 THE COURT: Yes, sir.

3 JUROR NUMBER 138: My company does work for the Julie
4 Valentine Center. I don't recognize the name.

5 THE COURT: That's exactly -- that exactly is the
6 kind of information that I need.

7 Tell me this. How often do you think you do work for
8 the Julie Valentine Center?

9 JUROR NUMBER 138: Every couple months.

10 THE COURT: Can I ask you what the nature of your
11 business is?

12 JUROR NUMBER 138: Sure. We provide their phone
13 system and work on the phone system.

14 THE COURT: Knowing that -- okay. Knowing that
15 someone might testify from the Julie Valentine Center and
16 knowing that they're a client of yours, do you think that
17 you can be a fair and impartial juror in the trial of this
18 case?

19 JUROR NUMBER 138: I think so.

20 THE COURT: Okay. Tell me your juror number again.

21 JUROR NUMBER 138: 138.

22 THE COURT: 138. I asked for it in the beginning and
23 I don't know why I never remember. I've had to ask
24 everybody. Thank you so much.

25 Anyone else need to respond to that question? And

1 I'll broaden it. I'll actually broaden it and say this
2 man responded because he had a connection with the Julie
3 Valentine Center. Anyone have a connection with the Julie
4 Valentine Center, the Laurel Center for Psychotherapy?
5 Anyone need to respond to that in any way?

6 (No response.)

7 THE COURT: All right. I've got a couple of
8 questions. Now we're going to move to the part where if
9 you need to talk to me up here, I'm happy to do it, okay?

10 Any member of the jury panel have a member of your --
11 you or a member of your immediate family that has been the
12 victim of sexual abuse or has ever been accused of
13 committing sexual abuse? That's my first question. And
14 my second question is just a very broad question here.
15 Any member of the jury panel, for any reason other than
16 the lady I've spoken with right here and I guess
17 Mr. Burns, any member of the jury panel have any reason
18 whatsoever he or she feels like you could not be a fair
19 and impartial juror in the trial of this particular case?
20 You've heard the witnesses, you've met the lawyers, you've
21 heard the allegations, you know the nature of the case,
22 and by giving a fair trial, keep an open mind about
23 anything that's presented, keep an open mind, not make
24 your mind up about any fact until the very end of the
25 testimony and evidence in this case, and determine just

1 from what you hear on this witness stand and the evidence
2 that is presented whether or not the State has met its
3 burden of proof to find someone guilty beyond a reasonable
4 doubt. That's what a fair and impartial juror, what we
5 are asking you to do.

6 Is there any member of the jury panel, for any reason
7 whatsoever, who feels he or she could not be a fair and
8 impartial juror in the trial of this particular case? Two
9 questions. And actually, my first question was a compound
10 question so I guess three questions. Victim, accused of,
11 or couldn't be fair and impartial, just to remind you
12 because I kind of had a mouthful. If there's anybody who
13 needs to respond.

14 Yes, ma'am. Will you come forward, please.

15 JUROR NUMBER 236: My father was a pedophile.

16 THE COURT: Oh, my gosh. I'm so sorry.

17 JUROR NUMBER 236: And so we had some family members
18 that were exposed.

19 THE COURT: Tell me your juror number.

20 JUROR NUMBER 236: 236.

21 THE COURT: 236?

22 JUROR NUMBER 236: Yes.

23 THE COURT: Okay. Listen. You don't worry your mind
24 about this any more. I'm excusing you from this case.
25 I'm excusing you from this case. I would never put you

1 through being here. Thank you.

2 Any other member of the jury panel need to respond to
3 my questions whatsoever, please come forward.

4 And, attorneys, if y'all want to approach, I sure do
5 appreciate it.

6 Tell me your juror number.

7 JUROR NUMBER 41: 41.

8 THE COURT: 41.

9 JUROR NUMBER 41: He looks familiar. Like you know
10 how you look at sex offenders' pictures in doing research,
11 his face looks familiar to me, so I don't know if that's
12 true or not.

13 THE COURT: Well, let's do it like this. I don't
14 think that he is on anything like that, but just because
15 it may be somewhere in your mind ---

16 JUROR NUMBER 41: Yes.

17 THE COURT: Listen, we've got other trials for you.
18 Don't worry about it. That's exactly the kind of
19 information I need to know. Thank you for being so
20 honest.

21 MR. CHAMBERS: Number 41?

22 THE COURT: Number 41.

23 JUROR NUMBER 41: And I'm sorry.

24 THE COURT: Don't apologize. That's what we need to
25 know.

1 Anyone else need to respond to my question in any
2 way, feel free to do so.

3 (No response.)

4 THE COURT: All right. Give us just one minute, and
5 we're going to turn to jury selection, and I promise
6 that's going to go a lot quicker, okay? But give me just
7 a moment.

8 Will the attorneys approach a moment? I keep letting
9 y'all go, and I need to keep you up here. I'm sorry.

10 (WHEREUPON, a bench conference was held off the record.)

11 THE COURT: All right. Ladies and gentlemen, thank
12 y'all so much. Here's what's going to happen. In just a
13 moment you may hear your name or juror number called. And
14 if you do, if you'll please stand, and then you'll hear
15 something. You just stand right where you are. You can
16 hear -- if you hear your name and juror number, you may
17 hear the attorneys say something like "please present the
18 juror" or "please swear the juror" or "please excuse the
19 juror," something like that. You don't even have to worry
20 because we're going to tell you what to do next.

21 If you're seated as a juror, then you'll come up here
22 and have a seat and actually be in the jury box. And if
23 you're excused, you'll just have a seat and go back into
24 our jury pool for later trials.

25 I need to ask one more question. I think I need to

1 ask one more quick question before we get going. I want
2 to make sure because I protected a couple of jurors who
3 had long-standing appointments. I want to make sure that
4 everybody knows what our schedule in this trial is going
5 to be. We will work the balance of the day today.
6 Tomorrow morning, because I'm required by my boss, the
7 Chief Justice, to be at a meeting in Columbia tomorrow, we
8 will work until 11:30, 9:00 till 11:30, and that's all
9 we're doing tomorrow. And on Wednesday another member of
10 the Supreme Court requires me to be at a meeting in
11 Columbia, and so we'll follow the same schedule, 9:00 to
12 11:30. And then Thursday we believe we'll finish up
13 Thursday morning in this trial. So don't hold us to it.
14 It's not exact science. But I just need to make sure
15 because we did a quick changeup on who was going to what
16 courtroom that everybody -- that there's not anybody that
17 I protected on a day that would conflict that I've already
18 protected. Anybody?

19 (No response.)

20 THE COURT: Okay. All right. Good. I just wanted
21 to be absolutely 100 percent sure before we got going.

22 Okay. So now a couple of quick things. If you are
23 seated as a juror in this case and we tell you to come up
24 and be seated, get all your belongings to bring with you
25 because you won't be returning to that seat.

All right. With all that being said, we're ready to proceed.

THE CLERK: When I call your name, please stand in place and wait for further instructions.

MR. CHAMBERS: Excuse Ms. Brown from this case, se.

(WHEREUPON, Quantavius Whitmire, a black male, stood.)

1 THE CLERK: What says the State?

2 MS. KLUSKA: Please excuse the juror.

3 THE CLERK: You may be seated. You have been excused
4 from this case.

5 Juror 69, Charles Fiamella.

6 (WHEREUPON, Charles Fiamella, a white male, stood.)

7 THE CLERK: What says the State?

8 MS. KLUSKA: Please excuse the juror.

9 THE CLERK: You may be seated, sir. You've been
10 excused from this case.

11 Juror 164, Samuel Palmer.

12 (WHEREUPON, Samuel Palmer, a black male, stood.)

13 MS. KLUSKA: Please present the juror.

14 THE CLERK: What says the defendant?

15 MR. CHAMBERS: Swear Mr. Palmer, please.

16 THE CLERK: Mr. Palmer, please come bring your
17 things. Have a seat in the jury box.

18 Juror 240, Sherri Yeargin.

19 (WHEREUPON, Sherri Yeargin, a white female, stood.)

20 THE CLERK: What says the State?

21 MS. KLUSKA: Please present the juror.

22 THE CLERK: What says the defendant?

23 MR. CHAMBERS: Seat Ms. Yeargin, please.

24 THE CLERK: Ma'am, please bring your things. Come
25 have a seat in the jury box.

1 Juror 44, Julie Cook.

2 (WHEREUPON, Julie Cook, a white female, stood.)

3 THE CLERK: What says the State?

4 MS. KLUSKA: Please present the juror.

5 THE CLERK: What says the defendant?

6 MR. CHAMBERS: Excuse Ms. Cook from this case.

7 THE CLERK: You may be seated, ma'am. You've been
8 excused from this case.

9 Juror 33, Ricky Burr.

10 (WHEREUPON, Ricky Burr, a white male, stood.)

11 THE CLERK: What says the State?

12 MS. KLUSKA: Please excuse the juror.

13 THE CLERK: You may be seated, sir. You've been
14 excused from this case.

15 Juror 122, Brooke Lathrop.

16 (WHEREUPON, Brooke Lathrop, a white female, stood.)

17 THE CLERK: What says the State?

18 MS. KLUSKA: Please present the juror.

19 THE CLERK: What says the defendant?

20 MR. CHAMBERS: Excuse Ms. Lathrop from this case,
21 please.

22 THE CLERK: Ma'am, please be seated. You are excused
23 from this case.

24 Juror 237, Tara Woernle.

25 (WHEREUPON, Tara Woernle, a white female, stood.)

1 THE CLERK: What says the State?

2 MS. KLUSKA: Please present the juror.

3 THE CLERK: What says the defendant?

4 MR. CHAMBERS: Excuse Ms. Woernle from this case,
5 please.

6 THE CLERK: You may be seated, ma'am. You're excused
7 from this case.

8 Juror 82, Joseph Graves.

9 (WHEREUPON, Joseph Graves, a white male, stood.)

10 THE CLERK: What says the State?

11 MS. KLUSKA: Please present the juror.

12 THE CLERK: What says the defendant?

13 MR. CHAMBERS: Seat Mr. Graves, please.

14 THE CLERK: Sir, please come have a seat in the jury
15 box.

16 Juror 142, Bryan McKinnon.

17 (WHEREUPON, Bryan McKinnon, a white male, stood.)

18 THE CLERK: What says the State?

19 MS. KLUSKA: Please present the juror.

20 THE CLERK: What says the defendant?

21 MR. CHAMBERS: Seat Mr. McKinnon, please.

22 THE CLERK: Sir, please come have a seat in the jury
23 box.

24 Juror 153, Jessica Moss.

25 (WHEREUPON, Jessica Moss, a white female, stood.)

1 THE CLERK: What says the State?

2 MS. KLUSKA: Please present the juror.

3 THE CLERK: What says the defendant?

4 MR. CHAMBERS: Seat Ms. Moss, please.

5 THE CLERK: Ma'am, please come have a seat in the
6 jury box.

7 Juror 20, Benjamin Blanton.

8 (WHEREUPON, Benjamin Blanton, a white male, stood.)

9 THE CLERK: What says the State?

10 MS. KLUSKA: Please present the juror.

11 THE CLERK: What says the defendant?

12 MR. CHAMBERS: Seat Mr. Blanton, please.

13 THE CLERK: Sir, please come have a seat in the jury
14 box.

15 Juror 215, Heather Curtis.

16 (WHEREUPON, Heather Curtis, a white female, stood.)

17 THE CLERK: What says the State?

18 MS. KLUSKA: I'm sorry. Let me just have one moment,
19 please.

20 Please present the juror.

21 THE CLERK: What says the defendant?

22 MR. CHAMBERS: Excuse Ms. Curtis from the case,
23 please.

24 THE CLERK: All right. You may be seated, ma'am.
25 You are excused from this case.

1 Juror 179, Kyle Riedl.

2 (WHEREUPON, Kyle Riedl, a white male, stood.)

3 THE CLERK: What says the State?

4 MS. KLUSKA: Please present the juror.

5 THE CLERK: What says the defendant?

6 MR. CHAMBERS: Seat Mr. Riedl, please.

7 THE CLERK: Please, sir, have a seat in the jury box.

8 Juror 56, Alexis Dillard.

9 (WHEREUPON, Alexis Dillard, a black female, stood.)

10 THE CLERK: What says the State?

11 MS. KLUSKA: Please present the juror.

12 THE CLERK: What says the defendant?

13 MR. CHAMBERS: Seat Ms. Dillard, please.

14 THE CLERK: Ma'am, please come have a seat in the
15 jury box.

16 Juror Number 98, Leonard Hughey.

17 (WHEREUPON, Leonard Hughey, a white male, stood.)

18 THE CLERK: What says the State?

19 MS. KLUSKA: Please present the juror.

20 THE CLERK: What says the defendant?

21 MR. CHAMBERS: Excuse Mr. Hughey from this case,
22 please.

23 THE CLERK: Sir, thank you.

24 Juror 135, Milton McClintock.

25 (WHEREUPON, Milton McClintock, a white male, stood.)

1 THE CLERK: What says the State?

2 MS. KLUSKA: Please present the juror.

3 THE CLERK: What says the defendant?

4 MR. CHAMBERS: Excuse Mr. McClintock from this case,
5 please.

6 THE CLERK: All right. Sir, please be seated.

7 Juror 171, Jennifer Pearson.

8 (WHEREUPON, Jennifer Pearson, a white female, stood.)

9 THE CLERK: What says the State?

10 MS. KLUSKA: Please present the juror.

11 THE CLERK: What says the defendant?

12 MR. CHAMBERS: Excuse Ms. Pearson from this case,
13 please.

14 THE CLERK: You may be seated, ma'am. You're excused
15 from this case.

16 Juror 117, Talva Kotrady.

17 (WHEREUPON, Talva Kotrady, a white female, stood.)

18 THE CLERK: What says the State?

19 MS. KLUSKA: Please present the juror.

20 THE CLERK: What says the defendant?

21 MR. CHAMBERS: Excuse Ms. Kotrady from this case,
22 please.

23 THE CLERK: You may be seated, ma'am.

24 Juror 243, Susan Beane.

25 (WHEREUPON, Susan Beane, a white female, stood.)

1 THE CLERK: What says the State?

2 MS. KLUSKA: Please present the juror.

3 THE CLERK: What says the defendant?

4 MR. CHAMBERS: Give me just a second, please. Is she
5 listed out of order on another page? I can't find her.

6 THE CLERK: She's on the first page of the attorney
7 list.

8 MR. CHAMBERS: And the name again, please.

9 THE CLERK: Susan Beane, 243.

10 MR. CHAMBERS: Excuse Ms. Beane from this case,
11 please.

12 THE CLERK: All right. Ma'am, you may be seated.

13 THE COURT: Would y'all approach just one quick
14 second? I forgot to mention something. I'm sorry.

15 (WHEREUPON, a bench conference was held off the record.)

16 THE COURT: Please proceed. I'm sorry.

17 THE CLERK: Juror 85, Alicia Griffin.

18 (WHEREUPON, Alicia Griffin, a white female, stood.)

19 THE CLERK: What says the State?

20 MS. KLUSKA: Please excuse the juror.

21 THE CLERK: All right. You may be seated. You've
22 been excused from this case.

23 Juror 173, Jodi Pietrowski.

24 (WHEREUPON, Jodi Pietrowski, a white female, stood.)

25 THE CLERK: What says the State?

1 MS. KLUSKA: Please present the juror.

2 THE CLERK: What says the defendant?

3 MR. CHAMBERS: Seat Ms. Pietrowski, please.

4 THE CLERK: Ma'am, please come have a seat in the
5 jury box.

6 Juror 66, Stacey Erwin.

7 (WHEREUPON, Stacey Erwin, a white female, stood.)

8 THE CLERK: What says the State?

9 MS. KLUSKA: Please present the juror.

10 THE CLERK: What says the defendant?

11 MR. CHAMBERS: Seat Ms. Olive Erwin, please.

12 THE CLERK: Ma'am, please come have a seat in the
13 jury box.

14 Jury 133, Kelly Massey.

15 (WHEREUPON, Kelly Massey, a white female, stood.)

16 THE CLERK: What says the State?

17 MS. KLUSKA: Please present the juror.

18 THE CLERK: What says the defendant?

19 MR. CHAMBERS: Seat Ms. Massey, please.

20 THE CLERK: Ma'am, please come have a seat in the
21 jury box.

22 Juror 28, Myra Burkhalter.

23 (WHEREUPON, Myra Burkhalter, a white female, stood.)

24 THE CLERK: What says the State?

25 MS. KLUSKA: Please excuse the juror.

1 THE CLERK: You may be seated. You've been excused
2 from this case.

3 Juror 158, Emily Nichols.

4 (WHEREUPON, Emily Nichols, a white female, stood.)

5 MS. KLUSKA: Please present the juror.

6 THE CLERK: Thank you.

7 What says the defendant?

8 MR. CHAMBERS: Seat Ms. Nichols, please.

9 THE CLERK: All right. Ma'am, please have a seat in
10 the jury box.

11 THE COURT: Would y'all approach for just a second?

12 (WHEREUPON, a bench conference was held off the record.)

13 THE CLERK: For the first alternate, Juror 137, Diane
14 McCoy.

15 (WHEREUPON, Diane McCoy, a white female, stood.)

16 THE CLERK: What says the State?

17 MS. KLUSKA: Please present the juror.

18 THE CLERK: What says the defendant?

19 MR. CHAMBERS: Excuse Ms. McCoy from this case,
20 please.

21 THE CLERK: All right. You may be seated, ma'am.

22 Juror 161, Sandra Oliver.

23 (WHEREUPON, Sandra Oliver, a white female, stood.)

24 THE CLERK: What says the State?

25 MS. KLUSKA: Please present the juror.

1 THE CLERK: What says the defendant?

2 MR. CHAMBERS: Seat Ms. Oliver, please.

3 THE CLERK: All right. Ma'am, please come have a
4 seat in the jury box.

5 For second alternate, Juror 78, Dale Gentile.

6 (WHEREUPON, Dale Gentile, a white female, stood.)

7 THE CLERK: What says the State?

8 MS. KLUSKA: Please present the juror.

9 THE CLERK: What says the defendant?

10 MR. CHAMBERS: Excuse Ms. Gentile from this case,
11 please.

12 THE CLERK: You may be seated, please.

13 Juror 94, Tammy Hoglen.

14 (WHEREUPON, Tammy Hoglen, a white female, stood.)

15 THE CLERK: What says the State?

16 MS. KLUSKA: Please excuse the juror.

17 THE CLERK: You may be seated, ma'am. You've been
18 excused from this case.

19 Juror 54, Migueal Dennis.

20 (WHEREUPON, Migueal Dennis, a black male, stood.)

21 THE CLERK: What says the State?

22 MS. KLUSKA: Please present the juror.

23 THE CLERK: What says the defense?

24 MR. CHAMBERS: Seat Mr. Dennis, please.

25 THE CLERK: Please have a seat in the jury box.

1 THE COURT: All right. Any objection to the manner
2 in which the jury was selected from the State?

3 MS. KLUSKA: Nothing from the State, Your Honor.

4 THE COURT: Any from the defense?

5 MR. CHAMBERS: No, Your Honor.

6 THE COURT: All right then. Ladies and gentlemen who
7 were not selected to be on this particular jury, if you'll
8 please return to your jury assembly room for some further
9 instructions. I probably will not see you the remainder
10 of this week, so thank you for your service.

11 (WHEREUPON, the remaining jury panel exits the courtroom
12 at 12:28 p.m.)

13 THE COURT: Ladies and gentlemen, I know sometimes,
14 when you watch your fellow jurors walk out the door,
15 sometimes you might be a little bit envious, but let me
16 tell you, they are headed to a much -- I believe much
17 longer, much -- well, just a much longer trial. So even
18 though you have to put up with me, they might have
19 actually gotten the short straw.

20 But in any event, you were a very carefully selected
21 jury, and I'm sure you could tell that. In fact, I want
22 to just tell you what all the talking was at the end so
23 you don't think there was any problem. I miscounted by
24 one, and we were about to run out of potential jurors.
25 But it all worked out, and so I'm glad to hear it.

JURY INSTRUCTIONS

THE COURT: I'm just going to give you a little bit of instruction before we break for lunch, and then we'll come back and we'll start with the trial of this case. And one thing I'm going to ask you to do when you come back from lunch is from the 12 originally selected, not the two alternates but the 12 jurors, I'm going to ask you to elect from amongst your ranks a foreperson. And I'll tell you what a foreperson does and what a foreperson doesn't do. A foreperson's vote is no more important than anybody else's. A foreperson just simply leads the discussions in the jury deliberation room once you begin deliberating, and they also will just sign and date the verdict form. That's it. So if one of you all will volunteer amongst your fellow jurors or if y'all will choose somebody when you get back from lunch, that would be terrific.

Our alternates, you probably know what an alternate does but just so I've said it, an alternate will just be here through the balance of the trial, and if I had to remove a juror for some reason or there were an emergency or something like that, then you can just step in just as if you'd been one of the 12 jurors all along. I appreciate your service as I do everybody's.

Let's talk a little bit about just the trial of the

1 case, and I won't keep you really much more than just a
2 few minutes. As you heard, the defendant in this case is
3 charged with criminal sexual conduct with a minor first
4 degree and criminal sexual conduct with a minor third
5 degree, the elements of which are going to be explained to
6 you at the end of this trial. You don't need to be
7 concerned about the elements themselves except to know
8 that the State has the burden of proof to prove each and
9 every element of the crimes charged beyond a reasonable
10 doubt. You will determine whether or not the State has
11 met its burden of proof based on the testimony and the
12 evidence that you hear and see presented throughout the
13 trial of this case. This is not a charge on the law as I
14 said, and I'm going to explain the law to you at the end.
15 The defendant in this case has pled not guilty to those
16 charges, and therefore, the burden shifts to the State, as
17 I said, to prove each of the elements of the indictment
18 beyond a reasonable doubt.

19 You're the sole judge of the facts. You will
20 determine the facts from what you hear, as I said. I
21 cannot, as a trial judge, make any comment on the facts in
22 any way. I don't have an opinion about the facts and the
23 law doesn't allow me to have an opinion of the facts.
24 That is for you to decide yourselves. I will give you the
25 law at the end of the trial, as I said. You'll take the

1 facts as you find them to be, apply it to the law as I
2 give it to you, and from that you'll determine whether or
3 not the State has met its burden of proof.

4 When I give you the law, you might have a different
5 idea as to what the law is or what the law ought to be,
6 but you have to follow the law just as I give it to you.

7 All right. Until I advise you to begin your
8 deliberations, you must not discuss this case with anyone,
9 even your fellow jurors, which that surprises people from
10 time to time when they hear that, because, you know, when
11 I watch a movie, the jurors are talking the whole time.
12 But you cannot discuss the case with anyone. You're going
13 to go home this evening. Very naturally you're family's
14 going to say, "Did you get picked for a jury?" You can
15 tell them, you know, that you were picked for a jury and
16 it's where somebody's charged with a crime, but under your
17 juror oath that you'll take in just a few minutes, do not
18 discuss even what the nature of the charges are because it
19 could elicit some response, and I don't want anything to
20 influence you in any way, just what you hear today and for
21 the remainder of the week.

22 Don't read the newspaper or listen to or watch any
23 news reports about this case, although I have no reason to
24 believe that there are any news reports about this case.

25 Also, you can't discuss the case, for lack of a

1 better word, I'll say electronically. You can't talk
2 about it on Facebook or make any comments about anything
3 on Facebook about it. Once this trial is over with,
4 you're free to discuss it with anybody you want to or not
5 discuss it with anybody you don't want to. But the reason
6 we don't want you talking to anybody is because we don't
7 want you to make your mind up about any fact until you've
8 heard everything.

9 Now, these attorneys in this case are, as I've told
10 you earlier and I meant it sincerely, second to none.
11 They would never dream of trying to talk to you about this
12 case or anything. But around the courthouse if you happen
13 to hear someone discussing this case or something like
14 that, identify yourself as a juror. If they do not quit
15 discussing the case immediately, you report it to this
16 gentleman right here and he'll report it to me and I will
17 take care of it immediately, I assure you. As I said,
18 these attorneys would never dream of doing it, but
19 sometimes witnesses may be throughout. Just identify
20 yourself as a juror. As you're around downtown, I think
21 downtown is -- Greenville's a big town, but it's not.
22 You'll end up in restaurants with people and all, so just
23 wear your juror tag.

24 Now, you're going to have to determine the
25 credibility of witnesses in this case. Credibility means

1 believability. You do that like you do every day. You
2 just use your common sense and decide who if anyone you
3 think is telling the truth, and you do that based on the
4 testimony, how somebody acts on the witness stand, how it
5 matches up with other things in the case. You can use
6 anything in the record that you need to determine whether
7 or not someone is telling the truth.

8 From time to time you're going to hear -- and you saw
9 a little bit of it during jury selection -- you're going
10 to hear someone -- you might hear us say, you know, "Could
11 the attorneys approach?" or "Could we take up a matter of
12 law outside of your presence?" I don't want you to think
13 we're hiding the ball from you in any way. Just so you
14 know, I told you earlier, I can't give an opinion on the
15 facts in the case. Sometimes in ruling on a matter of
16 law, I have to talk about the facts. So it's not to
17 influence you in any way. If it's something quick, we'll
18 take it up up here at the bench. If it's something a
19 little lengthier, we'll ask you to step to your jury
20 deliberation room. But you saw an example of that when I
21 called them up to tell them I was afraid we didn't have
22 enough jurors.

23 I just want to make sure I've got everything covered.
24 And I think I have. I think I've probably talked to you
25 about as long as I can before lunch.

1 If y'all would, we'll come back -- let's take a break
2 until 2:15. If you'll be back where they tell you to
3 assemble at 2:15, we'll start back then. But your first
4 order of business, I'll give you about five minutes when
5 you come back to pick a foreperson from amongst your
6 ranks.

7 And before we leave, could we go ahead and put the
8 jurors under oath?

9 THE CLERK: If you'll please stand and raise your
10 right hand for the oath in this case. The proper response
11 is "I will."

12 (WHEREUPON, the jury is duly sworn.)

13 THE CLERK: Thank you.

14 THE COURT: Thank you, ladies and gentlemen.

15 Any objection to my initial instruction from the
16 State?

17 MS. KLUSKA: No, Your Honor.

18 THE COURT: Any from the defense?

19 MR. CHAMBERS: No, Your Honor.

20 THE COURT: All right. Let's go to lunch. If you'll
21 just follow this man, he'll show you where to go.

22 (WHEREUPON, the jury exits the courtroom at 12:38 p.m.)

23 THE COURT: Anything we need to take up before we
24 break for lunch?

25 MS. KLUSKA: No, Your Honor.

1 THE COURT: Okay. Then we'll start back at 2:15.

2 (WHEREUPON, a recess was taken at 12:38 p.m.)

3 THE COURT: My understanding is that the jury is all
4 back and I think they've had some time to talk and pick a
5 foreperson, so we'll await that decision.

6 Are y'all ready to bring the jury back in?

7 MS. KLUSKA: Yes, Your Honor.

8 (WHEREUPON, the jury entered the courtroom at 2:20 p.m.)

9 THE COURT: Excellent choice. Mr. McKinnon, I
10 understand that you've been selected by your peers to be
11 the foreperson of this jury, and I certainly appreciate
12 your acting in that capacity. And just for the record,
13 that is Juror Number 142 will be our foreperson.

14 All right. I trust everybody had a good lunch and
15 we're ready to go. Now, listen, a couple of quick things.
16 You know if you need a break, you just let this man here
17 know that you need a break or signal to me and get my
18 attention. And as we're changing up witnesses throughout
19 the trial, don't feel like you're chained to that seat.
20 Stand up and stretch if you need to or whatever, and I'll
21 probably do it, too. But we want you to be comfortable.
22 All right.

23 Ms. Kluska, are you ready to proceed?

24 MS. KLUSKA: Yes, Your Honor.

25 THE COURT: Thank you.

OPENING STATEMENTS

MS. KLUSKA: May it please the Court, Your Honor.

THE COURT: Yes.

MS. KLUSKA: This case is about the sexual abuse of a child. Throughout the course of this trial, you will hear that this defendant, Jason Booth, sexually abused his daughter, D.B. . You will hear that this abuse took place behind closed doors in secret spanning multiple years. You will hear that D.B. disclosed the sexual abuse at the hands of her father in November of 2016.

D.B. told her cousins who then told an aunt who told another aunt who contacted law enforcement.

After law enforcement was contacted, Investigator Robert Perry began investigating D.B. 's allegations. After a five-week investigation, Investigator Perry arrested and charged this defendant.

The defendant sits before you today charged with one count of criminal sexual conduct with a minor in the first degree and one count of criminal sexual conduct with a minor in the third degree. Now, Judge Verdin already told you that, at the end of this trial, she is going to go through the elements of the law with you in great detail, but I just want to quickly touch on them now so that you know some important facts as you're listening to the testimony in this case.

1 For criminal sexual conduct with a minor in the first
2 degree, we first have to prove to you that D.B. was
3 under the age of 11 when this abuse took place. Well,
4 that one's pretty straightforward because you'll hear that
5 D.B. is only 11 now, and since she disclosed this abuse
6 in November of 2016, she would have been only 8 years old
7 at that time.

8 In addition to that, we have to prove to you that the
9 defendant committed a sexual battery on D.B. Under the
10 law, a sexual battery is defined as any intercourse,
11 cunnilingus, fellatio or any intrusion, however slight,
12 into the genital or anal openings of another.

13 For criminal sexual conduct with a minor in the third
14 degree, we have to prove that this defendant committed a
15 lewd or lascivious act or attempted to commit a lewd or
16 lascivious act on the body of another under the age of 16
17 with the intent to gratify his own sexual desires.

18 In order to prove these charges to you throughout the
19 course of this trial, we're going to call for you several
20 witnesses. You're going to hear from Investigator Perry
21 who will tell you about the investigation he conducted
22 that ultimately led to him arresting this defendant.

23 You will also hear from Tiffany Rose Stone. She goes
24 by Rose. And Rose will be an important witness. That's
25 D.B.'s mother. You will hear that Rose and the

1 defendant were in a relationship. They lived for a while
2 on Lamplighter Drive. You will hear that while they were
3 living at Lamplighter Drive, Rose works night shift and
4 she worked really, really long hours. She will also tell
5 you that this defendant homeschooled D.B. , giving him
6 unlimited opportunities to commit these crimes. Rose will
7 tell you that eventually she left the defendant, and she
8 left D.B. in his custody.

9 When Rose left the defendant, he took D.B. and
10 moved in with his brother. His brother's name is Joel.
11 They moved in with Joel, and in that home was Joel, Olivia
12 Watson, who also goes by Libby, and their two daughters.
13 You will hear that D.B. and the defendant lived in Joel
14 and Libby's home, and we're going to call for you two
15 members of the Booth family. We're going to call for you
16 Amber Booth. We're also going to call Libby Watson.
17 They'll tell you about the living situation with D.B.
18 and the defendant and exactly how D.B.'s disclosure came
19 to be.

20 You're also going to hear from Dr. Henderson.
21 Dr. Henderson is a medical examiner who conducted the
22 medical exam on D.B. .

23 We're going to call for you as well Ms. Christine
24 Carlberg. Ms. Christine Carlberg works at the Julie
25 Valentine Center and she does what's called a forensic

1 interview. D.B. had a forensic interview in this case.
2 And she's going to explain to you what that means, what
3 that process entails. And you're going to have a chance
4 to see that forensic interview for yourselves. And I urge
5 you that when you watch that forensic interview, which was
6 done in 2016 just after D.B. disclosed, pay attention to
7 some key detail facts that she gives about the abuse that
8 she suffered at the hands of her father.

9 And then, members of the jury, you will hear from
10 D.B. herself. She's only 11 years old, but she is going
11 to be brave enough to come in this courtroom and get on
12 this stand and tell you all about the abuse that her
13 father put her through.

14 As you're viewing the evidence and you're listening
15 to the testimony, I ask that you keep just two very simple
16 questions in mind. And these questions will be like the
17 looking glass through which you see the evidence and you
18 hear the testimony. Number one, who in this case has the
19 most to lose? And two, when you watch that forensic
20 interview, what are some details that D.B. gives that an
21 8-year-old would never know unless it actually happened to
22 them?

23 Members of the jury, you are going to hear some
24 things throughout this case that will likely disturb you.
25 It is not easy to hear about sexual abuse of children that

1 is taking place right here in Greenville county. But I
2 ask that you listen to the testimony and you view all of
3 the evidence, and when you do, I am confident that you
4 will find the defendant guilty on both charges.

5 Thank you.

6 THE COURT: Thank you.

7 Mr. Chambers?

8 MR. CHAMBERS: May it please the Court, Your Honor,
9 solicitor.

10 Ladies and gentlemen, as I told you earlier when I
11 introduced him, seated beside me is Jason Booth. You hear
12 him referred to as the defendant.

13 And the term "defendant" is a little bit misleading.
14 A long time ago when I practiced law in the Navy, they
15 referred to somebody who had to stand trial as the
16 accused. What I like about that term is it more
17 accurately reflects what the person standing trial is,
18 someone who has been accused of wrongdoing, because he
19 doesn't have to defend anything. The burden of proof
20 rests squarely on the solicitor and on these police
21 officers and all the witnesses that they're going to call
22 to hopefully for them prove their case to you.

23 And to echo a little bit what the solicitor said,
24 you're going to hear a very difficult case. There is
25 nothing easy about the subject matter you're going to

1 hear. And if we boil it down, what you're going to hear
2 is an allegation that Jason Booth sodomized his 8-year-old
3 natural biological daughter. Among other things, those
4 are the allegations against him. And you're going to get
5 to hear these witnesses that they bring in and the
6 testimony.

7 I would submit to you that what is going to be
8 presented to you comes down to really one thing, and that
9 is an allegation or allegations made by D.B. [REDACTED],
10 statements. And she made the statements in several
11 different courses within a short period of time, but
12 statements.

13 Now, one of the things when somebody testifies here
14 in the witness stand and the jury is called upon to do is
15 to look for corroboration. Is there any other evidence
16 besides the mere statements that prove the allegation,
17 physical evidence, forensic evidence, eyewitness, anything
18 like that? I don't believe the solicitor's going to bring
19 you anything like that as they present their case. I
20 don't believe they're going to have any physical evidence
21 to show that there were any physical manifestations of an
22 8-year-old girl being sodomized by a grown man, but I
23 don't know for sure until they put their case up. But
24 those are the kinds of things for you to look for.

25 This was, as she told you and the evidence will show

1 in this case, a situation where D.B. 's mother had left
2 the home. I believe that the reason given was that she
3 just couldn't be a mother during that period of time. She
4 needed to go somewhere else. And so Jason, who had always
5 been the primary caregiver for D.B. , through just
6 because of his financial circumstances, moved in with his
7 younger brother Joel, and they were living there with Joel
8 and Olivia and their family. I believe you will hear
9 evidence that D.B. didn't do well in that home, that all
10 of a sudden, the discipline that was enforced by Joel and
11 by Olivia was stricter than she was used to, and she had
12 trouble there, and there were behavioral problems there,
13 and she acted out. And it's in this -- it's in this
14 situation, it's in this new situation that she finds
15 herself that for the very first time she makes this
16 allegation.

17 And so for the last nearly three years, Jason, who
18 has, from the first time he sat down and talked to the
19 investigators, has always maintained his innocence. Finds
20 himself finally here for a day of trial. It's not an easy
21 day for him by no stretch of the imagination, but it is a
22 day that under the circumstances he's looked forward to.
23 Because finally, finally somebody, you folks, are here to
24 decide what the facts are. You're here to determine
25 whether they can prove the allegations that they've made

1 beyond a reasonable doubt. So you have a difficult job.
2 You are the triers of fact.

3 We have one of the best judges you could possibly
4 have. She will give you the law, and she will make
5 decisions as she goes through this case. But you will
6 decide what the facts are, and you will do that after
7 you've heard all of the evidence and you go back and you
8 deliberate. And all of you coming from different walks of
9 life, different ages, different life experiences will
10 deliberate as one body to determine if they've proven
11 their case beyond a reasonable doubt. And that is an
12 important thing to do.

13 Jury service is probably the most important service
14 you can render to your country other than military
15 service. It's so important that John Adams said it's the
16 very heart and lungs of democracy, and I think that's
17 absolutely true.

18 And so as you go about this important function, you
19 need to keep in mind reasonable doubt. So let's talk
20 about that a little bit. Her Honor will charge you, and I
21 believe she'll tell you something along the lines of that
22 the proof to prove beyond a reasonable doubt is the kind
23 of proof that would leave a person firmly convinced.
24 That's just another way of saying definitely sure. It is
25 the kind -- a reasonable doubt is the kind of doubt that

1 would cause a reasonable person to hesitate to act. So
2 that's what you need to keep in mind.

3 And if you want to look at it a little bit further,
4 let's consider some of the other courts where jurors sit
5 and where there is a burden of proof. If this were a
6 civil case -- and there are lots called Common Pleas here
7 in South Carolina. There are lots of really important
8 matters that get decided, but the proof there is only
9 required to be by a preponderance of the evidence. So if
10 we start out at the beginning of the trial with this
11 metaphorical scale where the plaintiff bringing his case
12 would only have to present evidence, that would tip that
13 scale ever so slightly in his or her favor. There are
14 other tribunals where, like arbitrations I think of where
15 they -- the person bringing the case has to prove their
16 case by clear and convincing evidence, which is obviously
17 a very high standard. But this is the only court where a
18 person can be branded with a criminal conviction, can be
19 denied their liberty and locked away. So we reserve the
20 highest burden here, and that's beyond a reasonable doubt.

21 And, folks, what that means real simply is this. You
22 could hear this case and come away believing that the
23 accused is probably guilty, but that's not enough. You
24 have to believe it beyond a reasonable doubt. You have to
25 not go home and have any lingering doubts. You have to

1 say to myself I am so sure of this decision that I would
2 bet something really important on the decision that I've
3 just made. So it's tough, and that's why you don't have
4 to do it alone. That's why we have 12 people. That's why
5 we require a unanimous verdict in these cases.

6 And so as you go about doing this role and
7 considering whether they're proving their case beyond a
8 reasonable doubt, that's where you have to consider the
9 evidence as it comes from the witness stand. Everybody
10 that testifies, what are they telling you? Do I believe
11 it? And very important, is it corroborated by anything
12 else? That's what you do in your day-to-day life. If
13 somebody tries to sell you something, sell you an idea,
14 sell you a product, sell you whatever, you're asking
15 yourself do I believe this person? Is this person
16 trustworthy? And what do I have as a basis to believe
17 that what they're selling me is accurate?

18 Now, it's going to be sort of a stop-and-start kind
19 of a schedule. Can't be helped. We might be here
20 probably most of the week, but this is an important matter
21 and we're going to take as long as we need to take.

22 I can tell you that Jason is very happy that y'all
23 are here today. Not happy about the circumstances, but
24 he's happy to have his day in court. Like you, I look
25 forward to hearing and seeing the case that the solicitor

1 presents. We'll get an opportunity after all is said and
2 done to come back and talk to you.

3 Our belief I can tell you is that Jason Booth has
4 asserted his innocence in this case from the outset. We
5 believe that at the end of this, they're not going to be
6 able to meet their burden of proof. And we thank you for
7 being here and we look forward to the case like you.

8 Thank you very much.

9 THE COURT: Thank you.

10 Ms. Kluska, are you ready to proceed?

11 MS. KLUSKA: Yes, Your Honor. Thank you. The State
12 calls Chyna Collins.

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

15 WHEREUPON,

16 CHYNA NUNEZ

17 After having been duly sworn, testified as follows:

18 THE CLERK: Thank you. Please be seated.

19 And please state your name for the record.

20 THE WITNESS: Deputy Nunez.

21 DIRECT EXAMINATION

22 BY MS. KLUSKA:

23 Q I called you Deputy Collins. You were recently
24 married, right?

25 A I did, yes.

1 Q I apologize.

2 Are you employed?

3 A Yes.

4 Q Where are you employed?

5 A Greenville County Sheriff's Office.

6 Q And what are your duties at the sheriff's office?

7 A I just respond and answer calls for service.

8 Q How long have you been in law enforcement?

9 A It will be five years in about a week.

10 Q Were you working on November 16, 2016?

11 A Yes, ma'am.

12 Q What happened that day?

13 A Well, that day I got a call for service at the
14 incident location, which was ■ Design Lane, TR, and it was
15 just a call for service saying that a child had been
16 sexually abused.

17 Q And what county is ■ Design Lane, Travelers Rest in?

18 A Greenville.

19 Q When you arrived at that home, who did you speak
20 with?

21 A D.B. ■'s aunt, which would have been Olivia Watson.

22 Q To your knowledge, does Olivia also go by Libby? Is
23 that a name she was called?

24 A Yes. Uh-huh.

25 Q And who did you say Libby Watson was to the victim,

1 D.B. ?

2 A D.B.'s aunt.

3 Q What was Libby's demeanor when you saw her?

4 A When I first saw her, there was like no formality.
5 She was just like super upset and she was very distraught.
6 And she was like there was no formality. She just like
7 instantly went into like telling me what was wrong. There
8 was like barely any hellos, like what's going on. It was
9 just like straight in there.

10 Q Did you come to find out who lived in that home?

11 A I did.

12 Q Who lived there?

13 A It was D.B., and then it was Olivia -- Libby, her
14 daughter, I don't remember her name, and then it was
15 D.B.'s -- I'm sorry -- Olivia's boyfriend, which is the
16 defendant's brother.

17 Q Did the defendant also live there?

18 A Yes.

19 Q Was he present in the home when you arrived?

20 A Yes.

21 Q Do you know what he was doing?

22 A He was sleeping in the house.

23 Q When you spoke with Libby, without telling us exactly
24 what she said, did she tell you that D.B. had disclosed
25 sexual abuse?

1 A Yes.

2 Q And where did D.B. state that this abuse took
3 place?

4 A Well, she said it happened at the incident location,
5 Lamplighter -- sorry -- at Design Lane, and then she
6 also said it happened at another location in Greer. And I
7 think that was 2 Lamplighter as well.

8 Q After you spoke with Libby, what did you do next?

9 A Well, I called my supervisor because it was a sexual
10 assault case, and then I also called -- he's now Sergeant
11 Perry but he was investigator at that time. I called him
12 because it was a sexual assault with a child. And I just
13 briefed him.

14 Q Did Investigator Perry eventually arrive to Design
15 Lane to help you?

16 A Yes.

17 Q And what did you two do when he arrived?

18 A We talked a little bit. I told him what was going
19 on. And then we went -- actually went to Tigerville
20 Elementary, which was only a couple miles down the road, a
21 couple minutes down the road. And we went and actually
22 talked to D.B. there.

23 Q Again, without telling us exactly what was said, when
24 you met with D.B. at Tigerville Elementary, did she
25 again disclose sexual abuse to you?

1 A Yes.

2 Q So after you spoke with D.B. , what did you do?

3 A After we spoke to D.B. , we sent her back to class,
4 and then we went back to the incident location where she
5 was staying at, and then we met with her father.

6 Q Her father being the defendant, Jason Booth?

7 A Yes.

8 Q And when you met with the defendant, what was the
9 purpose of meeting with him?

10 A Just to speak with him about the allegations to
11 inform what was going on and why we were there.

12 Q And who was in charge with having that conversation
13 with the defendant?

14 A Sergeant Perry.

15 Q Were you present when the defendant was being
16 questioned?

17 A Yes, ma'am.

18 Q Tell us a little bit about the circumstances in which
19 he was questioned, like where this conversation took place
20 and who was present.

21 A It happened -- it happened at the incident location.
22 We were in the living room and he was in the bedroom so we
23 went and woke him up and we went to the living room. We
24 talked to him. We told him he wasn't under arrest, that
25 he didn't have to talk to us. He sat down and spoke with

1 us about what was going on.

2 Q What did the defendant tell you about D.B. 's
3 disclosure?

4 A He pretty much thought it was unfounded, and he said
5 that the only reason she was making these allegations was
6 because she wanted to live with her mother.

7 Q Was the defendant arrested at this time?

8 A No.

9 Q After November 16, 2016, what was your involvement
10 with this case?

11 A I didn't have any.

12 MS. KLUSKA: Nothing further at this time, Your
13 Honor. Thank you.

14 THE COURT: Mr. Chambers?

15 MR. CHAMBERS: I don't have any questions for Deputy
16 Collins, Your Honor.

17 THE COURT: All right. Thank you so much.

18 THE WITNESS: Thank you.

19 THE COURT: Is Deputy Collins, is she under subpoena
20 -- or Nunez, I'm sorry. Is she under subpoena?

21 MS. KLUSKA: She is, Your Honor. She can be excused.

22 THE COURT: And any objection to that?

23 MR. CHAMBERS: No objection, Your Honor.

24 THE COURT: Thank you for being here. You're
25 released from your subpoena.

1 THE WITNESS: Thank you.

2 THE COURT: Yes, ma'am. I'm sorry.

3 MS. KLUSKA: That's okay. Thank you, Your Honor.

4 The State calls Tiffany Rose Stone.

5 THE CLERK: Ms. Stone, come forward to the end of the
6 bench. Please place your left hand on the Bible and raise
7 your right hand.

8 WHEREUPON,

9 TIFFANY ROSE STONE

10 After having been duly sworn, testified as follows:

11 THE CLERK: Thank you. Please be seated.

12 And would you please state your name for the record.

13 THE WITNESS: My name is Tiffany Stone.

14 THE COURT: And, Ms. Stone, you may feel like you're
15 talking loud, but that's exactly how you need to be
16 projecting, okay? Thank you.

17 THE WITNESS: Yes, ma'am.

18 THE COURT: All right. Go ahead.

19 DIRECT EXAMINATION

20 BY MS. KLUSKA:

21 Q You said your name is Tiffany Stone, but is there a
22 name that you prefer?

23 A Rose.

24 Q Rose. Okay.

25 How old are you, Rose?

1 A 31.

2 Q Are you employed?

3 A Yes.

4 Q Where are you employed?

5 A Waffle House.

6 Q How long have you worked at Waffle House?

7 A Since 2006.

8 Q Are you married?

9 A No.

10 Q Have you ever been married?

11 A No.

12 Q Do you have any children?

13 A Yes.

14 Q What is your child's name?

15 A D.B. [REDACTED].

16 Q When was D.B. [REDACTED] born?

17 A [REDACTED] 2007.

18 Q And who is D.B. [REDACTED]'s father?

19 A Jason Booth.

20 Q How did you and Jason meet?

21 A I had a previous job before Waffle House at
22 Schlotzsky's Deli. We worked together.

23 Q Tell us a little bit about your relationship before
24 D.B. [REDACTED] was born. '

25 A We had a pretty good relationship. We -- he was

1 already married with someone else at the time being we
2 were just friends. And the friendship, he had a divorce,
3 the friendship turned into a relationship.

4 Q So when did you two start dating?

5 A I would say probably around August of 2006, September
6 maybe.

7 Q Does Jason have any siblings?

8 A Siblings as in brothers and sisters?

9 Q Yes.

10 A Yes. He's got an older brother and a younger
11 brother.

12 Q Okay. What is his oldest brother's name?

13 A Jonathan.

14 Q Do you know if Jonathan is married or has a ---

15 A To be honest, I have no idea if he's married.

16 Q Okay. What about you said he has a younger brother.
17 What's the younger brother's name?

18 A The younger brother's name is Joel.

19 Q Do you know if Joel's in a relationship?

20 A I -- when I knew him last, yes, he was.

21 Q Okay. With who?

22 A Olivia Watson.

23 Q Is she sometimes called Libby?

24 A Yes.

25 Q Where did you live around the time that you and Jason

1 started dating?

2 A Greenville.

3 Q How many homes did you two live in together?

4 A Too many to count, to be honest. I can't recall that
5 information.

6 Q Did you at some point kind of settle your roots down
7 somewhere?

8 A Yes.

9 Q Where?

10 A At a place called Lamplighter.

11 Q And what kind of place was Lamplighter?

12 A It was a trailer park.

13 Q And how long -- when did you move into Lamplighter?

14 A I think 2008, 2009 maybe.

15 Q So D.B. [REDACTED] was born in 2007, you said?

16 A Yes.

17 Q So she would have been in Lamplighter with you as
18 well; is that right?

19 A Correct.

20 Q After D.B. [REDACTED] was born, did you continue to work?

21 A Yes. Up to three jobs at one point.

22 Q When you were working those three jobs, who watched
23 D.B. [REDACTED] ?

24 A Jason did.

25 Q Did the defendant ever have a job?

1 A No. Not until I was about to move out.

2 Q We'll get to a little bit more about you moving out
3 in a second. I have just a couple more questions for you
4 first.

5 So he never worked during the duration of your
6 relationship; is that right?

7 A No, he did not.

8 Q When you lived at Lamplighter, did you ever have
9 roommates in your home in addition to you and the
10 defendant and D.B. ?

11 A Yes.

12 Q Who?

13 A Alec Odom and Holden Griffin.

14 Q And what was your relationship like with these
15 roommates? Were they paying you? Did they have bedrooms?
16 Were they just in and out?

17 A They were in and out sleeping on the couch in the
18 living room. They paid rent. They never gave me cash.
19 They always gave Jason the rent money. They were just
20 friends. I was either working, sleeping or spending time
21 with my family, so . . .

22 Q So you said the first -- while you were working, the
23 defendant was in charge of watching D.B. , right?

24 A Correct.

25 Q Did she eventually start going to school?

1 A Yes.

2 Q How old was she when she started school?

3 A I believe she was about 5 or 6 years old.

4 Q And what school did she go to?

5 A She went to K-12 virtual charter school online.

6 Q So online charter school. Did she physically go to a
7 school for that or was that like home school?

8 A It was like home school through a computer and
9 Internet.

10 Q Whose decision was it to homeschool D.B. ?

11 A Jason's.

12 Q And who was in charge of her homeschooling day to
13 day?

14 A Jason.

15 Q And what qualifications did the defendant have to be
16 able to homeschool a child?

17 A They -- there was a questionnaire on the Website, and
18 he filled all that out. Other than that, to be honest, I
19 don't know.

20 Q So you said she was about 5 or 6 when she started
21 doing the charter school; is that right?

22 A Correct.

23 Q So if my math is right and she was born in 2007, that
24 would take us to about 2013. Does that sound about right?

25 A Yes.

1 Q And was D.B. [REDACTED] homeschooled for the entire length of
2 time that you lived at Lamplighter?

3 A Correct.

4 Q Always by the defendant?

5 A Correct.

6 Q To your knowledge, and I know you were working a lot,
7 but did D.B. [REDACTED] ever have play dates or have any friends or
8 kids that she played with outside of the home?

9 A No.

10 Q How long were your shifts at Waffle House?

11 A Ten to 14 hours, sometimes 17 hours straight.

12 Q And when would you generally start working? Like
13 what time of day? And then when would you be done?

14 A I would go into work. A normal shift would be for me
15 9 p.m. to 7 a.m.

16 Q So total, how many hours a week would you estimate
17 that you worked?

18 A Between 50 and 55.

19 Q How would you describe D.B. [REDACTED]'s personality while you
20 were still at Lamplighter and she was growing up?

21 A She was very happy, bubbly for most of the time, and
22 other -- when she wasn't happy and bubbly, she was being
23 disciplined, and she was sent to her room, put in the
24 corner, something like that.

25 Q So there was some discipline that took place inside

1 the Lamplighter home ---

2 A Correct.

3 Q --- is what you're telling me; is that right?

4 Who was more of the disciplinarian? Was it you or
5 was it the defendant?

6 A It was the defendant. It was Jason.

7 Q And how would the defendant discipline D.B. ?

8 A Every way you could think of: take toys away, spank,
9 put her in a corner, make her stand military style, a
10 strict certain diet, take food away, only let her drink
11 water for the whole day, no Kool-Aid, no soda.

12 Q What is -- I'm sorry. I didn't mean to interrupt
13 you.

14 What does "military style" mean?

15 A I can show you. (Demonstrating) Just like this or
16 like this.

17 Q Okay. Did you ever have to discipline D.B. either
18 physically by spanking or something else?

19 A Yes.

20 Q Was there ever a time where you physically
21 disciplined D.B. by something other than spanking?

22 A Yes.

23 Q Tell us about that time.

24 A I had worked a very long shift, and I came home. I
25 was exhausted. Him and D.B. were already going at it,

1 arguing, fighting. He was in her face. And as soon as I
2 got home, he told me what she had done. I can't remember
3 what she had done, but it made me angry. And I told her
4 that she was going to keep standing military style in the
5 corner. And she just wouldn't listen. She just wouldn't
6 listen. He ended up spanking her and then I ended up
7 spanking her.

8 And at the time being, I was a smoker. And I had a
9 lighter in my hand, and I got so angry, I blacked out.
10 And when I came to, my daughter was on the floor crying
11 her eyes out. I had a hot lighter in my hand, and she had
12 a burn mark on the inside of her hand.

13 Q So now looking back on it, do you think that you were
14 the person who burned D.B. ?

15 A I have no idea, but in my head it feels like I did.

16 Q But you were the one holding the lighter, right?

17 A Correct.

18 Q How do you feel about that now?

19 A It kills me inside.

20 Q How was your sex life with the defendant?

21 A To begin with, normal. After D.B. was born, it
22 dwindled down some. And then as time went on, it was less
23 and less, and then eventually nothing.

24 Q Was there ever a time where you two engaged in anal
25 sex?

1 A No.

2 Q Did he ever ask you to have anal sex?

3 A No.

4 Q Have you ever suffered from substance abuse issues?

5 A Yes.

6 Q Tell us more about that.

7 A I smoked a lot of marijuana, and I drink every now
8 and then, but not really. Like maybe once a month I would
9 drink. But I would smoke a lot every day. I would come
10 home, and when I would come home, I did not know how to
11 pack a bowl, I did not know how to roll a blunt, I didn't
12 know how to roll a joint, but it was all ready for me to
13 have as soon as I come home until I went to bed. When I
14 got up, I would have blunts or cigars to say rolled and
15 ready for me to smoke.

16 Q So who was doing the rolling and the readying for
17 you?

18 A Jason.

19 Q When did you start smoking marijuana to that heavy of
20 an extent?

21 A 2008, 2009 maybe.

22 Q So when D.B. was born, you were smoking that much?

23 A No.

24 Q Okay.

25 A It was a little bit after. She was born in 2007. I

1 was a light smoker. And it got heavy, heavier as time
2 progressed.

3 Q But when you were smoking and the defendant was
4 preparing all of that for you, D.B. [REDACTED] was in the home with
5 you; is that right?

6 A Correct.

7 Q Was there ever a time when you sold marijuana?

8 A Yes.

9 Q Tell us about that.

10 A I would pick up about a quarter pound of marijuana,
11 and I'd take it to work back and forth and I'd sell it.
12 I'd meet people, sell it.

13 Q So you said that you and the defendant had a pretty
14 good relationship for a while, right?

15 A Correct.

16 Q Did that at some point change?

17 A Yes.

18 Q How so?

19 A At some point the marijuana became an issue because
20 he didn't want to continue to prepare it for me. Well,
21 that began arguments, and then those arguments turned into
22 more and more heated arguments. And eventually, we were
23 always just fighting about everything, literally every
24 little thing. And so I decided for the best that I'd move
25 out.

1 Q So by the time you decided to move out, you two had
2 broken up?

3 A Correct. For a good few months.

4 Q Okay. So help me understand. You broke up and then
5 you stayed living in the home at Lamplighter?

6 A Correct. It was better for my child. She had a more
7 -- to what I understood, he didn't have a job, he needed
8 to get a job. I was still the breadwinner -- the bread
9 maker, I mean. And I had to make sure that, at the end of
10 the day, that my daughter was going to be able to eat,
11 going to be able to have shelter.

12 Q Did you stay at Lamplighter or did you eventually
13 leave?

14 A I eventually left.

15 Q About what time was it, like approximate date was it
16 when you left Lamplighter?

17 A Sometime in mid-March of -- this is 2019, 2018, 2017,
18 2016 -- 2015.

19 Q Well, you said -- when did you say you broke up?

20 A We broke up, it had to be towards the beginning of
21 2015, the end of 2014. I -- I continued to live at
22 Lamplighter for a good almost six months after we broke up
23 because he didn't have any income, and if no one was going
24 to pay the rent, how was she going to have somewhere to
25 go? I -- I was just doing what I thought would have been

1 best.

2 Q Well, let me ask you this. I just want to make sure
3 I have the dates right. How long were the defendant and
4 D.B. living in the Lamplighter trailer before you
5 realized they had moved out?

6 A To what I know of, one to two months. It could have
7 been a month and a half. I'm not sure.

8 Q So as you were deciding to leave Lamplighter, did you
9 and the defendant have discussions about who would get
10 custody of D.B.?

11 A Yes, we did. We decided that it was up to her. We
12 -- we put a family meeting together, and I told her, I
13 said, "I'm moving into an apartment. You are more than
14 welcome to come with me or you can live with your father.
15 It's up to you." And she told me without a hesitation
16 that she wanted to live with her father. So I said
17 "okay."

18 Q And you just decided this amongst yourself. You
19 never went to Family Court or anything like that?

20 A Correct.

21 Q And these family meetings that you had where D.B.
22 chose to live with her father, would you describe them as
23 friendly or not friendly or something else?

24 A To me it seemed friendly. Everyone was calm,
25 collective [sic], just talking.

1 Q Were you in support of her decision to stay living at
2 Lamplighter with the defendant?

3 A I told her whatever she felt was best for her, to do
4 that.

5 Q So when did you leave Lamplighter?

6 A March 2015.

7 Q About how old was D.B. when you left Lamplighter?

8 A She was about 8, going on 9.

9 Q Okay. So if D.B. is 8 going on 9, if she was born
10 in 2007 ---

11 A Yes.

12 Q --- that would mean that it's 2016 when you moved
13 out. Does that sound about right? Do you think it could
14 have been -- you said March, March of 2016?

15 A That could be actually more accurate.

16 Q And how old was -- I'm sorry. I just asked you that.
17 Where -- when you left Lamplighter, where did you go?

18 A I searched for apartments, finally found an apartment
19 in Mauldin at Windmill Apartments.

20 Q Did you have contact with D.B. when you moved into
21 that apartment?

22 A I did.

23 Q Did she ever come visit you at that apartment?

24 A Even though I attempted it multiple times, no.

25 Q Did you ever go back to Lamplighter to visit her?

1 A I went once, and that's when I found out that they
2 weren't living there.

3 Q So she never came to your apartment, and when you
4 went back to Lamplighter, they weren't there; is that
5 right?

6 A Correct.

7 Q Did you talk to her on the phone?

8 A I tried, but it never happened.

9 Q So you never actually talked to her on the phone,
10 right?

11 A Correct.

12 Q Did you ever call the defendant and ask to talk to
13 her?

14 A Yes.

15 Q Did you get to talk to her?

16 A No.

17 Q So really, after you moved out of Lamplighter, you
18 did not see or talk to your daughter; is that right?

19 A Correct.

20 Q How did you become aware that the defendant and
21 D.B. [REDACTED] had moved out of Lamplighter?

22 A I got fed up with not being able to get in contact
23 with them, so I just went. I went to my old address, just
24 showed up after work one day. The front door was wide
25 open and it looked like someone had tossed the whole

1 trailer. And the cats were there abandoned, left there,
2 all the pets were. The house, the trailer, it looked
3 awful. It looked completely destroyed like as if someone
4 had moved within 30 minutes. All they grabbed is what
5 they needed.

6 Q So the defendant and D.B. weren't living there
7 anymore; is that right?

8 A Correct.

9 Q And do you know where they went?

10 A No. I had no idea.

11 Q Do you now know where they went?

12 A Yes.

13 Q And where were they?

14 A They were living at Joel and Libby's house.

15 Q How did you end up finding that out?

16 A I asked friends and I asked other friends to help. I
17 asked anyone I could that I knew could help me to help me
18 find them. And eventually, a friend told me to go to
19 Joel's house to find Joel.

20 Q What was your relationship like with Joel and Libby
21 when you and Jason were still together?

22 A Like acquaintances. We'd speak to each other when we
23 would see each other, small talk, how you doing, how's
24 work, are you still working where you work. That's about
25 it.

1 Q Did you have Libby's phone number?

2 A Yes. Well, I had both of their phone numbers, their
3 Facebook, any form of social media at the time that I had
4 being, but no matter who at the time being when I was
5 looking for my child, no one that I reached out to as in
6 Joel, Jason, any of them, they never responded to me.

7 Q So when the defendant and D.B. move in with Libby
8 and Joel in 2016, did you go to their house to visit
9 D.B.?

10 A After the fact that I was so outraged on that I
11 didn't know where my child was, yes. I went multiple
12 times, even scheduled time ahead to go. Like a month
13 later after I would talk to Jason on the phone to see my
14 child or to take my child to my apartment, and there was
15 always an excuse. She was with her grandmother, she's up
16 the street with her friends, oh, she's at camp, she's --
17 she's not home. It didn't matter if I called and planned
18 to take her trick-or-treating in August, when I went to go
19 pick her up on Halloween, she wasn't home.

20 Q So you're telling us that you tried to go visit her
21 and talk to her, but you never actually saw her or talked
22 to her; is that right?

23 A Exactly.

24 Q So approximately how much time would you say passed
25 without you having contact with your daughter if you did

1 move out of Lamplighter in March of 2016?

2 A I didn't have actual real contact with her again
3 until DSS got involved.

4 Q And about how long would you say it was before DSS
5 got involved?

6 A DSS got involved around January or February of 2017.

7 Q So almost a full year; is that right?

8 A Correct.

9 Q Once D.B. [REDACTED] was living at Libby and Joel's, did you
10 ever discuss D.B. [REDACTED] coming to live with you either with
11 the defendant or with D.B. [REDACTED] herself?

12 A With the defendant, yeah.

13 Q And what was the result of that conversation?

14 A She's happy living with me. She doesn't want
15 anything to do with you. You harmed her. Don't you
16 remember what you did to her hand? And then I would bust
17 out in tears and just leave.

18 Q While you were living at Lamplighter before you moved
19 out, did you ever coach D.B. [REDACTED] or make up some sort of
20 plan to get her to come back and live with you?

21 A No.

22 Q You mentioned a little bit ago that you called Jason
23 while he was living at Libby and Joel's.

24 A Yes.

25 Q Were you having physical contact with the defendant

1 at this time?

2 A At that time being, no.

3 Q To your knowledge did the defendant eventually move
4 out of Libby and Joel's house?

5 A Well, November of 2017, he showed up at my door in
6 the middle of the night on November 17th, and he had told
7 me that -- the first thing I asked him, I said, "Where's
8 D.B. [REDACTED]?" because it was late at night.

9 And he told me that she was at Joel's.

10 And I said, "Okay. Why are you here?"

11 And then he told me that his brother had kicked him
12 out. He had two weeks to make a decision because he had
13 bought his brother's old car and he was living with his
14 brother. Well, he had to decide on a contract that they
15 had within two weeks or that him and D.B. [REDACTED] were both
16 going to get kicked out. And he said that Joel had kicked
17 him out until he made his decision. And I either had to
18 think to myself, okay, what am I supposed to do here?
19 It's in the middle of November. It's freezing out. And I
20 was about to shut my door and he said he had nowhere to
21 go. So then I had to decide, okay, yes, this is my ex,
22 but also this is the father of my child. It's the middle
23 of November. I'm not going to make him sleep in his car
24 outside of my apartment complex or wherever he may go. So
25 I told him to come inside.

1 Q So the story about the car and the contract with
2 Joel, that's what he told you when he showed up at your
3 doorstep; is that right?

4 A Correct.

5 Q And about how many months had he been living at Libby
6 and Joel's house by the time he got to your doorstep? I
7 just want to make sure I have the date right.

8 A From the time being when I found them -- to what I
9 know of, I don't know exactly when he moved in with Libby
10 and Joel. I just know that I went to the old trailer and
11 they weren't there. And I was told later after I found
12 them that they had moved in like within 30 days of me
13 leaving.

14 Q So after you left and they moved into Libby and
15 Joel's, how many months passed before he showed up at your
16 doorstep?

17 A Nine.

18 Q Okay. So you told me before that it was November
19 2017. Do you think it was, since you told me you moved
20 out in March 2016, that it was actually November of 2016
21 when he showed up at your doorstep?

22 A That could be correct, yes.

23 Q So after the defendant comes to stay with you, did
24 you have any contact with D.B. then?

25 A I tried, but he told me that to what he knew of, she

1 was staying at her grandmother's, his mother's, and that
2 she was furious, and that she wouldn't let D.B. leave.

3 Q What was she furious about?

4 A He wouldn't tell me.

5 Q Did he mention anything at all to you at this point
6 about being investigated for sexually abusing D.B.?

7 A No.

8 Q How did you eventually become aware that he was being
9 investigated for that?

10 A A private investigator found me and told me to meet
11 him. The day I met him, the investigator told me that
12 D.B. had announced that ---

13 Q You can't go into exactly what D.B. said.

14 Were you aware that she had disclosed sexual abuse?

15 A That's what I was going to say, that she had
16 announced that, and that he was under investigation.

17 Q So what did you do at that point?

18 A At that point I was in shock. And I went back to
19 Jason. I asked him. He just ignored all of it. He said
20 -- he just kept ignoring all of it. And the investigator
21 left me alone for a little while, for about a week, two
22 weeks, and then spoke to me again.

23 Q Okay. What happened the next time he spoke to you?

24 A The next time he spoke to me, he asked me a bunch of
25 questions, interrogated me. And he was trying to figure

1 out if I knew anything about the investigation at all.

2 Q Did you know anything about it?

3 A No.

4 Q Did you know of any possible sexual abuse that was
5 going on between the defendant and D.B. ?

6 A No. I would have never imagined it.

7 Q So did you eventually become aware that the defendant
8 didn't leave Libby and Joel's over some sort of rent or
9 car disagreement, he left because he was being
10 investigated for sexually abusing your daughter?

11 A I -- I didn't believe that until he got arrested. He
12 coached me and manipulated me, kept lying to me that it
13 was all about the car and the contract and that Joel was
14 behind all of it. And I don't know why I believed him.

15 Q So you mean Joel was behind this rent disagreement.

16 A Jason -- Jason told me that Joel was behind
17 everything.

18 Q Tell me about when the defendant was arrested.

19 A The defendant was arrested December 22nd of -- I
20 can't think of the year. 2016.

21 Q Okay. And where was he arrested?

22 A At my apartment.

23 Q So who came to your apartment to arrest him?

24 A Mauldin police. Three officers did.

25 Q And what did you think? What was your initial

1 thought when these officers showed up at your door?

2 A To be honest, at the time being I was selling a
3 quarter pound of marijuana a week, I was cooking edibles,
4 the apartment, the whole building wrenched [sic] of
5 marijuana, so I thought I was getting arrested for being a
6 drug dealer, for marijuana possession.

7 Q Did you have any contact with the defendant after he
8 was arrested?

9 A No.

10 Q After he was arrested, did you then find out where
11 D.B. was actually living?

12 A No. I didn't know where my daughter was until my
13 mother got custody of her.

14 Q And when was that?

15 A I think in January.

16 Q So in between the time the defendant was arrested and
17 then for another month or so, you again did not have any
18 contact with her; is that right?

19 A Correct. I wasn't allowed to.

20 Q What is your mother's name?

21 A Abigail Stone.

22 Q And how long did D.B. live with your mother?

23 A A little over -- no. A little under a year to a
24 year.

25 Q While you were still around in Lamplighter, did

1 D.B. have a strong relationship with your mother?

2 A No.

3 Q How often do you think they saw each other?

4 A After my daughter was five years old, never, up until
5 my mother got custody of her.

6 Q During the course of the investigation, did you
7 cooperate with law enforcement?

8 A Yes.

9 Q Where is D.B. living now?

10 A With me.

11 Q You have custody of her?

12 A Yes.

13 Q And what did you have to do to get custody of D.B.
14 back?

15 A I was handed a subpoena, and I was informed that it
16 would take between a year and a half -- it would take
17 between a year and a year and a half in order to complete
18 the subpoena to be able to get custody back of her. I had
19 to go to rehab, I had to go to Greenville Mental Health, I
20 had to go to the Julie Valentine Center, I had to go to
21 parenting classes. I did a lot, and I did it all within
22 nine months.

23 Q So you said this was a subpoena. Was it a court
24 order of some kind maybe?

25 A Correct.

1 Q Was this through Family Court or DSS?

2 A It was through DSS. DSS sent me -- they sent me a
3 subpoena to go to court, and then the Court, during that
4 first time of court, I was given my list to be able to get
5 my daughter back.

6 Q How old is D.B. now?

7 A 11.

8 Q And what school does she go to?

9 A She will be going to Fisher Middle School this year.

10 Q What grade is she going into?

11 A Sixth.

12 Q And how is she doing?

13 A For the most part, she has good days, but every now
14 and then she has a bad day.

15 MS. KLUSKA: Nothing further at this time, Your
16 Honor. Thank you.

17 THE COURT: Mr. Chambers?

18 CROSS EXAMINATION

19 BY MR. CHAMBERS:

20 Q So how old were you or how old was D.B. when you
21 moved out of the house, when you were no longer there and
22 it was just Jason and D.B.? How old was she then?

23 A She's 11 now. So I lived at Mauldin about four
24 years, so about between the ages of 7 and 8.

25 Q Okay. And so you, although you said you were working

1 a lot, you were living in the same home with her up until
2 she was 7 or 8 years old, correct?

3 A Correct.

4 Q And for a while y'all moved around a lot until you
5 got to Lamplighter; is that correct?

6 A Correct.

7 Q And for the most part, you and Jason had a good
8 relationship and then it started to deteriorate at some
9 point. And it sounded like y'all just kind of quit having
10 anything to do with each other after a certain point,
11 correct?

12 A Correct.

13 Q But it wasn't where there was -- it doesn't sound
14 like there was a lot of fighting going on other than maybe
15 some arguing. I mean, there was nothing physical or
16 anything like that, correct?

17 A That is correct.

18 Q And so you were seeing her on a daily basis; is that
19 right?

20 A That is not correct.

21 Q How so?

22 A I work too much. I was working roughly at one point
23 in time 120 hours a week. I was sleeping maybe four or
24 five hours a week. And I was also cooking for the family
25 and trying to help raise my child.

1 Q So your testimony here today is that you were only
2 getting four to five hours of sleep per week, the whole
3 week?

4 A Oh, no. That was per day. Per day.

5 Q Oh, okay. All right. And during this time, I mean,
6 there were times when Jason wasn't working, but he also
7 worked at Waffle House and other places during this time,
8 too, correct?

9 A He worked at Waffle House before D.B. was born, and
10 the day that D.B. was born [REDACTED], because I
11 worked third shift that night and my water broke at work,
12 he went to the hospital with me. Within less than a month
13 after she was born, he no longer worked until after I
14 left.

15 Q But during the course of this seven or eight years
16 while you were working a lot, but you were still living in
17 the same house with her, she seemed like a happy, healthy
18 child, correct?

19 A Yeah. For the most part.

20 Q She's a very bright child, isn't she?

21 A Yes.

22 Q Did well in school. And even when she was being
23 homeschooled by Jason, she seemed to -- she knew how to
24 read. She was smart. She knew how to do things. You
25 didn't feel like she was suffering because she was going

1 to homeschooling, did you?

2 A That is correct.

3 Q Okay. She never made any complaints to you about
4 anything that her father may have done to her. You didn't
5 have any reason to believe that there was anything sexual
6 going on between the two of them, that she was being
7 abused in any way, did you?

8 A When you see your child for 30 minutes to an hour and
9 a half each day, there's not really time for that unless
10 she tells you directly herself.

11 Q And I would ask again. There was nothing that you
12 could point to to say that you were concerned, that you
13 had any reason to be concerned, correct?

14 A That is correct.

15 Q I mean, had you had those kinds of concerns, you
16 would have probably done something about it, or at least I
17 hope you would, right?

18 A Oh, I -- yes.

19 Q Okay. And so you didn't. You trusted him. He was
20 the primary caregiver. At one point he took over the
21 schooling. He did all of those things.

22 A He took over the schooling, he paid the bills, and
23 then he played computer games nonstop, and he also did
24 those computer games nonstop while he was doing her
25 schooling. My child, when she about was halfway through

1 kindergarten, she would -- her schooling, I would stay up
2 max three hours after I got off work, and during those
3 three hours when I was at home watching TV and she was in
4 school, she was in front of a computer by herself in her
5 classroom. Jason was in a chair to her side playing his
6 PS3, playing some form of a video game, an RPG, looking
7 off to the side making sure that she was still on course.
8 But my child is very bright, very intelligent and she
9 always made As and Bs.

10 Q And you just said you were there for at least three
11 or four hours a day witnessing him doing that.

12 A That was on my days off.

13 Q Okay. And so you apparently didn't have any problem
14 with what was going on there. I mean, you're complaining
15 about it seemingly now, but you didn't have a problem with
16 it then, did you?

17 A I was too exhausted.

18 Q We can all make excuses.

19 A That's not excuse.

20 Q But bottom line is you didn't have a real problem
21 with it, did you?

22 A It's not an excuse. It's pure fact. You -- you go
23 and work a 17-hour straight shift and literally don't stop
24 moving from the moment you clock in and do pure cardio
25 until you clock out, possibly ten hours being the smallest

1 window of a work shift to the maximum of a 17-hour work
2 shift, and let me see that you're not exhausted. And then
3 you do that five days a week on a third-shift schedule.

4 Q Well, nobody's questioning your dedication or work
5 ethic, okay? Let's move along.

6 A No. You're questioning my motherhood.

7 Q And you indicated that at some point -- well, let me
8 ask you this. You lived in close quarters, didn't you? I
9 mean, it was not unusual for D.B. to walk in on you and
10 Jason while you were making love, correct? That happened
11 on numerous occasions.

12 A To my whereabouts, no, it did not happen on numerous
13 occasions. It happened twice.

14 Q Okay. So at least twice that you know of.

15 A Yeah.

16 Q Okay.

17 A And that's because my daughter told me this.

18 Q And it was a small space, so if that sort of thing
19 was going on, she was nearby when those things were going
20 on, correct?

21 A No. That is not correct. The only working bathroom
22 at the time being, we had a two-bedroom, two-bathroom,
23 full-size trailer, and her bathroom never worked. Her
24 toilet never worked. Her toilet was full of feces to
25 begin with when we first moved in and we had to clean that

1 out, and then the toilet still didn't work. So if my
2 daughter needed to use the facilities at any point in time
3 throughout the day or night, she would have to walk
4 through the living room, the kitchen, then through mine
5 and Jason's room, and then she would enter the bathroom.

6 Q Okay. And then later on after you said that it got
7 to the point that you didn't want to be there anymore, you
8 indicated that the three of you sat down and basically had
9 a very calm, not heated at all family meeting, and it was
10 determined at that family meeting that you were going to
11 move out and she was going to stay with Jason.

12 A That is correct.

13 Q And you indicated that you then moved out, and after
14 that you didn't see her again until essentially, I guess,
15 when this investigation occurred.

16 A That is correct. I attempted.

17 Q Now, do you recall -- you said a private
18 investigator. I think you were probably talking about
19 someone from the sheriff's office. Not a private
20 investigator, but Investigator Perry.

21 A He was a PI. Yeah. Officer Perry.

22 Q Okay. Well, you realize he works for the sheriff's
23 office. He's not a private investigator, right?

24 A That is new news to me as of we speak right now. I
25 was not aware of that he actually worked for Greenville

1 County. To what I know of up until you just informed me,
2 he was a private investigator. He even told me himself he
3 was a PI. A PI is a private investigator.

4 Q I understand. So he didn't identify himself as being
5 a member of the sheriff's office?

6 A Never.

7 Q Okay. Do you remember talking to him, though?

8 A I remember talking to him outside of Greenville
9 County police department once.

10 Q Now, you didn't share anything with him about this
11 meeting where you decided that you were going to move out,
12 did you?

13 A No.

14 Q You didn't share anything about not knowing that he
15 was living at Joel and Olivia's house, did you?

16 A No, I did not.

17 Q You didn't share any of that.

18 Do you recall telling him, in fact, that you had not
19 seen D.B. [REDACTED] in months because of transportation issues and
20 work?

21 A I did have transportation issues, but that was only
22 for about a three-to-four-month period.

23 Q Do you recall indicating to him that that was the
24 reason that you hadn't seen D.B. [REDACTED] was because of
25 transportation issues and work?

1 A To be honest, I don't know.

2 Q Do you recall telling him that you had gone through
3 some hard times that resulted in you not being able to
4 properly care for D.B. [REDACTED]? Do you recall telling him that?

5 A No. I do not recall that. I don't remember it.

6 Q Do you recall telling him that it was then that
7 Jason's brother and Olivia had actually offered their help
8 to take D.B. [REDACTED] and that you had decided that that was a
9 good thing to do?

10 A No. I was not aware of any of that. When I moved
11 out of that trailer, I had given Jason two months worth of
12 rent money, two months worth of bill money, and they had
13 more than two months worth of food. And at the time
14 being, he had told me that he had become an assistant
15 manager or a manager, I don't recall the exact detail, at
16 Dollar General.

17 Q So is it your testimony now that you have no
18 recollection of saying to Investigator Perry ---

19 A I don't ---

20 Q Excuse me.

21 A Sorry.

22 Q --- that they had offered to help because you
23 couldn't properly care for D.B. [REDACTED], and that that was when
24 that she had gone to live with Jason's brother and his
25 girlfriend in Travelers Rest, and then not long after

1 that, Jason had moved in with his brother and had taken
2 over primary care for D.B. You don't recall telling
3 Investigator Perry that?

4 A That's -- no.

5 Q And if Investigator Perry were to testify today, your
6 testimony is that would be untruthful.

7 A Correct. I don't recall the conversations I had with
8 that investigator because of how long ago they were. I
9 don't recall any of that because I had to work around the
10 lies that I was fed to go against me and to figure out if
11 I was part of any of it, if I had anything to do with any
12 of it. I was constantly being thrown from one circle to
13 another circle, and then when I thought I made something
14 and found something out, it turned out to be another lie.

15 Q The fact is, you did say that to Investigator Perry,
16 didn't you?

17 A Well, I don't recall it.

18 Q So you're not saying you didn't say it. You're just
19 saying you don't recall it.

20 A Correct.

21 Q And so you probably don't recall helping them move
22 into Joel and Libby's house either then, do you?

23 A No.

24 Q All right. Has your daughter ever been prone to
25 exaggerate any at all?

1 A Just as much as any other child. That's all
2 they . . .

3 Q Were there occasions that you threatened to kill your
4 daughter?

5 A No. I would -- let me clarify that. In my
6 childhood, my mother would say, "I brought you into this
7 life, I can take you out." Those are the words I used
8 when -- to what you were speaking of. I have told -- I
9 have told my child, "I brought you into this life, I can
10 take you out," just like my mother has told me.

11 Q So if she says you threatened to kill her then, I
12 guess you're saying that's true.

13 A I've never threatened to kill my child.

14 Q Do you recall beating her on her bare bottom so hard
15 that you left marks?

16 A That wasn't me.

17 Q You never did that?

18 A I have spanked my child bare, but I have never left
19 marks.

20 Q Do you recall telling her at different times that you
21 were going to spank her on her bad A word, as she might
22 say?

23 A No.

24 Q And we'll just move back. I meant to ask you this a
25 minute ago. Do you recall that it was about November 20th

1 when you met with the person that you claim you thought
2 was a PI, Investigator Perry with the sheriff's office, do
3 you recall that it was November 20th?

4 A I recall that it was after -- after my birthday,
5 which was November [REDACTED].

6 Q If I heard you currently testify today, you didn't
7 know that there were any allegations against Joel until it
8 sounds like they came out to arrest him sometime in
9 December, correct?

10 A Do you mean Jason?

11 Q I mean Jason. I'm sorry. Jason.

12 A Can you repeat your question?

13 Q In other words, if I heard you testify -- heard your
14 testimony correctly, and you can correct me if I didn't, I
15 believe I heard you say that until they arrested him on
16 December -- sometime in December, that you didn't realize
17 that Jason had been accused of abusing D.B. [REDACTED]; is that
18 correct?

19 A When I was informed about the possibility, the idea
20 of that fact, I also was being fed manipulation and lies
21 from Jason.

22 Q I just need you to answer my question.

23 A It's not a yes or no question.

24 Q Okay. Well, let's start with a yes or no. Let's
25 start with am I correct that your testimony a minute ago

1 was that you didn't know that these allegations had been
2 made against Jason until he was arrested in December; is
3 that correct?

4 A No. Investigator -- Officer Perry told me why he was
5 investigating Jason. And due to the lies, the
6 manipulation, the confusion, the exhaustion, I believed
7 Jason over a officer that I had never met, never saw a
8 badge for, and he dressed in street clothes.

9 Q Well, how would you be in a position to believe or
10 disbelieve if you didn't know anything about the
11 allegations until Investigator Perry told you about the
12 allegations?

13 A That's what I'm saying. I didn't have any idea of
14 anything. I didn't even -- I even didn't completely
15 believe the allegations when Investigator Perry told me.

16 Q So if that's true, then you would not have been able
17 to say to Investigator Perry, on November the 20th, that
18 you had questioned Jason about the allegations and he
19 continues to deny the allegations, right?

20 A I have no idea what you are talking about.

21 Q Well, I'm asking you. You don't recall making a
22 statement like that to him, much like you don't recall
23 making the other statements to him?

24 A No, I did not. No. I -- again, I do not recall my
25 conversations with Investigator Perry because of the fact

1 that my very first thing that the man told me that I found
2 out later was a lie.

3 Q Okay. So you have a lot of problems recollecting
4 things; would that be fair to say?

5 A Yes.

6 Q All right.

7 A The cutting board at the Waffle House that's in front
8 of the grill, I have warped one of those with the back of
9 my head and I never saw medical help. So yes, I do have
10 issues with my memory.

11 MR. CHAMBERS: All right. Thank you very much.

12 THE COURT: Ms. Kluska, anything else for this
13 witness?

14 MS. KLUSKA: Nothing further, Your Honor.

15 THE COURT: Ma'am, you can step down.

16 THE WITNESS: Thank you.

17 THE COURT: Ladies and gentlemen, I think we've come
18 to a good point for a break. I'll ask you to step to your
19 jury deliberation room. I'm going to sound like a broken
20 record through this trial. Please don't discuss the case
21 with anyone. Thank you.

22 (WHEREUPON, the jury exits the courtroom at 3:34 p.m.)

23 THE COURT: All right. Let's be in recess for ten
24 minutes.

25 (WHEREUPON, a recess is taken at 3:35 p.m.)

1 THE COURT: Okay. Can you bring the jury back in?

2 (WHEREUPON, the jury entered the courtroom at 3:55 p.m.)

3 MS. KLUSKA: May we approach, Your Honor?

4 THE COURT: Yes. Certainly.

5 (WHEREUPON, a bench conference was held off the record.)

6 THE COURT: All right. Just one more moment before
7 we begin testimony just to talk to you a little bit about
8 the schedule. We're going to finish today it sounds like
9 around 5:00, maybe even a little bit earlier than 5:00.
10 Tomorrow morning, if you'll be back in your jury
11 deliberation room at 9:00 in the morning, we'll start very
12 promptly thereafter. We're going to go from 9:00 until
13 about 11:30, and we'll have that same schedule on
14 Wednesday.

15 I want to tell you that this has nothing to do with
16 either of these two attorneys. This is a required meeting
17 for administrative judges all over the state at the
18 Supreme Court, and, you know, we need to talk about moving
19 the criminal docket and that's what we're trying to do.
20 Anyway, I do have to be there and it's just something I
21 can't get out of. So these attorneys have just been more
22 than gracious to be able to work around our schedule. But
23 listen. I'm not going to tell anybody we end tomorrow at
24 11:30 if you don't want to, so that will be our secret.
25 All right.

1 MS. KLUSKA: Your Honor, the State calls Olivia
2 Watson.

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

7 OLIVIA WATSON
8 After having been duly sworn, testified as follows:

9 THE CLERK: Please be seated.

10 And could you state your name, please, for the
11 record.

12 THE WITNESS: Olivia Watson.

13 DIRECT EXAMINATION

14 BY MS. KLUSKA:

15 Q Do you need some water?

16 Olivia, do you go by Olivia or do you go by something
17 else?

18 A I go by Olivia with my coworkers and people I'm not
19 familiar with, and then Libby by friends, close friends
20 and family.

21 Q Are you employed?

22 A I am.

23 Q What do you do for work?

24 A I am a massage therapist and a nail technician.

25 Q Where do you live?

1 A I live at ■ Design Lane, Travelers Rest.

2 Q Do you have any children?

3 A I do.

4 Q Okay. How many children do you have?

5 A I have one biological and one stepdaughter.

6 Q Okay. What's your biological daughter's name?

7 A M.W. ■.

8 Q What about your stepdaughter?

9 A L.B. ■.

10 Q Okay. How old is M.W. ■?

11 A 10.

12 Q And how old is L.B. ■?

13 A 10.

14 Q Are you in a relationship?

15 A Yes.

16 Q Who are you in a relationship with?

17 A Joel Booth.

18 Q How long have you and Joel been together?

19 A A little over eight and a half years.

20 Q Tell us about Joel's family. Does he have any
21 siblings?

22 A He does. He has three brothers.

23 Q Three brothers?

24 A It's two brothers. Sorry.

25 Q What are their names?

1 A The oldest one is Jonathan and his middle brother is
2 Jason.

3 Q What was your relationship like with Jason? Were you
4 close?

5 A Just average. Like we would hang out with Joel. And
6 other than that, like just play video games.

7 Q When you would hang out and play video games, were
8 you aware if the defendant was in a relationship?

9 A I was. He was dating his girlfriend.

10 Q Who was his girlfriend?

11 A I knew her as Rose.

12 Q And did Jason and Rose have any kids?

13 A They had one daughter.

14 Q What was their daughter's name?

15 A D.B. .

16 Q How close were you to D.B. , and did you see her
17 often?

18 A When we would go over to her house, we would see her
19 there.

20 Q Are you aware that at some point the defendant and
21 Rose broke up?

22 A Yes.

23 Q How do you know that?

24 A It was told to us.

25 Q Okay. And when he told you that they broke up, what

1 happened?

2 A We -- I offered for them to move in with us.

3 Q So move out of -- were you ever at their home, their
4 original home that they lived in before they moved in with
5 you?

6 A I've been there before.

7 Q So they moved out of that home and in with you; is
8 that right?

9 A Yes.

10 Q And who moved in with you?

11 A Jason and D.B. [REDACTED].

12 Q Do you remember approximately what date they moved
13 in?

14 A I just remember the end of April, beginning of May of
15 2016.

16 Q Do you remember if Rose ever came to help the
17 defendant or D.B. [REDACTED] move in?

18 A No. I just remember Joel helping.

19 Q How old was D.B. [REDACTED] when she moved into your house?

20 A 8.

21 Q And what about your kids? Your daughter and your
22 stepdaughter, how old were they?

23 A 7.

24 Q Can you describe to us the living arrangements in the
25 house? So where did the defendant sleep and where did

1 D.B. sleep?

2 A They slept in the third bedroom that we had, in the
3 same room which is next to our girls' room, and they
4 shared a room.

5 Q So the defendant and D.B. shared the room for the
6 entire time that they lived with you?

7 A Yes.

8 Q And what did that room look like? Can you describe
9 it for us?

10 A It had a closet when you first entered on the left,
11 then the whole area was open but we had put -- we had a
12 sectional couch that we put in there. And it had like a
13 queen-size pullout and has two recliners on it. And on
14 the side on the wall when you open the door, there's like
15 it had an entertainment system that had like the Xbox and
16 a TV on it.

17 Q When the defendant and D.B. went to sleep in that
18 room, do you remember if they mostly slept with the door
19 closed or with the door open?

20 A With the door closed.

21 Q Was there a reason for that that you're aware of?

22 A Well, we just had everybody in the house close their
23 doors because we have cats and the cats like to tear up
24 that couch for some reason, so it's the best way to keep
25 them out.

1 Q How was living with the defendant? Did you all get
2 along?

3 A Yeah. I mean, there was no fighting or arguing.

4 Q What about D.B. [REDACTED]? Did she get along with M.W. [REDACTED] and
5 L.B. [REDACTED]?

6 A No. Not so much.

7 Q Tell me about that.

8 A I think just when the girls were little, they just --
9 they felt like D.B. [REDACTED] was a little mean to them and they
10 kind of held onto that.

11 Q Mean to them how?

12 A Just I guess she wasn't used to playing with other
13 younger kids. So the way that she would play is not the
14 way our girls were used to, and so they felt like she was
15 being mean to them or just too aggressive playing.

16 Q Too aggressive like physically aggressive? Was she
17 having physical contact with them?

18 A No. But she would throw stuff at times, but mostly
19 just yelling.

20 Q Do you know anything about her educational background
21 before she got to live at your home?

22 A I knew she was homeschooled.

23 Q And was D.B. [REDACTED] homeschooled when she was living in
24 your house or did she go to school?

25 A She ended up getting enrolled in public school.

1 Q So you said she moved in in April or May of 2016.

2 Did she start school that end of summer or fall?

3 A She started the fall of 2016.

4 Q Where did she start school?

5 A At Tigerville Elementary.

6 Q And how old was she when she started school?

7 A 8.

8 Q Do you remember what grade she started?

9 A She was going to third grade.

10 Q What was the typical schedule for the kids' school
11 day?

12 A I dropped them off at 7:20. That's when the doors
13 are open for the students to go in. And then at 2:30 they
14 would get on the bus, and they would ride the bus with
15 their cousins to their cousins' house.

16 Q And what are their cousins' names?

17 A Their cousins were H.B. [REDACTED] and B.V. [REDACTED].

18 Q And you mentioned that Joel, your boyfriend, has two
19 brothers, Jason and Jonathan, right?

20 A Yes.

21 Q So were these cousins Jonathan's kids?

22 A Yes.

23 Q And is Jonathan married?

24 A Yes.

25 Q What is his wife's name?

1 A Amber.

2 Q And what did you say their children's names are?

3 A H.B. [REDACTED] and then B.V. [REDACTED].

4 Q So I just want to make sure that I get all these
5 names right.

6 So D.B. [REDACTED] and your daughter rode the bus home with
7 B.V. [REDACTED] and H.B. [REDACTED] ---

8 A Yes.

9 Q --- to Amber's house who is Jonathan's wife. Did I
10 get that right?

11 A Yes.

12 Q Okay. At some point did you become aware that D.B. [REDACTED]
13 disclosed sexual abuse?

14 A Yes. She had told me.

15 Q Do you remember approximately the date that this
16 happened?

17 A I just -- it was around the middle of November.

18 Q Without going into details of what was said, who told
19 you that D.B. [REDACTED] had disclosed sexual abuse?

20 A Amber had told me.

21 Q Based on this information from Amber, what do you do?

22 A I made sure like I could just talk to D.B. [REDACTED] so she
23 didn't feel like anybody was like listening or anything.
24 And I just asked her open-ended questions to just see what
25 her answers were, and then I made sure I didn't show any

1 kind of reaction just so she wouldn't feed on what I was
2 asking and hearing.

3 Q Okay. So when you had that conversation with D.B. ,
4 did she, again, disclose sexual abuse directly to you?

5 A She did.

6 Q Did she say the location where this abuse happened?

7 A She said that it happened in our house.

8 Q Did she disclose when it had happened?

9 A Just while they had been staying there.

10 Q Based on hearing this disclosure from D.B. , what do
11 you do?

12 A That night I got home and I spoke with Joel, and I
13 asked him if we could call his mom and ask her what we
14 should do because I knew she worked at a hospital and she
15 would be the best way to figure out what our next steps
16 were.

17 Q And Joel's mom is also the defendant's mom; is that
18 right?

19 A Yes.

20 Q So based on that conversation with the defendant's
21 mom, what did you do next?

22 A The next morning when I took the girls to school, I
23 came home and I called the police.

24 Q Did the police come to your house?

25 A They did.

1 Q After the police came to your house, what happened to
2 the defendant?

3 A They -- they had asked me to go inside. But Joel had
4 come home, so Joel had gone inside to wake him up, and the
5 police officers spoke with him. They told him that he
6 wasn't going to be staying at our house and that he had to
7 leave.

8 Q Did he leave?

9 A (Nods head affirmatively.)

10 Q Do you have any idea where he went?

11 A I don't.

12 Q So when he left, what happened to D.B. [REDACTED]? Did she
13 stay in your home?

14 A DSS had come, and Jason had to sign paperwork and I
15 had to sign paperwork that I was going to have temporary
16 custody of D.B. [REDACTED].

17 Q And how long did you have custody of her?

18 A Until the middle, I think, of January. I know it was
19 January.

20 Q So you told me they moved in in April of 2016, D.B. [REDACTED]
21 disclosed in November of 2016, so this would be January of
22 2017 ---

23 A Correct.

24 Q --- is that right?

25 So after January of 2017, where did she live?

1 A She had moved in with Rose's mom, and that's her
2 grandma.

3 Q And have you had any contact with D.B. after she
4 left to live with her grandma?

5 A I didn't have contact with her directly. I called
6 her grandma just to check up and see how she was doing.

7 MS. KLUSKA: Thank you. Please answer any questions
8 the defense may have.

9 CROSS EXAMINATION

10 BY MR. CHAMBERS:

11 Q So you recall roughly when D.B. and her father
12 moved in with you?

13 A I'm sorry. I didn't hear all of that.

14 Q Do you recall roughly when D.B. and her father,
15 Jason, moved in with her -- with you?

16 A Yes.

17 Q When was that?

18 A That was the end of April, beginning of May.

19 Q So when these allegations arose, they had lived there
20 for about five or six months?

21 A Yes.

22 Q And during that time, do you recall seeing Rose over
23 there on at least a couple of occasions?

24 A Not that I recall.

25 Q She was aware of the fact that they were moving in

1 there, though, correct? I mean, she had been involved in
2 the discussions about them moving in.

3 A I don't remember discussing that with her.

4 Q You don't remember. Is that something that Joel
5 might have been involved in and perhaps you weren't?

6 A I don't know.

7 Q Okay. And so you had how many other children living
8 in the house?

9 A Two.

10 Q Two kids.

11 And I know you've already testified to this, but who
12 were they again?

13 A My daughter M.W. [REDACTED] and my stepdaughter L.B. [REDACTED]
14 [REDACTED].

15 Q And M.W. [REDACTED] had her own room; is that correct?

16 A No.

17 Q She didn't?

18 A M.W. [REDACTED] and L.B. [REDACTED] share a room.

19 Q They share a room.

20 So then Jason and D.B. [REDACTED] were in a room.

21 A Yes.

22 Q And then you and Joel had a room.

23 A Yes.

24 Q Does that account for all the bedrooms in the house?

25 A Yes.

1 Q And so D.B. stayed in the same room with Joel -- I
2 mean with Jason. I'm sorry.

3 A Yes.

4 Q But during the day when everybody else was up and
5 about, D.B. was up and about with the rest of the
6 family, for the most part, correct?

7 A Correct.

8 Q I mean, she interacted with everybody there,
9 correct?

10 A Yeah. For the most part.

11 Q I mean, Jason wasn't trying to keep her from anybody.

12 A No.

13 Q He wasn't trying to shield her or keep her locked
14 away behind closed doors from anybody. She was part of
15 the family while she was living there.

16 A She was.

17 Q And how would you describe her as a child?

18 A She -- I guess she did not really understand
19 personal space, personal boundaries, and my girls didn't
20 like that.

21 Q Would you say that she was somebody who was not used
22 to a great deal of discipline?

23 A I would say yes.

24 Q She was not used to having rules and limits set and
25 necessarily being punished for wrongdoing and those sorts

1 of things. I don't mean by wrongdoing, but I mean by the
2 household rules, she wasn't used to that, was she?

3 A I mean, I don't know what she was used to. I know
4 that she had rules when she lived with her parents and she
5 had rules when she lived with us.

6 Q Did you get a sense that the rules that were in place
7 in your home were a little bit more structured and a
8 little bit stricter than she was used to?

9 A I suppose.

10 Q Well, I'm asking you. I don't want you to suppose.
11 I mean, do you recall, did you get that sense based on the
12 way that she was in your home? I mean, you had pretty set
13 rules about things that your children were supposed to do
14 and not do, and you had routines and schedules and things
15 like that that they had to go by. And you were somewhat
16 rigid about that, correct?

17 A Yeah.

18 Q And so there was some expectation, at least as far as
19 it affected the rest of the family, that D.B. would live
20 by those same rules, correct?

21 A Yes.

22 Q And you found, I believe, that she had trouble doing
23 that. Am I correct?

24 A At some things, yes.

25 Q You said -- one example you gave was she didn't

1 recognize people's personal space, correct?

2 A Yes. But I wouldn't consider that something that was
3 a rule.

4 Q Well, I understand. But do you recall that she would
5 very often, when being reprimanded or being asked to do
6 something, that she would throw really fairly large
7 tantrums and things like that? She did that on a regular
8 basis. It was something that actually bothered you a
9 little bit, correct?

10 A That was.

11 Q You described her at one point as being a little bit
12 manipulative in the way that she would work people's
13 emotions, particularly Jason's.

14 A I wouldn't say that she was manipulative. I just
15 felt that her social behavior was immature for her age.

16 Q Okay. And did you get the sense then that perhaps
17 she wasn't completely happy living there in the house
18 based on that sort of behavior?

19 A I think she was happy living at the house. I don't
20 think she was happy with learning the rules.

21 Q Okay. And part of living in that house was learning
22 and obeying those rules, correct?

23 A Yes.

24 Q All right. And so tell me again what was the time
25 frame when you first became aware of -- when she first

1 made this disclosure.

2 A It was just the middle of November when she had told
3 me.

4 Q And she first told the kids; is that correct?

5 A Yes.

6 Q And the kids told you?

7 A The kids told -- her cousins told their mom.

8 Q Okay. And then her mom told you.

9 A Yes. And then she disclosed to me after.

10 Q And you initially, when you heard that, you called
11 Janet, who is Joel's mom and Jason's mom, correct?

12 A When she first disclosed to me?

13 Q Yeah.

14 A When she first disclosed, yeah, I talked -- I called
15 Joel's mom.

16 Q And then after talking to her is when you contacted
17 the authorities. Am I correct about that?

18 A After I took them to school the next day.

19 Q And prior to that, you never had any reason to
20 believe that there was anything inappropriate going on,
21 did you?

22 A That's correct.

23 Q I mean, everything seemed fine to you, right?

24 A Yes.

25 Q I mean, there was nothing about the relationship

1 despite all of you living here in this same house that
2 Jason had with his daughter that would have led you in any
3 way to suspect that there was anything like this going on.

4 Am I correct?

5 A That's correct.

6 Q And so the only suspicion arose when she actually
7 made this statement, all these apparently -- to these
8 children and then eventually to you all within the same
9 very sort of tight time frame, correct?

10 A Can you repeat that?

11 Q In other words, you didn't become aware of it until
12 you were told.

13 A That's correct.

14 Q And it was in all of these statements that we're
15 talking about happened basically close together, right
16 around the same time, correct?

17 A Correct.

18 Q There was no delay where she told one child and then
19 later on she told another child. I mean, it all happened
20 very close together.

21 A Yes.

22 MR. CHAMBERS: All right. That's all the questions I
23 have. Thank you.

24 THE COURT: Ms. Kluska?

25 MS. KLUSKA: I just have a few questions.

REDIRECT EXAMINATION

BY MS. KLUSKA:

Q I just want to make sure I understand what you mean when you say D.B. had personal boundary issues. Would you describe that as like clingy or something else?

A No. So when parents and kids, like, you know, when you have your family, you live in your house, kids are a certain type of -- your personal space between like a parent and a child is different than like your kids and like their uncle or your kids and like a neighbor. So like different stages in different relationships, everybody's got a different amount of personal space. So I think she just didn't understand that the personal space that she shared with her parents wasn't the same that our kids shared with other relatives. Like our girls are close with us, but they're more standoffish and they have more distance between them with like friends and other family members.

Q Okay. And how many times did Rose, D.B.'s mother, ever come over to your house when D.B. lived with you?

A I don't recall any.

MS. KLUSKA: Thank you. Nothing further, Your Honor.

THE COURT: Anything else, Mr. Chambers?

MR. CHAMBERS: No, Your Honor.

THE COURT: Ma'am, you can step down.

1 Ms. Kluska?

2 MS. KLUSKA: Your Honor, may she be excused from her
3 subpoena?

4 THE COURT: Any objection?

5 MR. CHAMBERS: No objection, Your Honor.

6 THE COURT: All right. Very well. Thank you for
7 being here.

8 MS. KLUSKA: Your Honor, the State calls H.B.
9 to the stand.

10 THE COURT: Okay.

11 THE CLERK: H.B., if you'll please come forward,
12 pause at the end of this bench right here. Just come
13 forward. It's okay. If you'll just pause right where
14 that gentleman is right there.

15 THE COURT: You see that Bible right there?

16 THE CLERK: Please put your left hand there and raise
17 your right hand.

18 WHEREUPON,

19 H.B.

20 After having been duly sworn, testified as follows:

21 THE COURT: All right. H.B. you're going to feel
22 like that microphone is going to make you sound really
23 loud, but you're going to sound just perfect, okay? I
24 promise, okay?

25 THE WITNESS: Okay.

1 THE CLERK: Will you please say your name for the
2 record.

3 THE WITNESS: My name is H.B. [REDACTED].

4 THE CLERK: Thank you.

5 THE COURT: See what I mean? It feels loud but it's
6 not.

7 Okay. Go ahead.

8 DIRECT EXAMINATION

9 BY MS. KLUSKA:

10 Q H.B. [REDACTED] how old are you?

11 A 13.

12 Q Where do you go to school?

13 A Blue Ridge Middle.

14 Q What grade are you in?

15 A Going to be in eighth.

16 Q Do you know D.B. [REDACTED]?

17 A Yes.

18 Q Who is she to you? Is she your relative?

19 A Cousin.

20 Q Do you see D.B. [REDACTED] often anymore?

21 A No.

22 Q Was there a point where you did see her more often?

23 A Yes.

24 Q How old were you when you would see her often?

25 A 10 or 11. I'm not sure.

1 Q So explain to us how you would see D.B. [REDACTED] .

2 A She would come over to our house after school.

3 Q Do you remember a day where D.B. [REDACTED] told you something
4 that you decided to tell your mom about?

5 A Yes.

6 Q Did D.B. [REDACTED] disclose sexual abuse to you?

7 A Yes.

8 Q So without telling us exactly what D.B. [REDACTED] said, can
9 you tell us a little bit about how this statement came
10 about? What did D.B. [REDACTED] see or hear about to your
11 knowledge that made her state this statement to you?

12 A We had like a sex-ed book that we had brought home.

13 Q Brought home from where?

14 A School.

15 Q And you think that D.B. [REDACTED] saw this book and then made
16 a statement to you?

17 A Yes.

18 Q When D.B. [REDACTED] disclosed this to you, how did that make
19 you feel?

20 A Awkward and weird.

21 Q So what did you decide to do?

22 A I told M.W. [REDACTED] 's mom, Libby.

23 Q Before you told Libby, did you tell somebody else
24 first?

25 A No.

1 Q Was Libby in the house with you?

2 A No. She came to pick up M.W. [REDACTED] and them.

3 Q Before she came to pick up M.W. [REDACTED], did you talk to
4 your mom about it?

5 A My stepbrother B.V. [REDACTED] did.

6 Q Do you ever see or talk to D.B. [REDACTED] anymore?

7 A No.

8 MS. KLUSKA: Thank you, Your Honor. Nothing further.

9 THE COURT: All right. Mr. Chambers?

10 CROSS EXAMINATION

11 BY MR. CHAMBERS:

12 Q Was she there spending the night or just after
13 school? Or what was the situation that D.B. [REDACTED] was at your
14 house?

15 A It was after school. She -- like I think her parents
16 had to work or something, and then they came to pick her
17 up after.

18 Q And besides you, who was there?

19 A My stepbrother B.V. [REDACTED] and my brother W [REDACTED] and my
20 stepmom Amber.

21 Q And who all was present when -- did y'all have the
22 sex-ed -- was it a textbook that you had from school?

23 A It may have been a quiz or something. I'm not
24 exactly sure what it was.

25 Q And it was something that you had at school?

1 A Yes.

2 Q And did y'all have this material out? Were you
3 talking about it?

4 A No. It was just in my book bag.

5 Q So how did she know anything about it?

6 A She might have saw it in my book bag or something.

7 Q Well, you seem to think that that prompted what she
8 said to you, so I'm just kind of curious about was
9 there some discussion about that sort of thing? Was there
10 -- I mean, just her -- are you just speculating that she
11 found it in the book bag and then maybe that's what made
12 her say something?

13 A Yes.

14 Q So, again, without getting into anything she may have
15 told you, what was the situation? And explain as best you
16 can. And I know it was a long time ago, but were y'all
17 hanging out and talking? kidding around? joking? What was
18 the situation where she chimes in and tells you this thing
19 that you said rightfully so made you feel uncomfortable?
20 Explain as much as you can about what the circumstances
21 were.

22 A We were in our living room just watching TV or
23 something. I'm not sure.

24 Q And then she just kind of blurted it out?

25 A Yes.

1 Q And that was it. So there was no discussion going
2 on.

3 So you saying that you had some sex-ed quiz or
4 textbook, is that you just trying to figure out why that
5 subject matter even came up to begin with, or is that
6 something you know happened?

7 A Well, I'm pretty sure that I had brought something
8 back, but I'm not like sure.

9 Q But what makes you think that she saw that?

10 A My book bag was open like because I remember it
11 sitting there.

12 Q But you're saying there was no discussion or anything
13 going on about any of that.

14 A No.

15 Q And you're saying you didn't see her firsthand look
16 at any of that material.

17 A No.

18 MR. CHAMBERS: Okay. Thanks a lot.

19 THE COURT: Anything else, Ms. Kluska?

20 MS. KLUSKA: Nothing further, Your Honor.

21 THE COURT: Sir, you can step down.

22 MS. KLUSKA: Can H.B. [REDACTED] be excused from his subpoena?

23 THE COURT: Any objection?

24 MR. CHAMBERS: No objection, Your Honor.

25 THE COURT: All right. You're excused.

1 MS. KLUSKA: Your Honor, the State calls Amber Booth.

2 THE COURT: All right.

3 THE CLERK: Ms. Booth, please come forward. If
4 you'll please stop right there at the end of the bench,
5 place your left hand on the Bible and raise your right
6 hand.

7 WHEREUPON,

8 AMBER BOOTH

9 After having been duly sworn, testified as follows:

10 THE CLERK: Thank you. Please be seated.

11 Would you please state your name for the record.

12 THE WITNESS: Amber Booth.

13 DIRECT EXAMINATION

14 BY MS. KLUSKA:

15 Q Ms. Booth, are you employed?

16 A No.

17 Q Are you married?

18 A Yes.

19 THE COURT: Scoot up just a little bit. You're going
20 to feel like you're right up on that microphone. There
21 you go.

22 BY MS. KLUSKA:

23 Q Are you married?

24 A Yes.

25 Q Who are you married to?

1 A I'm married to Jonathan Booth.

2 Q Do you have any children?

3 A Yes.

4 Q What are your children's names?

5 A Et [REDACTED], E [REDACTED], B.V. [REDACTED] and then W [REDACTED] and H.B. [REDACTED].

6 Q So B.V. [REDACTED] is your biological son and H.B. [REDACTED] is your
7 stepson?

8 A Yes.

9 Q Did I get that right?

10 A Uh-huh.

11 Q And how old is B.V. [REDACTED] and how old is H.B. [REDACTED]?

12 A They're both 13.

13 Q Does your husband have any siblings?

14 A Yes.

15 Q Okay. What are his siblings' names?

16 A Jason and Joel Booth.

17 Q Does Joel have any children?

18 A Yes.

19 Q What are his children's names?

20 A M.W. [REDACTED].

21 Q And what about Jason? Does he have any kids?

22 A D.B. [REDACTED]

23 Q D.B. [REDACTED].

24 So tell us about your relationship with Jason. Did
25 you see him often?

1 A No.

2 Q His daughter D.B. , how often did you see her?

3 A I kept her after school for a few months.

4 Q Did you ever have the occasion to see the defendant
5 and D.B. together?

6 A No.

7 Q You said you kept D.B. after school. Tell us about
8 that.

9 A She would get off the bus at my house until Libby
10 and Joel was able to pick her up along with her cousins.
11 So they would just stay at my house for like a couple
12 hours until they were off work and then they would pick
13 them up.

14 Q Do you remember what grade D.B. was in when she was
15 getting dropped off at your house?

16 A I believe she was in the third.

17 Q Was she getting off the bus at your house in November
18 of 2016?

19 A Yes.

20 Q Without telling us exactly what she said, do you
21 remember D.B. disclosing sexual abuse during the time
22 that she would get dropped off at your house after
23 school?

24 A No. Not to me.

25 Q Okay. Not to you, but did you become aware that she

1 disclosed it to someone else in your home?

2 A Yes.

3 Q Okay. And who did she disclose to?

4 A My son and stepson, B.V. and H.B. .

5 Q And your stepson [sic] and stepson came and told
6 you ---

7 A Yes.

8 Q --- that she had said this?

9 A Yes.

10 Q How did they seem when they came to tell you this?

11 A I don't really remember exactly. I know my son was
12 upset. I mean, he seemed pretty upset. He didn't really
13 know what to do, so he just come to me.

14 Q What did you do when you learned this information?

15 A I immediately called Libby to let her know what was
16 going on, and I let her handle it.

17 Q Why did you think Libby would be better to handle
18 this?

19 A I mean, she lived with her, so I didn't know how to
20 go about it.

21 Q So when D.B. was in your home that day that she
22 disclosed, did you talk to her about it directly?

23 A No.

24 Q You just immediately went and called Libby?

25 A Yes.

1 Q After D.B. disclosed, did you have much contact
2 with her?

3 A Yeah. She still continued to come over after school
4 for a while, and then she ended up staying Christmas break
5 with us.

6 Q Are you aware that at some point she moved in with
7 her grandma?

8 A Yes. That's what I was told.

9 Q And after she's moved in with her grandma, have you
10 had any contact with her?

11 A No.

12 MS. KLUSKA: Nothing further. Thank you, Your
13 Honor.

14 THE COURT: Any questions for this witness?

15 MR. CHAMBERS: Your Honor, I really don't have any
16 questions for Ms. Booth.

17 THE COURT: All right. Ma'am, you can step down.

18 MS. KLUSKA: Your Honor, may she be excused from her
19 subpoena?

20 THE COURT: Any objection to that?

21 MR. CHAMBERS: No objection, Your Honor.

22 THE COURT: All right. Certainly.

23 Ms. Kluska, we finished that up a little faster than
24 expected. Is that your last witness for today?

25 MS. KLUSKA: Your Honor, it's up to you. Our next

1 witness will be Investigator Perry, who I anticipate will
2 be not too long but a little bit longer than my last two
3 witnesses, so it's up to you.

4 THE COURT: Do you anticipate having a lengthy
5 cross-examination of Investigator Perry? And I hate to
6 put you on the spot right here.

7 MR. CHAMBERS: I think that between the two we would
8 take longer than 30 minutes. Put it to you that way.

9 THE COURT: All right. That's exactly -- you
10 actually answered the question I should have asked.

11 Ladies and gentlemen, we've now come to our point to
12 break for the evening. Again, like I said, let's get back
13 tomorrow morning at 9:00. We'll start thereafter. But
14 anticipate that we'll be out of here definitely before
15 lunch, but I'm going to be on the clock to try to leave
16 about 11:00 -- I mean 11:30.

17 So I hope you have a good evening. And just go home,
18 try to forget you're a juror on this case. And as I said,
19 please don't do any independent research or have any
20 discussions about this case. Hope you have a good
21 evening. Thank you.

22 (WHEREUPON, the jury exits the courtroom at 4:33 p.m.)

23 THE COURT: Anything we need to take up before we
24 break for the evening?

25 MS. KLUSKA: Not from the State, Your Honor.

1 MR. CHAMBERS: Nothing, Your Honor.

2 THE COURT: All right then. We'll be in recess till
3 tomorrow at 9 a.m.

4 (WHEREUPON, proceedings recessed at 4:34 p.m., to be
5 reconvened on Tuesday, August 13, 2019.)

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Tuesday, August 13, 2019

(WHEREUPON, the jury entered the courtroom at 9:11 a.m.)

THE COURT: Good morning, ladies and gentlemen. I am very sorry to have kept you waiting for ten minutes. That was not these attorneys' fault. It was entirely my fault. Had a matter come up I had to deal with and I'm very sorry about that. But we're ready to proceed.

All right. Yes, ma'am.

MS. KLUSKA: Thank you, Your Honor. I know, I told you yesterday that our next witness was going to be Investigator Perry, but due to some scheduling issues, I'm actually calling Dr. Nancy Henderson.

THE COURT: Absolutely.

THE CLERK: Pause at the end of the bench, place your left hand on the Bible and raise your right hand.

WHEREUPON,

NANCY HENDERSON

After having been duly sworn, testified as follows:

THE CLERK: Thank you. Please be seated.

Please state your name for the record.

THE WITNESS: Nancy Henderson.

DIRECT EXAMINATION

BY MS. KLUSKA:

Q Dr. Henderson, where are you employed?

1 A I'm employed at Prisma Health Upstate.

2 Q What is your job title at Prisma Health?

3 A I'm the director of the division of child abuse and
4 neglect.

5 Q Can you please tell us what your job entails on a
6 day-to-day basis?

7 A Sure. I work in a variety of places with this job.
8 So I work at the Julie Valentine Center, and we will see
9 children being referred from -- often from DSS and law
10 enforcement for medical evaluations related to abuse and
11 neglect. I also see patients at the -- up in Spartanburg.
12 There's a sub-specialty clinic that I work at there in
13 connection with the Spartanburg Children's Advocacy
14 Center. I also see children at Pendleton Place who have
15 come into foster care for assessments. And then I also
16 take call for consults from physicians when there's
17 concerns about abuse and neglect in children coming into
18 the hospital.

19 Q How long have you been employed in this capacity?

20 A I've been with the hospital since 1992.

21 Q What is your educational background?

22 A I went to Rutgers College of Pharmacy, which is in
23 Piscataway, New Jersey, and got my BS in pharmacy, and
24 then went to Bowman Gray School of Medicine, which is in
25 Winston-Salem, North Carolina, and then did my pediatric

1 residency at TC Thompson Children's Hospital in
2 Chattanooga, Tennessee, and then came to what was then
3 Greenville Hospital and started employment there.

4 Q Before you got to Greenville -- I'm sorry. You said
5 you started your employment at Greenville Hospital. Did
6 you have any work experience prior to that?

7 A I did work. After my residency in Chattanooga, I
8 worked in their outpatient clinic for a number of years.

9 Q Are you board certified?

10 A Yes. I'm board certified in pediatrics and then
11 sub-boarded in child abuse and neglect.

12 Q Do you attend continuing education courses or
13 meetings in the areas of pediatrics and child abuse?

14 A Yes. In order to -- for my state license, you have
15 to have 40 continuing education credits over two years.
16 And then I am part of the statewide medical system for
17 child abuse and neglect, and we have to obtain specific
18 credits to keep that part of our discipline.

19 Q Have you ever lectured or presented to peers in the
20 area of child sexual abuse?

21 A Yes. I do some presentations for USC Upstate at
22 their Child Protection Center. I teach the pediatric
23 residents, family practice residents at the hospital
24 unrelated to child abuse and neglect. I educate DSS and
25 law enforcement in this regard as well.

1 Q Are you a member of any professional organizations
2 that deal with pediatric medicine or child sexual abuse?

3 A I am part of APSAC, which is a professional
4 organization related to child abuse and neglect, and,
5 again, I'm part of the Scammers Network related to that as
6 well.

7 Q When you were telling us about your day-to-day, it
8 sounded like you were seeing a lot of kids who are
9 sexually abused all the time. Approximately how many
10 exams have you done on sexually abused children?

11 A I don't really like keep an active number, but our
12 department, I'm divided among like two physicians. We see
13 about 500 children a year, and that's both the inpatient
14 and outpatient setting.

15 Q And do you think that you've seen that many children
16 since you started work in this capacity?

17 A Absolutely.

18 MS. KLUSKA: Your Honor, at this time the State moves
19 to admit Dr. Henderson as an expert in pediatric medicine
20 and in child abuse pediatrics.

21 THE COURT: Any objection or further voir dire?

22 MR. CHAMBERS: No, Your Honor.

23 THE COURT: All right then. Ladies and gentlemen,
24 the rules of evidence ordinarily don't permit a witness to
25 testify as to opinions or conclusions. An exception to

1 that is for witnesses we call expert witnesses. When
2 someone has become trained in a particular field and
3 become an expert in that field, then they could be
4 qualified by the Court to give their opinion and also to
5 give their reasons for that opinion.

6 This witness is going to be qualified by the Court
7 and is qualified by the Court in the areas of pediatric
8 medicine and child abuse pediatrics. You may -- and she
9 may give her opinion in that area. You may use that
10 opinion anyway that you see fit.

11 MS. KLUSKA: Thank you, Your Honor.

12 BY MS. KLUSKA:

13 Q Did you have the opportunity to examine the victim,
14 D.B. [REDACTED], in this case?

15 A Yes, I did.

16 Q Where and when did this exam take place?

17 A The exam took place on March 20th of 2017, and it
18 took place at the Julie Valentine Center here in
19 Greenville.

20 Q Who was with the victim at the time of the exam?

21 A Her grandmother.

22 Q Her grandmother Abby Stone?

23 A Yes.

24 Q What was the reason she was brought in for an exam?

25 A She was brought in for a medical evaluation because

1 of concerns of child sexual abuse.

2 Q Was she referred to you by a particular entity?

3 A Yes, she was.

4 Q By law enforcement?

5 A Yes, she was.

6 Q When a child is brought in for a medical exam, what
7 are the steps that you take?

8 A So when a child comes to the advocacy center for the
9 medical exam, I work with Child Life which helps to
10 prepare the child and whoever is accompanying them for the
11 exam. So they go over exactly what's going to happen,
12 familiarizes them with the equipment that we're going to
13 use during the exam, find out body part names. And so the
14 approach is then for us to bring the child and the
15 caretaker back to obtain the medical history, to
16 understand medicines and things like that that the child
17 may have been on. And then we do offer the child some
18 choices as far as who they'd like to have in the exam with
19 them, and if we're going to do the history first, the exam
20 and what tests we need to do, and we talk about that and
21 decide sort of the order of things. And all of those
22 things happen at the center at the time of that exam.

23 Q Did you follow that protocol when you saw D.B. [REDACTED]
24 [REDACTED]?

25 A Yes, I did.

1 Q You mentioned some equipment that you use. What
2 equipment do you use in your exams?

3 A So, obviously, for a general pediatric exam, we use
4 the otoscope, what you use to look in your ears and we use
5 it to look in the mouth, but we also use a piece of
6 equipment called a colposcope which is also sort of a
7 similar type thing. It's a large magnifying glass with a
8 light source. It doesn't touch the child at all but
9 allows for us to look at the genital area much easier, and
10 we are able to document what we see on the exam. And we
11 did use that in this case as well.

12 Q Can you explain to us the difference between an acute
13 exam versus a chronic exam?

14 A Yes. So the acute child sexual abuse exams are
15 determined sort of by what type of sort of evidence
16 collection would happen, and they usually are done
17 approximately within 72 hours -- within 72 hours of an
18 incident. So if a child or an adult discloses right away
19 about an incident that just happened, they, a majority of
20 times, will be referred to the emergency room, and then
21 sort of the evidence collection often known as a rape kit
22 is done for those children looking for DNA swabs as well
23 as looking for infections. And so that also is a part of
24 it, and that collection kit is often turned over to law
25 enforcement and then gets sent to Columbia. And so that's

1 really what the acute kit is.

2 The chronic abuse evaluation, which is primarily what
3 I do, is because children often don't disclose right away
4 that an incident happens, they tell and they get evaluated
5 immediately. So we don't do the evidence collection kit
6 because there is often a long time since when the incident
7 occurred. So it really is about taking a thorough
8 history, talking with the patient and doing a thorough
9 evaluation and looking for any infections that might be
10 sort of related to what is bringing them in.

11 Q So you would say in your field then more children
12 more often than not delay disclosure that they've been
13 sexually abused.

14 A Yes.

15 Q You mentioned that you get a medical history from the
16 caregiver. Did you do that in this case?

17 A Yes, I did.

18 Q And the caregiver would have been D.B. 's
19 grandmother Abby, correct?

20 A Correct.

21 Q To your knowledge did the grandmother have much
22 contact with D.B. in the years prior to her bringing
23 D.B. in for an exam?

24 A They definitely knew each other, but the grandmother
25 had shared that she had been very involved with her

1 husband who had been ill. And so she was there and
2 available, but she hadn't seen her that much because she
3 was taking care of her husband.

4 Q Was D.B. on any medications when you examined her?

5 A Yes, she was. She was on medicine for ADHD and
6 medicines for allergies.

7 Q What are some common symptoms of ADHD?

8 A The most common symptoms that we see for ADHD is just
9 difficulty in concentration. Sometimes the concentration
10 is often during the school period. And then there's also
11 like AD -- ADD where it's the concentration, and then
12 there is ADHD which is sort of the hyperactivity component
13 where they're just not able to sit still, moving around a
14 lot and having trouble sort of focusing their thoughts.

15 Q Is it possible that symptoms of ADHD can be confused
16 with any other type of diagnosis?

17 A A lot of times when I see children with concerns of
18 abuse, it's pretty common for them to have trouble
19 focusing, focusing at school for lots of reasons, worries
20 about at home, worries about what has happened. And so
21 sometimes the difficulty in concentration may be related
22 to trauma or it could be that they also have ADHD and
23 trauma as a combination.

24 Q Did you gather information from D.B. that was
25 important to your exam and diagnosis of her?

1 A I did talk to D.B. briefly about sort of what had
2 happened.

3 Q And what did she tell you had happened that was
4 pertinent to your exam?

5 A She had already had her forensic interview prior to
6 coming to me, so she did not share about the detail of
7 what had happened to her, but she had shared about who had
8 done something and not wanting to see that person again.

9 Q Did you watch her forensic interview?

10 A I did not.

11 Q Okay. But you were aware that she disclosed anal
12 abuse.

13 A I was.

14 Q And anal penetration.

15 A Yes.

16 Q Possible vaginal penetration; is that right?

17 A Yes.

18 Q Digital penetration?

19 A Digital penetration.

20 Q And fondling.

21 A Yes.

22 Q And you needed to know that because you need to know
23 what you're looking for when you're examining the patient,
24 right?

25 A Yes. I get a summary from the forensic interview, a

1 very brief summary about what that disclosure looks like
2 so that I could have an idea of like what type of test I
3 need to do. Sometimes the patient will share about it,
4 sometimes they won't, so I want to make sure that I am not
5 missing an opportunity to make sure I test for everything
6 that's important.

7 Q Did D.B. also disclose physical abuse?

8 A She did.

9 Q Tell us about that.

10 A She -- when I was doing her physical exam, she showed
11 me a scar on her right palm, and she had said it was from
12 a burn that had occurred.

13 Q Did she state who had burned her?

14 A She said that her mom had because her dad had forced
15 the mom to do that.

16 Q Did you then conduct a full physical exam on D.B.?

17 A I did.

18 Q And how old was she when she had this exam?

19 A She is 9 -- was 9 at the time.

20 Q So are you aware that D.B. disclosed she was
21 sexually abused by her father in November 2016?

22 A I knew that's when she had her forensic interview, in
23 November, so yes.

24 Q But I think you said her exam was not until March; is
25 that right?

1 A That's correct.

2 Q Are delays like that common?

3 A Unfortunately. We'd really like to see the child as
4 soon as able just because there are a lot of concerns that
5 the child has, the family has and we want to be as timely
6 as possible. But sometimes there is a delay because we
7 can only see the child if the legal custodian is able to
8 sign for these exams, or the child is in foster care, then
9 DSS can sign for the exams. But sometimes, thankfully not
10 often, that there is this delay, because we need that.

11 Q So sometimes if DSS is involved with a family and the
12 legal guardian isn't pointed out just yet, that could
13 cause a delay?

14 A Correct.

15 Q Who was in charge of getting the exam with you
16 scheduled?

17 A Most of the time it is often a referral agency, so it
18 would be DSS or law enforcement or both will call the
19 Julie Valentine Center and say, you know, we are
20 interested in having the forensic interview. We would
21 like a medical exam. And then the Julie Valentine Center
22 will coordinate that with the family to help set up that
23 appointment.

24 Q So at some level the family is responsible for
25 bringing the child in, though; is that right?

1 A Yes.

2 Q Would you have expected the findings of your exam to
3 be affected by this time lapse?

4 A Not necessarily.

5 Q So I want to ask you first about the physical abuse
6 that you mentioned, the scar on the palm of her hand. Did
7 you note that in your report, that you did find a scar
8 that corroborated D.B. 's testimony about her mother
9 burning her?

10 A Yes, I did.

11 Q You also noted that D.B. was positive for sleep
12 disturbance. Can you explain what a sleep disturbance
13 often means in your line of work?

14 A So it's really when we do sort of a review of systems
15 for children coming in for abuse and neglect, sleep
16 problems is pretty common. I didn't detail it out any
17 more on my report, but it's fairly common for children to
18 have trouble falling asleep, or they can fall asleep okay
19 but they wake up a lot during the night. A lot of times,
20 you know, they are busy during the day, their mind is sort
21 of occupied with other things, but at nighttime, you know,
22 when everything's quiet, a lot of times things that are
23 worrying them on their mind sort of come flooding out.
24 And so sleep delay and interrupted sleep is fairly common
25 when people are dealing with trauma.

1 Q Could you consider sleep disturbance a sign of
2 trauma?

3 A Yes.

4 Q So what were your findings in your exam as it relates
5 to the sexual abuse of D.B. ?

6 A So as I mentioned, I use the colposcope to look at
7 her vaginal area as well as her rectal area, and her exam
8 was normal. There was no scars, no discharge in her
9 vaginal area, and her rectal exam was normal as well.

10 Q What were your recommendations and treatment course
11 for her moving forward?

12 A So we did -- during the exam we did test her for
13 sexually transmitted infections. We tested in her urine.
14 It's a great way to test for things like gonorrhea and
15 chlamydia. We did a rectal swab to look for that as well.
16 And then we did blood work for HIV, syphilis. And all
17 that was obtained, and all of that was negative.

18 Q So you mentioned D.B. 's exam was normal. In your
19 opinion and experience, how or would you have expected to
20 find physical injuries to her genital area based on the
21 type of sexual abuse that was disclosed, taking into
22 account the timing of that disclosure?

23 A Right. So in the majority of children that I see
24 where there is sort of this delayed exam, only maybe about
25 1 to 3 percent will have findings on exam, so it is very

1 common for children with these types of disclosures to
2 have a normal exam.

3 Q Why is it so common?

4 A Well, for one reason is that our body has a great way
5 of healing, so if there are small tears, they can heal
6 very, very quickly, within days to weeks. So in this
7 particular case, over months it would not be surprising to
8 not have any findings related to that. And then a lot of
9 times the types of abuse that happens to children never
10 causes any actual tears at the beginning, so even if we
11 had seen her right away, she may have had -- children can
12 have a normal exam even based on these kind of
13 disclosures.

14 Q So even if she had come in right after she was
15 sexually abused, your testimony is that you likely would
16 not have found any signs of abuse.

17 A It's quite possible. There may have been DNA if
18 we're able to do that, but we may not have seen any tears
19 or scars. She's not reporting any bleeding related to the
20 incident.

21 Q Specifically, you know, she disclosed anal
22 penetration. Does the anus heal quickly if there had been
23 a tear?

24 A Well, the anus is a muscle, and so when we think
25 about what it normally does, it allows for, you know, big

1 stools to come out often without any trauma to the muscle
2 itself, and of course sometimes there can be small tears
3 and heal. And the same thing can happen when there's
4 penetration coming from the outside in, that it can dilate
5 without having any trauma -- visible trauma to the area.
6 So it is really common when there is this history of
7 penile-anal penetration to have a normal exam.

8 Q You said in 1 to 3 percent of your exams, you find
9 findings. If we were to reverse that, does that mean, in
10 97 to 99 percent, the exams are normal?

11 A Correct.

12 Q Even in cases without a delayed disclosure, meaning
13 the victims come forward immediately, say a victim were to
14 disclose within 72 hours even, how likely would it be that
15 you would find evidence of sexual abuse in an acute exam?

16 A Again, you know, we may be able to pick up DNA which
17 can be very, very helpful in -- within -- with young
18 children we try to even do that within 36 hours because
19 once they start bathing, it is unlikely to be able to
20 capture that DNA. Sometimes we'll see maybe more
21 nonspecific findings like redness, irritation and things
22 like that, and then, again, less likely to find actual
23 trauma. So maybe the statistics report about 10 percent
24 of children coming in for those acute exams may have
25 actual evidence on those exams when they're coming in

1 right away.

2 Q I noticed in your report also that you noted D.B.
3 reported rectal pain and redness. Is it possible that
4 this could have been caused by her father anally
5 penetrating her?

6 A I did not see any real trauma or anything on the
7 exam. In my practice it's not that uncommon for children
8 to sort of be still kind of feeling the discomfort that
9 they had with the abuse itself. So, you know, sometimes
10 it may be related to problems of constipation and some
11 more common things, but sometimes it has been related to
12 the actual abuse issues that have been -- become a little
13 bit more prolonged for them.

14 Q So in your expert opinion, can you tell us whether or
15 not your findings are consistent with the sexual contact
16 that D.B. reported?

17 A In my opinion, I felt her having a normal exam could
18 absolutely be consistent with disclosures that she has
19 shared during her forensic interview.

20 MS. KLUSKA: Thank you, Dr. Henderson. Please answer
21 any questions the defense may have.

22 THE COURT: Mr. Chambers?

23 CROSS EXAMINATION

24 BY MR. CHAMBERS:

25 Q So if we sum things up, essentially what you're

1 testifying to is she made a disclosure, correct?

2 A That is correct.

3 Q I mean, that's what you know about the case; am I
4 correct? She made a disclosure, and you knew coming in
5 basically what that disclosure was.

6 A That is correct.

7 Q And so your primary task was to find out if there
8 were any physical findings that would corroborate this
9 disclosure.

10 A The purpose of my exam is, from a medical standpoint,
11 to make sure that her body's okay, to check for STI's.

12 Q And her body was okay.

13 A Yes.

14 Q So in other words, you didn't make any physical
15 findings that would show that she had been sexually
16 abused.

17 A She did have the finding for the burn as I had
18 described, and her exam was -- her genital exam was
19 normal.

20 Q Well, the hand was physical abuse which was inflicted
21 by her mother, correct?

22 A That's what she had shared, yes, sir.

23 Q And, again, and I keep going over and over this, I
24 guess, but when you gather a history, it's by way of the
25 fact that you had some information from the Julie

1 Valentine file, what the complaint had been, correct?

2 A Correct.

3 Q You get some information from her, correct?

4 A Correct.

5 Q The person that brought her there was her
6 grandmother, who was her mother's mother, correct?

7 A That is correct.

8 Q And then you do a physical exam. And in that
9 physical exam, you said other than the scarring in her
10 hand, it was a normal exam.

11 A That's correct.

12 Q And you were aware of the fact that the allegation
13 was that an adult male had penile-to-anal intercourse with
14 an 8-year-old child, and you said you made no findings
15 that showed any sort of damage to the rectal area, the
16 vaginal area, none of those things.

17 A That's correct.

18 Q And we talk about this being a delayed disclosure,
19 but these allegations were actually, were you aware, made
20 within a fairly tight time frame of just a few months
21 prior to her coming in to see you, correct?

22 A That part I don't have the detail in my chart.

23 Q Did you see any -- and you examined her entire body,
24 I would imagine; is that correct?

25 A Yes, sir.

1 Q Did you see any other scarring that would be
2 indicative of her having been whipped with a belt, spanked
3 with a belt or anything else like that?

4 A I did not see that on my exam.

5 Q But you examined her buttock's area, her back, her
6 legs, all of those things.

7 A Yes, sir.

8 Q And you didn't see anything that would be scarring
9 from strap marks or hand marks or anything like that.

10 A I did not.

11 MR. CHAMBERS: Okay. Thank you very much, Doctor.

12 THE COURT: Anything else?

13 MS. KLUSKA: Yes, Your Honor.

14 THE COURT: Certainly.

15 REDIRECT EXAMINATION

16 BY MS. KLUSKA:

17 Q Is it common to have a disclosure of penile-to-anal
18 penetration and still have a normal exam?

19 A Yes.

20 Q Why is that?

21 A It is common because of what I had shared, that the
22 body has a very good ability to heal, and the body is a
23 muscle so that it can expand and contract with there not
24 being actual tears or trauma to that area.

25 Q So basically, finding a normal exam is still

1 consistent with what D.B. said, right?

2 A Yes.

3 Q Even, as the defense put it, with a grown man and an
4 8-year-old; is that right?

5 A That's correct.

6 MS. KLUSKA: Okay. Thank you. Nothing further.

7 RECROSS EXAMINATION

8 BY MR. CHAMBERS:

9 Q No physical findings is also consistent with no abuse
10 having occurred. Would you say that as well?

11 A That's correct.

12 Q Because there would be nothing to find because
13 nothing ever happened.

14 A That's correct.

15 MR. CHAMBERS: Thank you.

16 THE COURT: Anything else, Ms. Kluska?

17 MS. KLUSKA: No, Your Honor.

18 THE COURT: Thank you, Doctor. You may step down.

19 MS. KLUSKA: May Dr. Henderson be excused, please.

20 THE COURT: Any objection?

21 MR. CHAMBERS: No, Your Honor.

22 THE COURT: All right. Thank you for being here,
23 Doctor.

24 MS. KLUSKA: Your Honor, the State asks for a
25 ten-minute recess. Our next witness is our victim.

1 THE COURT: All right. Very well. Ladies and
2 gentlemen, if you'll step to your jury deliberation room
3 for just one moment.

4 MS. KLUSKA: Thank you, Your Honor.
5 (WHEREUPON, the jury exits the courtroom at 9:38 a.m., and
6 a recess is taken.)

7 MS. KLUSKA: Your Honor, did you want to make a
8 ruling as to the bikers coming in?

9 THE COURT: Oh, thank you for reminding me of this.
10 There's a group of bikers. They have on jackets that say
11 "bikers against child abuse" or something like that. Of
12 course, and I fully respect that it is an open courthouse
13 and open courtrooms in South Carolina; however, I do not
14 want them to wear anything that has any reference to child
15 abuse that would influence the jury in any manner. And,
16 Mr. Chambers, if there's anything you'd like to add to
17 that or if you're fine with that, that's ---

18 MR. CHAMBERS: No. You covered it, Your Honor. I
19 just had the experience with them in the courtroom before.
20 Giving them the benefit of the doubt, maybe they're here
21 to provide support, but I had found that, especially with
22 those vests on, it creates a very intimidating situation
23 for everybody involved.

24 THE COURT: Okay. Yes. Okay. If you will let them
25 know, then we will welcome them in the courtroom under

1 those restrictions.

2 All right. Let's go ahead and bring the jury in.

3 (WHEREUPON, the jury entered the courtroom at 9:57 a.m.)

4 THE COURT: Thank you, ladies and gentlemen, for your
5 patience with us. These attorneys were in here working to
6 sort of streamline things for you, so I do appreciate your
7 patience.

8 Yes, ma'am.

9 MS. KLUSKA: Thank you, Your Honor. The State calls
10 D.B. .

11 THE CLERK: D.B. , if you'll please come forward.
12 If you'll please stop right here at the end of this bench.
13 And please place your left hand on the Bible. Left hand.
14 There you go. Raise your right hand.

15 WHEREUPON,

16 D.B.

17 After having been duly sworn, testified as follows:

18 THE CLERK: And would you please tell us your name.

19 THE WITNESS: D.B. .

20 THE COURT: And I know that you think, D.B. , that
21 you're sounding loud, but you're not, okay? So you're
22 doing just fine. That's exactly the volume we need,
23 okay?

24 THE WITNESS: Okay.

25 THE COURT: Okay.

DIRECT EXAMINATION

BY MS. KLUSKA:

Q [REDACTED], do you think you want a little cup of water?

You okay? Okay.

A No.

Q How old are you, [REDACTED]?

A I am 11.

Q 11.

When is your birthday?

A [REDACTED], 2007.

Q What grade are you going into?

A Sixth.

Q What school?

A Fisher Elementary.

Q Did you go to Fisher Elementary and you're going to ---

A I mean not elementary. I mean middle.

Q You're going into middle school. Are you excited for middle school?

A Kind of.

Q Why kind of?

A I know they said it's going to be like I'm going to get lost because it's a huge school.

Q Were there any subjects that you really like in school?

1 A Art.

2 Q Art. What kind of art do you like to do?

3 A I like to draw and sketch.

4 Q That's awesome. What do you like to do on the
5 weekends?

6 A I like to watch YouTube and play games.

7 Q Okay. Who do you live with right now, D.B.?

8 A I live with my mom and Billy.

9 Q Who's Billy?

10 A Billy is a really cool guy who works/fixes people's
11 houses for a living.

12 Q Okay. So he lives with you and your mom?

13 A Yes.

14 Q How long have you lived with your mom?

15 A Ever since last Thanksgiving.

16 Q So you lived without her for a little bit, and then
17 you moved back in with her? Is that how that happened?

18 A Yes.

19 Q Okay. We'll talk more about that in a second. I
20 just wanted to make sure that I got what you were saying
21 right.

22 You said it was last Thanksgiving when you moved in
23 with your mom. About how old were you when you moved in
24 with her?

25 A I was 10.

1 Q Before you lived with your mom, who did you live
2 with?

3 A I lived with my Nana.

4 Q What's your Nana's name?

5 A Abby.

6 Q Before you lived with your Nana, did you live with
7 someone different?

8 A Before I lived with my Nana, I lived with Libby and
9 Joel.

10 Q Who are Libby and Joel?

11 A They were my aunt and uncle.

12 Q And before you lived with Libby and Joel, where did
13 you live?

14 A I lived at [REDACTED] 2 Lamplighter Drive.

15 Q Good memory. Who lived with you at Lamplighter
16 Drive?

17 A Well, who lived with me at Lamplighter Drive?

18 Q Uh-huh.

19 A It was Jason Booth.

20 Q Jason Booth, what is his relation to you?

21 A He was my dad.

22 Q Why are you calling him by his name?

23 A Because I don't think of him like a dad anymore
24 because of now I know that what he did was bad.

25 Q Okay.

1 A I did not know that what he was doing was bad.

2 Q You said you lived with the defendant at Lamplighter
3 Drive. Who else lived there with you?

4 A Well, before my mom moved out, she lived there.

5 Q Okay. How many years did you spend living at
6 Lamplighter with your mom and dad before your mom moved
7 out?

8 A I don't remember.

9 Q I mean, a couple years, you think?

10 A At least until I was 6.

11 Q Okay. Did your mom and dad have any roommates when
12 you lived at Lamplighter?

13 A A few here and there.

14 Q Did your mom work?

15 A Yes.

16 Q Where did she work?

17 A Waffle House.

18 Q Did she work a lot?

19 A Yes.

20 Q Did she work during the day or during the night or
21 something else?

22 A During the night. She had third shift.

23 Q When your mom was at work, who watched you?

24 A Jason.

25 Q Did your dad have a job?

1 A No.

2 Q Did you go to school?

3 A Homeschooled.

4 Q Who homeschooled you?

5 A Jason helped me with home school. But I had to do it
6 every day almost by myself, but he still was there helping
7 me.

8 Q On the days you had to do it by yourself, what was he
9 doing?

10 A He was either watching some sort of anime, watching
11 some sort of show or playing a video game.

12 Q Would you say there was a little bit of time you
13 spent alone with your dad or a lot of time that you spent
14 alone with your dad?

15 A It was -- it was in between.

16 Q Okay. What do you mean by that?

17 A Sometimes we would -- most of the time he would be
18 playing games.

19 Q How did you get along with your mom before she moved
20 out?

21 A I didn't really know what to do around them. I did
22 love my mom, and she . . .

23 Q Okay. Let me ask you this. You said you loved her,
24 but did she ever do something to you that you didn't like?

25 A Yes.

1 Q Tell me what she did.

2 A She burned my hand because I hit her cat and I
3 wouldn't tell the truth.

4 Q Okay. What did she burn your hand with?

5 A A lighter.

6 Q When you lived at Lamplighter, was there ever a time
7 that the defendant did something to you that you didn't
8 like?

9 A Yes.

10 Q How old were you the first time this happened?

11 A I think I was 5.

12 Q When you were 5, was your mom still living there with
13 you?

14 A Yes.

15 Q What room in the Lamplighter trailer did this happen?

16 A Jason's room.

17 Q What did his room look like?

18 A The walls were a red with a hint of purple. We had a
19 -- they had a black and red bed. And we had the covers on
20 windows. We had a lot of windows were covered.

21 Q Windows were covered.

22 How did you get to the defendant's room? Did you
23 walk in there, or did he tell you to go in there or
24 something else?

25 A I walked in there to ask a question.

1 Q Okay. You walked in there to ask a question. What
2 time of day did you do that?

3 A It was morning.

4 Q How do you remember that it was the morning?

5 A I had woken up very, very early. My room, it had a
6 giant window, but it was boarded up. There was one hole
7 in the -- in the wood that was on the window, and I could
8 see the light creeping out.

9 Q The light from what?

10 A From the sun.

11 Q So the sun was rising. Is that what you mean?

12 A Yes.

13 Q I see.

14 So you said you walked into the defendant's room to
15 ask him a question. Did I get that right?

16 A Yes.

17 Q Where was your mom?

18 A My mom, she was at work still.

19 Q What hours did she work when she was on third shift?

20 A I think she worked from 7:00 to 8:00.

21 Q So you think this happened probably before 8:00 in
22 the morning?

23 A Yes.

24 Q When you got to the defendant's room, what was he
25 doing?

1 A He was sleeping.

2 Q What did you do when you got in the room and saw him
3 sleeping?

4 A I went over and I asked him a question.

5 Q What happened next?

6 A Well, I woke -- I woke him up and he had answered the
7 question. I went back to my room and another question
8 popped in my head.

9 Q Okay. So after that second question popped into your
10 head, what did you do?

11 A I went back in there and I asked a question.

12 Q What happened the second time you went in there?

13 A He had answered that question, too, and then I walked
14 back to my room, and one more question popped up in my
15 head.

16 Q Why do you think you had so many questions that
17 morning?

18 A Because I was just so very, very curious girl.

19 Q When you walked back in his room to ask him another
20 question, what happened?

21 A He finally got mad at me and he pulled me like under
22 the covers.

23 Q Okay. What happened when he pulled you under the
24 covers?

25 A He held me there and I was suffocating.

1 Q Okay. Did he touch any parts of your body?

2 A Well, he didn't touch anything inappropriately that
3 time.

4 Q Okay.

5 A But I was -- like he was very, very heavy, and I
6 couldn't get up. He was like sitting on me.

7 Q Okay. Tell me about the next time then you said when
8 he did something inappropriate.

9 A This was at Aunt Libby's house.

10 Q Before we get to what happened at Aunt Libby's house,
11 did your dad -- or the defendant ever touch you
12 inappropriately at Lamplighter?

13 A No.

14 Q Okay. So you said you were at Libby and Joel's,
15 right?

16 A Yes.

17 Q What happened that made the defendant move you into
18 Libby and Joel's house?

19 A My mom, she had went to live somewhere else. I had
20 the choice to live with my mom or Jason.

21 Q Who did you choose to live with?

22 A I chose to live with Jason because he had a PS3.

23 Q So you wanted to live with him because he had
24 electronics?

25 A Yes. I was a 6-year-old back then, and I really,

1 really liked the PS3.

2 Q So that's why you chose to live with him?

3 A (Nods head affirmatively) Yes.

4 Q Before you moved into Libby and Joel's, did your dad
5 ever touch a part of your body that made you feel
6 uncomfortable?

7 A No.

8 Q So when you had the choice to live with your mom or
9 your dad, you said you chose your dad; is that right?

10 A Yes.

11 Q About what time of year was it when your mom moved
12 out?

13 A I don't remember.

14 Q Do you think it was cold outside, or warm outside, or
15 was it around a special holiday or anything like that?

16 A I think it was around fall.

17 Q When she moved out?

18 A Yes.

19 Q After your mom moved out, did you talk to her often?

20 A I never was able to get in touch with her.

21 Q So you didn't talk to her and you didn't see her?

22 A I did not get to talk to her or see her.

23 Q How many times had you seen Libby and Joel before you
24 moved into their house?

25 A I think once.

1 Q Who else lived with you in Libby and Joel's house?

2 A Other than me, Jason, Libby and Joel, there was L.B. [REDACTED]
3 and M.W. [REDACTED].

4 Q Who are L.B. [REDACTED] and M.W. [REDACTED]?

5 A They were my cousins.

6 Q Do you remember how old L.B. [REDACTED] and M.W. [REDACTED] were when
7 you lived there?

8 A They were always a year younger than me, so it was
9 around 5 or 6.

10 Q Okay. Well, when you went to live with Libby and
11 Joel, were you homeschooled or something else?

12 A I was homeschooled until the third grade.

13 Q Where did you start third grade?

14 A Tigerville Elementary.

15 Q And when you started the third grade at Tigerville,
16 where were you living?

17 A I was living with Libby and Joel.

18 Q So you said you were 5 or 6 when you moved in there,
19 but do you think maybe you were a little older if you
20 started third grade while you were living there? How old
21 are you when you started third grade?

22 A I was around 8.

23 Q So do you think you were 8 when you lived with Libby
24 and Joel?

25 A (Nods head affirmatively.)

1 Q Okay. Did you like going to school?

2 A Not really at that time.

3 Q Why?

4 A Well, I didn't -- I didn't really know how to act in
5 a public school because I had never gone to one before,
6 and I was a silly person.

7 Q Where did you go after school?

8 A At first we went to Libby and Joel's because they
9 picked us up, and then we started getting taken by the bus
10 to my other two cousins that are a year older.

11 Q What are your other cousins' names?

12 A I don't remember.

13 Q That's okay. Did you have your own room at Libby and
14 Joel's?

15 A No. I had to share it with Jason.

16 Q What did that room look like that you shared with the
17 defendant?

18 A It was a door at the end of the hallway, and when you
19 walked in, there was a corner couch, and beside the door
20 it -- on the left side, there was a closet.

21 Q Where did you sleep?

22 A I slept on a mattress on the floor.

23 Q Where did the defendant sleep?

24 A He slept on the pullout bed on the couch.

25 Q Did your dad ever do anything inappropriate to you at

1 Libby and Joel's house?

2 A Yes.

3 Q You said before that you were 8 years old when you
4 lived there. Were you still 8 when he did this
5 inappropriate thing to you?

6 A Yes.

7 Q And can you tell us what he did?

8 A Well, he asked if he could stay in my -- he -- if he
9 could like stay in my bed.

10 Q Okay. And after he asked if he could stay in your
11 bed, what happened?

12 A I -- I didn't know why, but I said yes. But I didn't
13 know.

14 Q That's okay. How are you laying?

15 A I was laying -- like I always lay on my side. I laid
16 on my side curled up in a ball.

17 Q And how did he lay?

18 A I don't remember.

19 Q Okay. Did he lay in front of you or behind you or
20 something else?

21 A He laid behind me.

22 Q When he was laying behind you, what did he do?

23 A Well, after I fell asleep -- I was -- I was a light
24 sleeper at that time, so I could still -- I still knew
25 what was happening.

1 Q Okay. And what was happening?

2 A Well, after at least like, I don't know, one to two
3 hours, I -- I -- he -- he started, like he was moving
4 around in the bed like a lot, just like a steady pulse in
5 the bed.

6 Q Okay. And did any part of his body when he was
7 moving around touch your body?

8 A Not yet.

9 Q Okay. What happened next?

10 A After a while, he rolled over, and then he like, he
11 just held onto me.

12 Q Okay. When he held onto you, how was he touching
13 you?

14 A He was like hugging me.

15 Q Okay. And what do you call this part on a boy, the
16 private part on a boy?

17 A I call it the front part.

18 Q The front part.

19 Did his front part ever touch your body?

20 A Yes.

21 Q How did his front part touch your body? What part of
22 your body did it touch?

23 A It was touching my butt.

24 Q How did it touch your butt? Was it on the clothes or
25 under the clothes on your skin?

1 A It was -- it was through the -- like the little weird
2 button thingy that -- that was in his underwear.

3 Q So he had his underwear on and put his front part
4 through the button. Did I get that right?

5 A Button thingy, yes.

6 Q Okay. And when he put his front part through the
7 button, how did it touch your butt?

8 A He was like trying to -- he was trying to pull like
9 my pants down, but at the same time, somehow he couldn't,
10 so he just let it hang under my -- under the cheeks.

11 Q He let his front part hang in ---

12 A No. He let like my pants and stuff.

13 Q So I just want to make sure I get everything right
14 that you're saying. Your pants were still on. Is that
15 what happened?

16 A Yes.

17 Q And did he try to pull your pants down?

18 A Yes.

19 Q Okay. But he didn't; is that right?

20 A Yes.

21 Q So what did he do to your pants that his front part
22 could touch your butt?

23 A It made my pants like hang -- like hang/hinge onto
24 the bottom of my butt cheeks.

25 Q And so he just pulled them down a little bit in the

1 back; is that right?

2 A Yes.

3 Q And when he pulled your pants down in the back, what
4 part of his body touched your body again?

5 A His front part.

6 Q Okay. And when his front part touched your butt,
7 what did his front part do?

8 A It was trying to get into my butt.

9 Q How was he trying to make it go in?

10 A He was trying to push it in.

11 Q What was he pushing it in with?

12 A His hands and his body.

13 Q And when he was pushing his front part into your butt
14 with his hands, did he ever touch a different part of your
15 body with his hands?

16 A Yes.

17 Q What part?

18 A My vagina.

19 Q So he touched your vagina with his hands; is that
20 right?

21 A Yes.

22 Q When he touched your vagina, did his hand move or
23 stay still? Or what did it do?

24 A It did a -- a motion that is like -- like wanting you
25 to come over but inside of my vagina.

1 Q Okay. When you mean a motion like you want someone
2 to come over, can you just show me?

3 A Like this (demonstrating).

4 Q So he went like this (demonstrating) inside or
5 outside your vagina?

6 A Inside.

7 Q And did he do that at the same time that his front
8 part was touching your butt?

9 A Yes.

10 Q Did a part -- or did his hands ever touch this
11 (indicating) private part on a girl? What do you call
12 that?

13 A Boobs.

14 Q Did his hand ever touch your boobs?

15 A No.

16 Q Okay. How did that make your butt feel?

17 A I was clenched up, and it was trying to like get it
18 out.

19 Q What do you mean by clenched up?

20 A As in all -- like all the muscles that's around the
21 lower area, just focused right there and just -- just like
22 cling together.

23 Q Did it hurt?

24 A No.

25 Q When your dad -- or the defendant did this to you,

1 did he say anything to you?

2 A Well, he called me Rose.

3 Q Who's Rose?

4 A My mom.

5 Q So when he was putting his front part in your butt,
6 he called you Rose.

7 A Yes.

8 Q Did he say anything else?

9 A I don't remember.

10 Q You said that he pulled your pants down so that your
11 butt was sticking out. Do you remember what shirt you had
12 on or what kind of shorts you had on or anything like
13 that?

14 A I had on a long-sleeve dark-blue shirt that had
15 "fierce" written on the front in an ombre color of orange
16 to red to pink.

17 Q Did you tell anybody when this happened?

18 A I don't remember.

19 Q Well, who was the first person that you finally told?

20 A The first person that I know that I did tell was one
21 of my cousins.

22 Q So before you told your cousins, you didn't tell,
23 right?

24 A Yes.

25 Q Why do you think you didn't tell?

1 A Because I could always feel his presence standing
2 there even if I wanted to tell. And I wanted to tell, but
3 I couldn't.

4 Q How did his presence make you feel?

5 A I was scared.

6 Q So you said you finally told your cousins. Which
7 cousins did you tell?

8 A The older cousins.

9 Q The cousins who you saw after school?

10 A Yes.

11 Q What happened that day after school that made you
12 feel like it was the time to tell?

13 A Well, one of the -- one of the older cousins, they
14 brought home a human body book.

15 Q Did you see the book?

16 A I don't remember what it looks like, but I know that
17 I did see it.

18 Q What about seeing that book made you want to tell?

19 A Well, I -- I saw -- like it looked like a man, so I
20 just pointed out the front part on there, and I just --
21 they showed it to them.

22 Q What about the front part on the man in the picture
23 made you think about the defendant?

24 A It made me think about him because it was just -- at
25 that time it was on my mind all the time.

1 Q So it reminded you of what he did to you?

2 A Yes.

3 Q After you told your cousins, what happened?

4 A I don't remember.

5 Q Okay. But did you tell your cousins that your dad
6 had done this to you?

7 A I don't think so.

8 Q Okay. Well, you said that you told them that the
9 front part on the man reminded you of your dad, right?

10 A Yes.

11 Q So do you think that you told them something about
12 the defendant doing something inappropriate to you?

13 A I think so.

14 Q After you left your cousins that day, where did you
15 go?

16 A We went to -- I think we went home.

17 Q And when you got home, who did you talk to about
18 this?

19 A I don't remember.

20 Q Okay. But you went back to Libby and Joel's house;
21 is that right? That's where you were living at the time?

22 A Yes.

23 Q Do you remember if you ever talked to an adult about
24 this?

25 A Yes.

1 Q Which adult do you remember talking to?

2 A It was an adult that was at the Julie Valentine
3 Center.

4 Q Oh, okay. So you went to the Julie Valentine Center
5 and talked to somebody there. But who took you to the
6 Julie Valentine Center?

7 A Aunt Libby.

8 Q So do you think that before you got to the Julie
9 Valentine Center, you probably talked to your Aunt Libby
10 about it?

11 A Yes.

12 Q How long did you stay at Joel and Libby's house after
13 you told about what the defendant was doing to you?

14 A I think at least a year.

15 Q A year. Okay.

16 Who did you -- when you lived there with them, did
17 the defendant stay there, or did he move out or something
18 else?

19 A After a little bit, he started disappearing more and
20 more, and then he disappeared completely.

21 Q So when you moved out of Libby and Joel's, where did
22 you go?

23 A I went -- I lived at my Nana's.

24 Q D.B. [REDACTED], did you make any of this up so that you could
25 leave Libby and Joel's?

1 A No.

2 Q Did you make this up because you wanted to live with
3 your mom?

4 A No.

5 Q Did you make this up because you hated following the
6 rules at Libby and Joel's house?

7 A No.

8 Q The man who did all these things to you, do you see
9 him in the courtroom today?

10 A Yes.

11 Q Can you point him out to us and tell us what color
12 shirt he has on?

13 A (Indicating) He has -- he has a bluish gray shirt.

14 MS. KLUSKA: Your Honor, let the record reflect that
15 the victim has identified the defendant, Jason Booth, as
16 the perpetrator of these crimes.

17 THE COURT: It so reflects.

18 MS. KLUSKA: Thank you, Your Honor. Nothing further
19 at this time.

20 THE COURT: Mr. Chambers?

21 CROSS EXAMINATION

22 BY MR. CHAMBERS:

23 Q Good morning, D.B. . How are you this morning?

24 A Good, I guess.

25 Q Okay. I just have a few questions for you. I'm not

1 going to keep you too much longer. I just want to go over
2 a little bit of the testimony you just gave and maybe some
3 other things, okay?

4 A Okay.

5 Q Now, you said that on one occasion and one occasion
6 only is when your dad touched you inappropriately; is that
7 right? Is that your testimony today?

8 A Yes.

9 Q And that was the incident that you just described.
10 That was the one time that something inappropriate
11 happened; is that right?

12 A Yes.

13 Q And you said that your dad, you call him Jason now,
14 tried to put his front part in your back part, but he was
15 not able to do that; is that correct?

16 A You didn't hear it exactly correctly.

17 Q Well, tell me exactly how.

18 A He was -- he was able to get his front part into my
19 back part.

20 Q Okay. So he didn't just try. You're saying he put
21 it in there.

22 A Yes.

23 Q But you told the solicitor a few minutes that nothing
24 that he did hurt; is that right?

25 A I thought that she said nothing that hurt because

1 of pulling my pants down.

2 Q Okay. But you're saying that he didn't just try to
3 put it in, you're saying he did?

4 A Yes.

5 Q And did that physically hurt? Did you say that it
6 hurt you?

7 A That part -- that -- when he did, it physically hurt,
8 but I didn't -- I didn't -- pulling the pants down didn't
9 hurt.

10 Q Okay. Do you remember at some point saying that what
11 happened felt funny to you, that it felt weird?

12 A Yes.

13 Q As opposed to it being any sort of a painful thing,
14 that it hurt. Do you remember saying that it felt weird?

15 A Yes.

16 Q All right. And do you recall at any point -- and let
17 me -- by this point you've talked to a lot of people about
18 what you say happened; is that correct?

19 A Yes.

20 Q Now, you said that you saw this book at your cousin's
21 house but you don't remember telling them anything about
22 what Jason did; is that right?

23 A Yes.

24 Q And then the only other person that you may have
25 talked to before going to the Julie Valentine Center, you

1 said, was your Aunt Libby; is that right?

2 A Yes.

3 Q And then you went to the Julie Valentine Center and
4 you talked to them there; is that correct?

5 A Yes.

6 Q And you actually -- they did a video and they did a
7 fairly long interview with you in a room with a board that
8 you could write on and point things out on. Do you recall
9 that?

10 A Yes.

11 Q And then do you recall going or seeing a
12 Dr. Henderson who did an exam on you? Do you remember
13 that?

14 A I think so, yes.

15 Q And you talked to her about it; is that right?

16 A Yes.

17 Q Do you remember that Investigator Perry and a uniform
18 police officer, that they talked to you at the school and
19 you talked to them about this, correct?

20 A I do not remember that.

21 Q You don't remember talking to the police?

22 A No.

23 Q In getting ready to come to trial today, you talked
24 to the solicitor, haven't you, about what happened?

25 A Yes.

1 Q She went over what your testimony is going to be with
2 you, didn't she?

3 A Yes.

4 Q She probably brought you over here to the courtroom
5 at some point and had you sit up there so you would know
6 where you were going to be when you gave your testimony;
7 is that correct?

8 A Yes.

9 Q And she probably went through the questions that she
10 just asked you and went over the questions she was going
11 to ask you, and you went through and answered those and
12 y'all discussed that; is that right?

13 A Yes.

14 Q So all those things happened before you got here
15 today to give your testimony; is that right?

16 A Yes.

17 Q Now, when you were at the Julie Valentine Center,
18 they also asked you about some just general interaction
19 and things in your home, right, the way your home life had
20 been?

21 A I did not -- I do not remember.

22 Q Okay. You talked a little bit with the solicitor
23 about how your mom had burned your hand.

24 A Yes.

25 Q And you said that was because you had hurt her cat so

1 she burned your hand with a cigarette lighter; is that
2 right?

3 A Yes.

4 Q Do you remember at any point telling anybody that she
5 only did that because your dad told her to do that?

6 A Yes.

7 Q So why do you think your dad told her to do that?

8 A Because I know that he -- he really likes to
9 brainwash people, and he has lied to me and my mom a lot.

10 Q So anything that your mom did, you blame your dad
11 for.

12 A Not anything and everything, but some things.

13 Q And you said that he liked to brainwash and that he
14 lied to you and your mom a lot. Are those things that
15 your mom told you?

16 A Well, a lot of it I figured out by myself and my mom
17 told me some of it.

18 Q And yet when you had a choice, you said, to make
19 about where you were going to live, despite the fact that
20 you say your dad lied to you, he brainwashed, he put your
21 mother up to doing bad things, you're saying that because
22 he had a PS3, that you chose to go live with him instead
23 of your mother.

24 A Yes. I did not know that he was bad at that time.

25 Q Okay. Do you recall ever saying to anyone that your

1 mother had threatened to kill you?

2 A No.

3 Q Do you recall ever saying to anyone that your father
4 had threatened to kill you?

5 A No.

6 Q Do you recall saying that your mother -- or that your
7 father would spank you with a belt and that it would leave
8 marks? Do you remember ever saying that to anyone?

9 A Yes.

10 Q Okay. Do you remember saying that your father would
11 spank you on the bottoms of your feet until you couldn't
12 walk?

13 A Yes.

14 Q Do you remember also saying that your Uncle Joel
15 would spank you with a belt and he would leave marks on
16 you?

17 A Yes.

18 Q Do you remember saying that your Aunt Libby would
19 spank you with a belt and she would leave marks on you?

20 A Yes.

21 Q Do you remember saying that your mother would spank
22 you on your bare bottom and leave marks on your bare
23 bottom?

24 A Yes.

25 Q And so is it true that all of these people did all of

1 these things to you?

2 A Yes.

3 Q So all of that happened?

4 A Yes.

5 Q Now, when you were staying at your uncle Joel and
6 your Aunt Libby's, there were three bedrooms there; is
7 that right?

8 A Yes.

9 Q And their two kids shared a bedroom; is that right?

10 A Yes.

11 Q And then, obviously, Libby and Joel had their
12 bedroom, correct?

13 A Yes.

14 Q And so you and your dad had to stay in another
15 bedroom together.

16 A Yes.

17 Q But you were -- you weren't kept off in one room.
18 You interacted with everyone in the family, correct?

19 A Yes.

20 Q In other words, you played with the kids who lived
21 there?

22 A I never really got to play with them.

23 Q Well, but they were there. I know you had some
24 trouble with them. There was an incident about a room and
25 things like that. But you interacted with everyone in the

1 family, right? I mean, there was no place you weren't
2 allowed to go or anything like that.

3 A I was not allowed to go in Aunt Libby's and Joel's
4 room.

5 Q Okay. But other than that, I mean, you could hang
6 out in the living room. You could do what all the other
7 kids were allowed to do, right? Is that right?

8 A Yes.

9 Q And you started going to school in the third grade.

10 A Yes.

11 Q And you're a smart young lady, aren't you?

12 A Yes.

13 Q You did well in the third grade. Even though you
14 said you were a little bit scared at first, once you
15 started going to third grade, you did well; is that fair
16 to say?

17 A Yes.

18 Q You weren't behind the other students. You were
19 prepared to do the school work when you went there even
20 though you'd been homeschooled for a while. Apparently,
21 your homeschooling had been done well enough that you were
22 able to go in there on a third grade level and do the
23 things you needed to do and make good grades, right?

24 A Yes.

25 Q And you were at some point allowed to ride the bus

1 and go over to your cousin's house, and you would be over
2 there in the afternoons until Aunt Libby came and got you
3 and took you back to their house.

4 A Yes.

5 Q So you were allowed to interact with those kids over
6 there.

7 A Yes.

8 Q And over there where you said you saw this book, and
9 I believe that your cousins at the time, H.B. [REDACTED] and
10 B.V. [REDACTED], were about 11 years old, so they were a little
11 bit older than you, right?

12 A Yes.

13 Q And that's -- one of them is the one that had the
14 book that you said sort of gave you this thought.

15 A Yes.

16 Q And it was then that you said you don't remember
17 saying anything to them, but at some point your Aunt Libby
18 talked to you about it.

19 A Yes.

20 Q All right. And then after that is when you started
21 having to talk to all these people leading up until today.

22 A Yes.

23 Q And the end result, I guess, of everything that
24 happened is, as we sit here today, you've now been living
25 -- you lived with your mom's mother, your grandmother for

1 a while and now you're living with your mom; is that
2 right?

3 A Yes.

4 Q And you indicated that you didn't really like living
5 with Uncle Joel or Aunt Libby, right?

6 A Yes.

7 MR. CHAMBERS: Thank you very much. I appreciate you
8 answering my questions.

9 THE COURT: Ms. Kluska?

10 MS. KLUSKA: Thank you, Your Honor.

11 REDIRECT EXAMINATION

12 BY MS. KLUSKA:

13 Q D.B., even though you live with your mom now, you
14 still came today and told us about what the defendant did
15 to you, right?

16 A Yes.

17 MR. CHAMBERS: Objection, Your Honor. She's leading.

18 THE COURT: Sustained.

19 MS. KLUSKA: I'll rephrase, Your Honor.

20 THE COURT: Sure.

21 BY MS. KLUSKA:

22 Q D.B., where are you living now?

23 A We are now living with Billy.

24 Q Who is living with Billy?

25 A Me and my mom.

1 Q And even though you're living with your mom now, what
2 did you need to come talk to us about today?

3 A I needed to come talk about when I was living with
4 Jason.

5 Q And what Jason did?

6 A Yes.

7 Q When Mr. Chambers was asking you some questions, he
8 asked about some discipline that you got. Before you
9 moved into Libby and Joel's, when you lived at
10 Lamplighter, did your mom and the defendant discipline you
11 as well?

12 A Yes.

13 Q How did they discipline you?

14 A Spanking me and putting me in a corner where I either
15 have to stand in a living tree pose or I have to stand
16 like a soldier with my arms behind my back.

17 Q When you were living at Lamplighter, is that also
18 when your mom burned you?

19 A Yes.

20 Q Mr. Chambers also asked you about when you told me
21 before that the defendant put his back part -- or front
22 part in your back part. He asked you if it felt weird.
23 Did it feel weird?

24 A Yes.

25 Q Did it feel funny?

1 A It felt -- it felt funny, yes.

2 Q And he asked you if it hurt. Did it hurt?

3 A Yes.

4 MS. KLUSKA: Thank you, Your Honor. Nothing
5 further.

6 THE COURT: All right.

7 Mr. Chambers, anything else for this witness?

8 MR. CHAMBERS: No, Your Honor.

9 THE COURT: Ma'am, you can step down. You're doing
10 just fine. There you go.

11 MS. KLUSKA: Your Honor, may she be excused from her
12 subpoena?

13 THE COURT: Any objection to her being excused?

14 MR. CHAMBERS: No, Your Honor.

15 THE COURT: Thank you.

16 Is everybody doing okay? I know we took a break at
17 kind of a funny time.

18 Do we have another witness that we could do before
19 11:30.

20 MS. KLUSKA: We can call Investigator Perry today,
21 Your Honor.

22 THE COURT: Okay. All right.

23 All right Investigator Perry.

24 THE CLERK: Sir, if you'll please place your left
25 hand on the Bible and raise your right hand.

1 WHEREUPON,

2 ROBERT PERRY

3 After having been duly sworn, testified as follows:

4 THE CLERK: Thank you. Please be seated.

5 And, sir, please state your name for the record.

6 THE WITNESS: It's Robert J. Perry with the
7 Greenville County Sheriff's Office.

8 DIRECT EXAMINATION

9 BY MS. KLUSKA:

10 Q Investigator Perry, what do you do with the sheriff's
11 office?

12 A Currently the supervisor over the Crimes Against
13 Children's Unit.

14 Q As the supervisor of that unit, what are your
15 day-to-day duties?

16 A So every day we will get an influx of new reports
17 that come to the sheriff's office, whether it's dealing
18 with child abuse, drug use towards a child or exposing a
19 child or sexual abuse. So we'll gather those reports and
20 distribute them appropriately.

21 Q How long have you been in law enforcement?

22 A I started in 1986 but I've only been with the
23 sheriff's office here since 2006.

24 Q Were you working on November 16, 2016?

25 A Yes, I was.

1 Q And was it on that day that you became involved in
2 this case?

3 A It is.

4 Q And how did you become involved?

5 A I was actually out on a different call when I heard
6 dispatch send a deputy over to an address in reference to
7 a possible sexual assault of a child. I then gathered
8 information. I believe it might have been even the deputy
9 called me since I had worked other cases with her in the
10 past. She called me, and I went ahead and responded over
11 there to see if I could assist her in any manner.

12 Q Where did you respond to you?

13 A Number [REDACTED] Design Lane in TR, or Travelers Rest.

14 Q What county was that in?

15 A That's in Greenville County.

16 Q When you arrived at [REDACTED] Design Lane, what was going on
17 at the scene?

18 A So when I pulled up on scene, the deputy was actually
19 out of the house outside talking to a female. They were
20 just having a conversation, but the female looked very
21 upset, looked like she was kind of crying. So I walked up
22 and introduced myself and told her why I was present, just
23 kind of try to gather some information.

24 Q Did you find out who that female was?

25 A Yes, I did.

1 Q Who was it?

2 A I think she said her name was Olivia, but she goes by
3 Libby Watson.

4 Q And what was Libby's demeanor?

5 A Again, she was kind of upset. She was crying on and
6 off, very upset about the information that she had and
7 what exactly may have occurred in her house and things of
8 that nature.

9 Q Throughout the course of this conversation with
10 Libby, did you become aware that a child had disclosed
11 sexual abuse?

12 A I did.

13 Q This child victim, was she present in the home at
14 this time?

15 A No, she was not. Libby said her name was D.B. and
16 she was actually at Tigerville Elementary which was a few
17 miles down the road.

18 Q Were you aware where the defendant was at this time?

19 A Yes. We asked, and she said that he was still
20 sleeping in his bedroom.

21 Q His bedroom at Design Lane.

22 A Correct.

23 Q What was the next step in your investigation?

24 A We gathered some information from Libby, and we
25 decided to go and speak with D.B. since the suspect is

1 still sleeping at the house and try to figure out exactly
2 what was happening and what she had disclosed.

3 Q When you spoke to D.B. [REDACTED], did she, again, disclose
4 sexual abuse directly to you?

5 A She did.

6 Q How old was D.B. [REDACTED] when you spoke to her?

7 A She was 8, 8 years old.

8 Q And do you remember what grade she was in at
9 Tigerville?

10 A She was in the third grade.

11 Q Based on what D.B. [REDACTED] told you, what did you do next?

12 A We made contact with actually their social worker or
13 counselor at the school, then we went back over to
14 [REDACTED] Design Lane in really an effort to talk to the suspect
15 which was identified as Jason Booth.

16 Q Is it typical of your investigations that you try to
17 speak with who is at that time the suspect?

18 A Definitely.

19 Q Why do you do that?

20 A It's important to get their side of the story. They
21 may have some issues going on within their family. There
22 could be anything from custody issues going on to other
23 issues, money issues, financial issues, relationship
24 issues. So it's good to talk to everybody involved as
25 possible.

1 Q You said before the defendant was sleeping. Did he
2 eventually wake up so you could speak with him?

3 A Yeah. While we were -- when we came back to the
4 house, his brother Joel had shown up either shortly before
5 or shortly after. And I think I spoke to Joel, and Joel
6 walked in there to wake him up rather than have the police
7 go in there and wake him up so he wouldn't be startled
8 real bad. And then Joel kind of explained a little bit to
9 Jason what was going on, and he walked out of the room.
10 We talked to him, introduced ourselves.

11 Q Did you tell him what you were there to talk to him
12 about?

13 A We did.

14 Q Tell us about the circumstances in which you spoke to
15 him.

16 A He walked out of his room. We came out to the living
17 room area where we were originally. We went and sat down
18 at the kitchen table. So we kind of just hung out at the
19 kitchen table and kind of explained what my role was as an
20 investigator in these type of incidents, why the deputy
21 was still there and her role as the initial report taker,
22 and then just told him kind of basically what D.B. [REDACTED] had
23 disclosed to us at that time.

24 Q And did he freely want to speak with you?

25 A He did.

1 Q When you told him about what D.B. disclosed, did he
2 make any statements about that?

3 A He did.

4 Q What did he say?

5 A He actually denied the allegation to start with, but
6 he also said that he thinks that she made the allegation
7 up because she wanted to go live with her mother.

8 Q Were you made aware of what the sleeping arrangement
9 was with the defendant and D.B. at that house?

10 A I basically asked him where they stayed and whether
11 or not he would show me his room.

12 Q Were you able to see the room?

13 A I was.

14 Q This interaction with the defendant, did you record
15 it?

16 A It was. It was recorded on what we call a lapel mic
17 or lapel cam.

18 Q Let me show you what has been premarked as State's
19 Exhibit 1. Can you identify this for us?

20 A So this looks like a still photo taken off the video
21 of the room which showed the couch and then the mattress
22 that was laying on the floor in front of it.

23 Q Does this accurately depict what you saw when you
24 were in that room on November 16, 2016?

25 A It does.

1 Q Has it been changed or altered in any way?

2 A It does not appear to be.

3 MS. KLUSKA: Your Honor, at this time we offer
4 State's Exhibit 1 into evidence.

5 THE COURT: Any objection?

6 MR. CHAMBERS: No objection.

7 THE COURT: So admitted.

8 (WHEREUPON, State's Exhibit Number 1 was admitted into
9 evidence.)

10 BY MS. KLUSKA:

11 Q Actually, I'm going to hand this back to you. And
12 it's a little bit dark, but can you publish that to the
13 jury and explain where -- or what the defendant told you
14 about the sleeping arrangements?

15 A Sure. So I imagine we'll blow this up in a minute or
16 two, but you'll see a couch that wraps around the back,
17 and then you'll see a blanket -- a red blanket, and then
18 right at the base of the couch, at the foot of the couch
19 you'll see a mattress and some sheets that are covering
20 those mattresses. And he stated that he would sleep over
21 here on the couch and she would sleep actually at the foot
22 of the couch on the mattress.

23 Q Thank you, Investigator.

24 After you spoke with the defendant and you were able
25 to see the room that he shared with D.B. [REDACTED], what did you

1 do?

2 A So DSS was going to get involved, obviously, because
3 there's a parent or somebody in loco parentis acting out
4 on their child. So I explained that to him, explained
5 there's going to be a safety plan put in place, that he's
6 not going to be able to have contact with her, he's not
7 going to be able to stay in the house, or else if he
8 refused to leave, then we're going to have to remove her
9 from the house and find her an alternative caregiver. So
10 he voluntarily collected some of his items, and he left
11 the house, and she -- or D.B. [REDACTED] was allowed to stay there
12 with Libby and Joel as temporary caregivers through DSS
13 like a little safety plan.

14 Q So he did leave the home on that day.

15 A He did.

16 Q Who did you try to speak with next as part of your
17 investigation?

18 A Well, whenever we're investigating any type of
19 incident that happens with a child, especially a sexual
20 assault, on a sexual assault allegation, we try to set the
21 child up with a juvenile forensic interview at our local
22 Child Advocacy Center. And our local Child Advocacy
23 Center is the Julie Valentine Center, who I unfortunately
24 work with a lot.

25 So I knew from past experience that I have to have a

1 parent sign their parental agreement to allow their child
2 to be viewed -- or to be interviewed. And I figured it
3 really wasn't an option to have Jason sign that paperwork,
4 so I was trying to get ahold of the mom. The family
5 members out there I don't believe had a good number for
6 her, so my next option was to try to locate and find her
7 mother, who was Rose.

8 Q Were you eventually able to locate her?

9 A I did. I think it was either the next or a couple
10 days later I found a decent address for her off Miller
11 Street in Mauldin.

12 So I went down to the house and banged on the door
13 and nobody answered the door, so I put my sheriff's office
14 card and my name and the time I was there and asked her,
15 wrote on the back of it and asked her to give me a call
16 back, and she called me later that day.

17 Q So you did have a chance to speak with her on the
18 phone?

19 A I spoke with her initially on the phone. And then
20 she agreed to meet with me and sign the paperwork, and it
21 might have been a few days later at the Law Enforcement
22 Center.

23 Q You met her at the Law Enforcement Center?

24 A Yes.

25 Q And in all these times that you met with her, or

1 these two times, did you identify yourself as an officer
2 of the sheriff's office?

3 A Yes.

4 Q When you met with Rose, did she have any knowledge of
5 these incidents?

6 A No, she did not.

7 Q After you spoke with Rose, what did you do?

8 A So I believe it was just a couple of days before the
9 actual forensic interview I met with her and she signed
10 the paperwork, brought the paperwork back over to the
11 Julie Valentine Center and made sure the forensic
12 interview was set up. And then I viewed the forensic
13 interview when D.B. came to the Julie Valentine Center.

14 Q Is reviewing the interview something you do in all of
15 your sexual abuse cases?

16 A Well, we -- when I say viewed it, I should say we're
17 not actually in the interview room. We're actually in
18 like a side room that's got a closed circuit TV so we can
19 watch and hear everything that's happening. And the
20 interviewer, we usually tell the child that there's
21 somebody she works with who is also hearing and watching
22 us. And that's important. So I tried -- I tried to make
23 every one unless I'm stuck on a case or in court or
24 something like that, but I probably make 98 percent of
25 them.

1 Q Why is it important to your investigation for the
2 victim to get a forensic interview?

3 A Well, a forensic interview is kind of just a long
4 term for a fact-finding conversation. So it's important
5 -- I think it's important for law enforcement to have this
6 third party do it so that there's not a statement made by
7 me as a police officer as kind of looking for facts
8 against some particular person. It's more of a
9 third-party interviewer who is just talking to the child
10 and just trying to gather facts. And if there is a
11 scenario for the sexual abuse or whatever that is
12 presented by the child, then she asks more questions about
13 that. So forensic interviews are important, so that's why
14 I try almost completely to go through a local Child
15 Advocacy Center.

16 Q Have you seen forensic interviews where children do
17 not disclose sexual abuse?

18 A Yes.

19 Q And when that happened, what does that mean for your
20 investigation?

21 A Well, it doesn't really proceed too much further. I
22 mean, I'll try to make contact with the suspect, but
23 unless I get some type of admission by a suspect, your
24 case is basically closed.

25 Q During her interview, D.B. [REDACTED], did she disclose sexual

1 abuse?

2 A She did.

3 Q Without telling us exactly what she said, did she
4 state the location that this sexual abuse took place?

5 A She did.

6 Q What did she say about the location?

7 A She said actually two separate locations:

8 ■2 Lamplighter and Number ■ Design Lane.

9 Q Did she state the time that it took place or the age
10 she was when it took place?

11 A She gave approximates, like 5 to 6, and then the last
12 time was 8.

13 Q You mentioned Lamplighter Drive. Throughout the
14 course of your investigation, did you find out what county
15 Lamplighter Drive is in?

16 A Yes, I did. It was actually in Spartanburg county,
17 and that particular aspect of the investigation was kind
18 of punted over to Spartanburg since it's not in my
19 jurisdiction.

20 Q So you only handled the ■ Design Lane, Greenville
21 county incident; is that correct?

22 A That is correct.

23 Q You mentioned earlier that after you spoke with the
24 defendant at Libby and Joel's house, he left the home.

25 A That's correct.

1 Q Do you know where he was staying during the time that
2 you were continuing on with your investigation?

3 A I didn't know at the start, but I did find out maybe
4 a week into it or two weeks into it. He was actually
5 staying with Rose.

6 Q And this was after you spoke with Rose and informed
7 her that the defendant was being investigated for sexually
8 abusing her daughter?

9 A That is correct.

10 Q Do you become aware at some point who D.B. [REDACTED]
11 originally disclosed to and how this disclosure traveled
12 from adult to adult?

13 A I did. From my understanding, she had got into some
14 type of conversation with her two cousins, B.V. [REDACTED] and
15 H.B. [REDACTED], who she would go to their house after school. And
16 then one of the cousins said something to his mother whose
17 name is Amber, and Amber called up Libby and told her what
18 D.B. [REDACTED] had disclosed. So that was -- that was the travel
19 that I was able to follow.

20 Q Did you speak with H.B. [REDACTED] and B.V. [REDACTED]?

21 A I did. I actually went to their house, spoke to
22 Amber. And the kids were in school, so I set up a time to
23 go and just talk to them at school.

24 Q When you met with them at school, did H.B. [REDACTED] and
25 B.V. [REDACTED] say that D.B. [REDACTED] had disclosed sexual abuse to

1 them?

2 A They did.

3 Q So in total, how long did your investigation last?

4 A So I went out to the scene on November 16th and he
5 was actually arrested December 22nd, so a day short of
6 five weeks.

7 Q You said he was arrested. So can you tell us about
8 when you arrested him, where was he arrested?

9 A He was arrested out at Rose's apartment off Miller
10 Drive.

11 Q So after your investigation, you arrested and charged
12 the defendant, Jason Booth, for sexually abusing his
13 daughter, D.B. ?

14 A That is correct.

15 MS. KLUSKA: Nothing further at this time.

16 THE COURT: Mr. Chambers?

17 CROSS EXAMINATION

18 BY MR. CHAMBERS:

19 Q Investigator, you first became aware of this and got
20 involved I think on November 16, 2016. Does that seem
21 right?

22 A That is correct.

23 Q And that's when you first went over and you talked to
24 Olivia.

25 A Yes, sir.

1 Q And on that same day, you went to Tigerville
2 Elementary and you spoke with D.B. [REDACTED], correct?

3 A Yes, sir.

4 Q You then went back that day and spoke with the
5 defendant, Jason Booth.

6 A Yes, sir.

7 Q So he waived his rights and talked to you, and he
8 denied that he had done anything wrong in this case,
9 correct?

10 A That is correct.

11 Q So would it be fair to say that, to the extent that
12 he could, he cooperated with you fully?

13 A Yes, sir.

14 Q He answered your questions and he took you into the
15 bedroom, you filmed it, and that's where we get that still
16 photograph. So everything he could do that day he did to
17 cooperate with you.

18 A I agree.

19 Q And then later you wanted to take a look at a
20 computer that he had, and he just consented to that search
21 and allowed you to do so, right?

22 A That is correct.

23 Q And I believe that a couple of days -- well, I think
24 you said you initially talked to the mother, Rose, by
25 phone. Do you remember what date that was?

1 A It was just within a couple of days after I initially
2 made contact out at the house at ■ Design Lane. I think
3 it was two days later, maybe the very next day.

4 Q So the next day would be maybe the 17th.

5 A Correct.

6 Q And did you tell her why you were calling?

7 A Yes.

8 Q So you told her that there had been an alleged
9 incident and that you wanted D.B. ■ to be able to go to
10 the Julie Valentine Center.

11 A Correct.

12 Q So on that day on November the 17th, she knew that
13 there were allegations against Jason Booth.

14 A I thought she understood the conversation we had, so
15 I would say that she did know.

16 Q I mean, you were pretty clear with her.

17 A Correct.

18 Q Did you identify yourself as a private investigator?

19 A No. I'm not sure where she got confused on that.

20 Q Did you do anything to try to conceal who you worked
21 for?

22 A No, sir. I carry a badge and ID hangs off my side
23 and a gun, so . . .

24 Q Of course, you were on the phone here.

25 A Oh, that's right.

1 Q But, I mean, it's standard operating procedure for
2 you. You want people to know you're with the sheriff's
3 office and you're here to ask them some questions,
4 correct?

5 A That is correct.

6 Q And really, what you were seeking more than anything
7 from her was just to get her permission to take D.B. to
8 the Julie Valentine Center.

9 A Yes, sir.

10 Q And I think you arranged to meet with her, and you
11 met with her a couple of days later on the 20th.

12 A Correct. Where she was able to sign the forms.

13 Q And you were able to talk to her a little bit more at
14 that point.

15 A Yes, sir.

16 Q Now, I don't know if you have your report in front of
17 you. I can show you a copy if you need it. But you made
18 some notes regarding your conversation with her; is that
19 correct?

20 A Yes, sir.

21 Q Do you recall her telling you that she hadn't seen
22 D.B. in months because she had transportation issues and
23 work issues?

24 A That is correct.

25 Q There's no indication that Jason Booth was trying to

1 keep the child from her, was there?

2 A Not that I gathered.

3 Q And did she also indicate to you that she had gone
4 through some hard times and at that point she just wasn't
5 able to properly care for D.B. and that they, talking
6 about her and Jason both, had made the decision that
7 D.B. would be allowed to go stay with Joel and Olivia?

8 A That is correct.

9 Q So those are things that she told you?

10 A That's correct.

11 Q So she was in on that decision-making process based
12 on what she told you.

13 A Yes.

14 Q And if she were to say otherwise, then that's
15 different than what she told you that day?

16 A Yes, sir.

17 Q If she were to say to you that she didn't know
18 anything about any incident until he was arrested in
19 December, "he" being Jason, that wouldn't line up with
20 what you know about this case, would it?

21 A That is correct.

22 Q All right. And so you can -- after talking to her,
23 you continued on with the investigation, and the next
24 step, as it always is in these cases, is to set up this
25 forensic interview with the Julie Valentine Center,

1 correct?

2 A Correct.

3 Q So when D.B. went to Julie Valentine, she knew why
4 she was going there; would that be fair to say?

5 A I'm not sure she knew why she was going there.

6 Q You didn't tell her or you didn't let Olivia know
7 that she was going over there to have a discussion about
8 what had happened with her dad?

9 A No. I think specifically to Olivia, she was told not
10 to discuss the issue with her anymore, and if she did
11 bring it up, you know, you're a mom, you can just talk to
12 her like she was your daughter. But she was going to just
13 tell her that we've got to go talk to some people, or
14 we've got an appointment. We're going to go see some
15 people. And I think that's where she left it because I
16 don't think D.B. was told specifically you're going to
17 go talk about, you know, what your dad did to you.

18 Q And then you supply the Julie Valentine Center with,
19 I guess, at the very least, a summary of what you've
20 investigated up to that point and what the allegations
21 are.

22 A I think I would give them up to that point my entire
23 police report, not necessarily notes, but just the
24 incident report.

25 Q So going in they know basically what the allegations

1 are and kind of gives them, I guess, a roadmap for how to
2 conduct the interview.

3 A Yes.

4 Q And all of these things happening in a fairly tight
5 time frame; would that be fair to say? What I mean by
6 that is that from the time -- I mean, it would seem that
7 this disclosure to the two 11-year-old cousins, who then,
8 I guess, told Amber, who then told Olivia, who then called
9 you, this all happened in a fairly short span of time.

10 A I think that's correct.

11 Q And it was all after D.B. had been living at Joel
12 and Olivia's house for a few months.

13 A Correct.

14 MR. CHAMBERS: That's all the questions I have for
15 you. Thank you.

16 THE COURT: Ms. Kluska?

17 MS. KLUSKA: No further questions.

18 THE COURT: Investigator, you can step down. Thank
19 you.

20 Ms. Kluska, knowing that I have to stop at 11:30, do
21 you think this is a good breaking point?

22 MS. KLUSKA: I do, Your Honor.

23 THE COURT: All right. Well, we finished up even a
24 little earlier than we thought. We're done for today, so
25 as I said, I won't tell anybody if you don't tell anybody.

1 I hope you have a good rest of the day. Once again,
2 just forget you're a juror on this case. Don't discuss
3 the case with anyone or do any independent research, and
4 I'll see you back tomorrow morning at 9:00. Thank y'all
5 so much.

6 (WHEREUPON, the jury exits the courtroom at 11:15 a.m.)

7 THE COURT: Let's take care of a couple of little
8 housekeeping matters, if we could. First of all, I had
9 emailed to all three of you just a very initial jury
10 charge. It is pretty much my standard charge that I know
11 y'all have heard a lot, but I did include, without being
12 presumptuous, I just wanted you to be able to see it, my
13 charge on the defendant's right to remain silent and my
14 charge on having a copy of the jury charge in the
15 courtroom -- I mean, courtroom -- jury room. Sorry. A
16 written copy of the charge in the jury room. I included
17 both those. Those can be easily taken out. But I just
18 put them in there.

19 There may be some -- and just now as I was just
20 saying it, I forgot to put in anything about a statement,
21 so I need to add that as well about the voluntariness of
22 the statement. I'm sorry I did not include that.

23 All right. So that's just for y'all to start looking
24 at and certainly give me any feedback on when the time
25 comes.

1 Mr. Booth, we are not to the point in this trial when
2 you'll decide whether or not you'll testify in the trial
3 of this case. You've got an outstanding attorney, one of
4 the very best. I know he's talking to you all throughout
5 about whether or not you are going to testify in the trial
6 of this case. I don't want you to indicate in any way
7 what your thoughts are at this point. I just want to give
8 you a heads-up. This trial has had kind of a funny flow
9 in terms of our schedule and I didn't want it to be a
10 surprise. We might come up tomorrow. It might be
11 tomorrow morning that I'd be asking you for that decision.

12 I'm telling y'all this to say I want you to talk to
13 your lawyer, think about your decision, understand that
14 I'll inform the jury that if you decided not to testify,
15 it couldn't even be raised in the jury room. They can't
16 consider it, think about it, talk about it, nothing, okay?
17 I want you to know that. But I also want you to know that
18 it also would be your chance to tell your side of the
19 story.

20 All that being said, ultimately, I'm going to have
21 some questions for you about whether or not you're going
22 to testify in this case, but the main thing I have to
23 decide is, is it your decision and your decision alone.
24 You're going to want to listen to the wise advice of your
25 attorney. I don't know if you should testify or not. But

1 you'll want to listen to the wise advice of your attorney,
2 but ultimately, you've got to make that decision, all
3 right? I just wanted to give you a little heads-up before
4 we talked about things tomorrow or Thursday.

5 All right. Knowing that we have two and a half hours
6 tomorrow, I know we still have the forensic interview, are
7 we on track for where you thought you would be at this
8 point?

9 MS. KLUSKA: Yes, Your Honor. The State has two
10 witnesses left. One is our blind expert and the other is
11 Christine Carlberg, the forensic interview. So we will
12 have to enter the interview through Christine as well as
13 publish it to the jury, and the interview is about an
14 hour. So I believe we could get that all done tomorrow.

15 THE COURT: Okay. Okay. All right. It sounds
16 pretty reasonable, and then that would give us an
17 opportunity to pick up, and that would give y'all a little
18 bit more time probably to think about things.

19 But, Mr. Booth, at least, please, just do be aware
20 that you might be called to make that decision tomorrow,
21 but it doesn't sound like it.

22 All right. Anything else we need to take up before
23 our break?

24 MS. KLUSKA: Not from the State, Your Honor.

25 MR. CHAMBERS: No, Your Honor. Have a safe trip.

1 THE COURT: I appreciate it. And, again, thank y'all
2 so much for being so accommodating on both sides.

3 All right. I'll see y'all tomorrow morning at 9:00.

4 (WHEREUPON, proceedings recessed at 11:19 a.m, to be
5 reconvened on Wednesday, August 14, 2019.)
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1 Wednesday, August 14, 2019

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3 (WHEREUPON, proceedings reconvened at 9:05 a.m.)

4 THE COURT: All right. Are we ready to bring the

5 jury back in?

6 MR. CHAMBERS: I have one preliminary thing, Your

7 Honor. My understanding is that the solicitor plans to

8 call two witnesses today. One is Christine Carlberg from

9 the Julie Valentine Center who I think is going to be her

10 second witness. The other is a Linda Hutton. And rather

11 than, you know, have to excuse the jury later, I wanted to

12 address Ms. Hutton testifying.

13 I would object to her testifying. She's being

14 offered as a blind expert. Obviously, you know, as the

15 Court knows, under Rule 702, that expert testimony is

16 appropriate in cases where somebody with expert technical

17 knowledge testifies on a matter that is outside the scope

18 of the jury and would help them in deciding the case. Our

19 position would be that she's being offered simply to

20 bolster the testimony of the alleged victim in this case

21 and that there's nothing that she has to offer that would

22 assist them in any way. Basically, what the jury is going

23 to be called upon to do is to assess the credibility of

24 the alleged victim in this case, her testimony and what

25 she says during the video. This is not a situation where

1 -- at least I haven't heard any testimony from the witness
2 stand that this was a delayed reporting case or that there
3 was anything out of the ordinary. It's really going to
4 come down for this jury as to whether or not they believe
5 the statement that she made, and they don't need any
6 expert testimony to do that.

7 THE COURT: What is the substance? What will be the
8 substance of her testimony?

9 MS. KLUSKA: Your Honor, while it's the State's
10 position that her testimony would certainly be admissible
11 and it's admissible under the case law, the State has
12 actually made the decision not to call Linda Hutton.

13 THE COURT: Oh, okay.

14 MS. KLUSKA: So we will actually just be calling
15 Christine Carlberg this morning, and then play the
16 forensic interview for the jury and then resting our case.

17 MR. CHAMBERS: Then we don't need to worry.

18 THE COURT: Okay. Very well.

19 MS. KLUSKA: Sorry. I didn't want to interrupt.

20 THE COURT: That's okay. All right.

21 All right. Let's bring the jury back in.

22 That was a very good argument, though.

23 MR. CHAMBERS: Thank you.

24 (WHEREUPON, the jury entered the courtroom at 9:08 a.m.)

25 THE COURT: Good morning, ladies and gentlemen. We

1 are now ready to proceed. I hope y'all had a good
2 afternoon and evening. And as I said, we'll follow much
3 the same schedule today, and I apologize about that.

4 Yes, ma'am.

5 MS. KLUSKA: Thank you, Your Honor. The State calls
6 Christine Carlberg.

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

9 WHEREUPON,

10 CHRISTINE CARLBERG

11 After having been duly sworn, testified as follows:

12 THE CLERK: Please be seated, and please state your
13 name for the record.

14 THE WITNESS: Christine Carlberg.

15 DIRECT EXAMINATION

16 BY MS. KLUSKA:

17 Q Ms. Carlberg, where do you work?

18 A I'm employed by the Greenville Department of Mental
19 Health and contracted to work at the Julie Valentine
20 Center.

21 Q What does your job at the Julie Valentine Center
22 entail?

23 A I'm a forensic interviewer.

24 Q What type of education and training do you have to be
25 a forensic interviewer?

1 A I have a bachelor's of science in rehabilitation
2 services education with a minor in psychology from the
3 Pennsylvania State University, and I have a master's of
4 arts in marriage and family therapy from Reform
5 Theological Seminary in Jackson, Mississippi. And my
6 training consists of I went through Corner House, which is
7 a forensic interview training, a 40-hour weeklong training
8 in Minneapolis, and that was in September 2000, and I've
9 also been through Finding Words in Jackson, Mississippi,
10 and in South Carolina, which is also a nationally
11 recognized training for forensic interviewing, and then
12 I've been through various conferences through the years.

13 Q Do you consult with other professionals in your field
14 related to forensic interviewing and child sexual abuse?

15 A Yes, ma'am.

16 Q Are you part of any peer reviews that deal with
17 forensic interviewing of children?

18 A I do participate in peer review.

19 Q And do you keep up with articles, journals or case
20 studies to keep you aware of any new information in your
21 field?

22 A Yes, ma'am.

23 Q Can you tell us exactly what is a forensic interview?

24 A A forensic interview is a developmentally sensitive,
25 nonleading, nonsuggestive manner of gathering information

1 from a child or some cases a delayed adult for purposes of
2 an investigation.

3 Q What are some scientifically based standards used to
4 conduct a forensic interview?

5 A We look at things such as child development, child
6 linguistics, a continuum of questions. Things like that
7 come into play when we're doing our forensic interviews.

8 Q When you say "linguistics," can you explain that a
9 little further and how that would apply to you
10 interviewing children?

11 A Well, we understand how a child's developmental
12 abilities or their age play into how they can answer
13 questions and what type of questions we're able to ask
14 them.

15 Q Are there standard protocols that you use when
16 conducting a forensic interview?

17 A We use a protocol called the ChildFirst protocol of
18 South Carolina.

19 Q And is that the accepted protocol?

20 A In South Carolina, yes.

21 Q Can you estimate how many children you have seen to
22 conduct forensic interviews?

23 A I've conducted 3,475 interviews.

24 Q Did you conduct a forensic interview of the victim in
25 this case?

1 A Yes, ma'am.

2 Q How did D.B. become -- or come to you for an
3 interview?

4 A She was referred to us by the Greenville County
5 Sheriff's Office.

6 Q And why was she referred to you?

7 A There were allegations of sexual abuse.

8 Q When and where did her forensic interview take
9 place?

10 A Her interview took place on November 22, 2016, at the
11 Julie Valentine Center.

12 Q How old was she when she came to the Julie Valentine
13 Center?

14 A She was 8.

15 Q During D.B.'s interview, did you utilize the
16 ChildFirst South Carolina protocol for conducting her
17 interview?

18 A Yes, ma'am.

19 Q Can you describe the format of the interview that you
20 used with D.B.?

21 A The format, there's an acronym called RTREC which
22 stands for rapport, transition, report exploration and
23 closure. So it's a semi-structured protocol, so we're
24 able to move back and forth between the phases as needed.

25 Q Is part of the protocol to utilize nonleading

1 questions with the victim?

2 A Yes, ma'am.

3 Q And did you do that in this case?

4 A Yes, ma'am.

5 Q And you stated that you take the victim's age into
6 account when you're asking questions. Did you take

7 D.B. 's age of 8 into account when you asked her
8 questions?

9 A Yes, ma'am.

10 Q Without telling us exactly what she said, did D.B.
11 disclose to you during the course of her interview that
12 she was sexually abused?

13 A She did.

14 Q And when she did so, did she do it in an
15 age-appropriate way?

16 A She did.

17 Q What, if anything, did she relate to you about the
18 time frame of the sexual abuse?

19 A She said it started when she was 4 or 5 and she was
20 8 years old the last time it happened.

21 Q What, if anything, did she tell you about the
22 location of the sexual abuse?

23 A She said it happened at her old house and at her Aunt
24 Libby's house.

25 Q How do you normally end the interview?

1 A The last stage is called closure, and we -- during
2 that stage, we had a respectful end where we usually do a
3 little bit of education, like if anyone ever does
4 something, who could they tell, and we talk about who they
5 could tell, and then we also ask them if they have any
6 other questions that they want to ask the interviewer, and
7 then it's ended.

8 Q Did you end that way with D.B. ?

9 A Yes, ma'am.

10 Q Did you make an audio or video recording of this
11 interview?

12 A I did.

13 Q I'm going to show you what is premarked as State's
14 Exhibit 2. What is that?

15 A That is a copy of her forensic interview.

16 Q Have you watched it recently?

17 A Yes, ma'am.

18 Q Are those your initials on the CD?

19 A Yes, ma'am.

20 Q Is this a true and accurate depiction of the
21 interview?

22 A It is.

23 Q Has this copy that you watched been tampered with in
24 any way?

25 A No.

1 Q Any additions or deletions made?

2 A No.

3 MS. KLUSKA: Your Honor, at this time, the State
4 offers Exhibit 2 into evidence.

5 THE COURT: Any objection?

6 MR. CHAMBERS: No objection, Your Honor.

7 THE COURT: All right. It's so admitted.

8 (WHEREUPON, State's Exhibit Number 2 was admitted into
9 evidence.)

10 MS. KLUSKA: Thank you, Your Honor. At this time we
11 ask permission to publish the interview to the jury.

12 THE COURT: Certainly. And if memory serves me, it's
13 about an hour?

14 MS. KLUSKA: Yes, ma'am.

15 THE COURT: Okay. Ladies and gentlemen, you're now
16 going to watch a video that will take approximately an
17 hour. That does not mean that if you -- I mean -- well,
18 let me just say, and I'm going to say a double negative,
19 if you need a break during this video, you just signal and
20 we'll take a break immediately. We'll dim the lights so
21 you can see a little bit better. But if anybody needs to
22 stand or do anything like that throughout this video, I
23 want you to feel free to do it.

24 All right go ahead.

25 MS. KLUSKA: Thank you, Your Honor.

1 (WHEREUPON, State's Exhibit Number 2, a video, was played
2 in open court.)

3 BY MS. KLUSKA:

4 Q Ms. Carlberg, I just have a couple follow-up
5 questions for you. What part of D.B. body was she
6 referring to when she said "B-U-T"?

7 A Her buttocks.

8 Q What part of her body was she referring to when she
9 said her "P"?

10 A Her vaginal area.

11 Q And what about when she said "boos"?

12 A Her breasts.

13 MS. KLUSKA: Thank you, Your Honor. Nothing further.

14 THE COURT: Mr. Chambers?

15 CROSS EXAMINATION

16 BY MR. CHAMBERS:

17 Q Was that day of the interview the only time you ever
18 had any contact with her?

19 A Yes, sir.

20 Q And who was with her when she came in; do you recall?

21 A I know her uncle's girlfriend Olivia Watson brought
22 her.

23 Q Okay. And so she had some general idea, I guess,
24 when she came down there about why she was there; would
25 that be fair to say?

1 MS. KLUSKA: Objection. Speculation.

2 THE COURT: Overruled. I'll allow her to answer, if
3 she knows.

4 THE WITNESS: When I asked her why she was there, she
5 didn't really have an answer right away.

6 BY MR. CHAMBERS:

7 Q You indicated to her, among other things when she
8 first sat down, you said, "There are people helping to
9 keep you safe." Do you recall saying that?

10 A I said that people who would be able to watch the
11 video are helping to keep her safe, yes.

12 Q Which would seem to imply that there's some worry
13 that she might have that there are people out to harm her
14 and that she needs people like you to keep her safe.

15 A Well, I do need to explain to her that there are
16 people watching the video and that there are people --
17 other people that might not be there that day that could
18 watch the video and why they might be watching it.

19 Q You're not worried that that would actually cause
20 some concern at someone?

21 A I have not noticed that to be the case.

22 Q And the interview itself is supposed to be nonleading
23 in any way, correct?

24 A Yes, sir.

25 Q And yet there was a point I believe you had asked her

1 if there was anything else, she said "no," and then you
2 said to her, "Do you ever get any other kinds of
3 touches."

4 A Yes, sir.

5 Q So you sort of led her in a direction of perhaps
6 someone else had touched her in some other way other than
7 these spankings that she had told you about, correct?

8 A Well, even with that question, she still had the
9 opportunity to say "no" or describe that in any way she
10 wanted to.

11 MR. CHAMBERS: Okay. That's all the questions I have
12 for you. Thanks.

13 THE COURT: Ms. Kluska?

14 MS. KLUSKA: Nothing further, Your Honor. May
15 Ms. Carlberg be excused?

16 THE COURT: Any objection?

17 MR. CHAMBERS: No objection, Your Honor.

18 THE COURT: Ma'am, you can step down. Thank you.
19 Anything else from the State?

20 MS. KLUSKA: Your Honor, at this time the State
21 rests.

22 THE COURT: All right. Ladies and gentlemen, we've
23 come to the conclusion of the testimony then that's to be
24 presented by the State. I'm going to ask you to please
25 step to your jury deliberation room for just a moment for

1 our morning break. I need to take up a couple of legal
2 matters with the attorneys.

3 Thank you.

4 (WHEREUPON, the jury exits the courtroom at 10:14 a.m.)

5 THE COURT: Mr. Chambers?

6 MR. CHAMBERS: Your Honor, I make a motion for a
7 directed verdict as to both indictments.

8 THE COURT: All right. Your motion is certainly
9 noted for the record and respectfully denied.

10 MS. KLUSKA: Thank you, Your Honor.

11 THE COURT: Oh, I'm sorry. Yes, ma'am?

12 MS. KLUSKA: Oh, I said thank you.

13 THE COURT: Oh, okay. All right. Do you need --
14 would you like to have a break or a moment with your
15 client before I ask him questions regarding whether or not
16 he intends to testify in the trial of this case?

17 MR. CHAMBERS: I would, Your Honor. I don't
18 necessarily need to talk to him, but I could use a break,
19 and I've got a couple of other little things I need to
20 take care of.

21 THE COURT: Absolutely. Let's be in recess for ten
22 minutes.

23 (WHEREUPON, a recess is taken at 10:16 a.m.)

24 THE COURT: Mr. Booth, will you stand and raise your
25 right hand, please.

1 WHEREUPON,

2 JASON BOOTH

3 After having been duly sworn, testified as follows:

4 THE COURT: Okay. You can put your hand down.

5 I told you yesterday that we might come to the point
6 in this trial where you had to make a decision about
7 whether or not you wanted to testify in the trial of this
8 case. Do you remember that conversation?

9 DEFENDANT BOOTH: Yes, ma'am.

10 THE COURT: And have you had time to talk to your
11 lawyer about your decision?

12 DEFENDANT BOOTH: Yes, ma'am.

13 THE COURT: And you feel like you've understood your
14 conversations with him?

15 DEFENDANT BOOTH: Yes, ma'am.

16 THE COURT: I told you yesterday and I want to
17 emphasize today that this has to be your decision and your
18 decision alone. You understand that?

19 DEFENDANT BOOTH: Yes, ma'am.

20 THE COURT: I will instruct the jury if you choose
21 not to testify that they cannot consider the fact that you
22 did not testify in any way. They can't even discuss it in
23 the jury deliberation room and that it will be a violation
24 of their juror oath to consider it in any way. Do you
25 understand that?

1 DEFENDANT BOOTH: Yes, ma'am.

2 THE COURT: You've got an absolute right to remain
3 silent. You understand that?

4 DEFENDANT BOOTH: Yes, ma'am.

5 THE COURT: By the same token, this is your one
6 chance to tell your side of the story, your day in court,
7 so to speak. You understand that as well?

8 DEFENDANT BOOTH: Yes, ma'am.

9 THE COURT: Does the State have anything that they
10 intend to use against the defendant as far as criminal
11 convictions for impeachment purposes?

12 MS. KLUSKA: No, Your Honor.

13 THE COURT: All right then. Very well.

14 And, Mr. Booth, has anyone forced you into this
15 decision?

16 DEFENDANT BOOTH: No, ma'am.

17 THE COURT: Has anybody promised you anything to get
18 you to make this decision?

19 DEFENDANT BOOTH: No, ma'am.

20 THE COURT: Are you under the influence of drugs or
21 alcohol here today?

22 DEFENDANT BOOTH: No, ma'am.

23 THE COURT: You feel like you understand what's going
24 on?

25 DEFENDANT BOOTH: Yes, ma'am.

1 THE COURT: And what is your decision? Do you want
2 to testify in the trial of this case?

3 DEFENDANT BOOTH: Yes, I do, ma'am.

4 THE COURT: All right. Very well then.

5 And, Mr. Chambers, you feel like he's understood
6 y'all's conversations?

7 MR. CHAMBERS: We've talked about it extensively.
8 I've explained it as well as I think I can explain it, and
9 he's made the decision to testify.

10 THE COURT: All right then. Very well. Then we'll
11 proceed.

12 Let me ask you this. Do you anticipate his testimony
13 to be lengthy or do you have other witnesses you intend to
14 call?

15 MR. CHAMBERS: I have three witnesses, but I think
16 they're all going to be relatively short. I think we can
17 probably -- depending on how lengthy cross-examination is,
18 we can finish with all three of mine with the time that we
19 have left today.

20 THE COURT: All right then. Very well. Then we'll
21 proceed. Bring the jury back in. All right. Thank you.

22 And I have removed that from the jury charge and I
23 have added defendant's statement to it, and I'll re-email
24 that to y'all so you'll have it this evening.

25 And just so everybody doesn't feel quite as rushed, I

1 think I probably could push it closer to 12 today if I
2 absolutely -- if we absolutely had to.

3 (WHEREUPON, the jury entered the courtroom at 10:38 a.m.)

4 THE COURT: Thank you, ladies and gentlemen, for your
5 patience with us. The defense is now ready to proceed
6 with their case.

7 Mr. Chambers?

8 MR. CHAMBERS: Your Honor, I call Janet Bramlett.

9 THE CLERK: Ms. Bramlett, if you'll please pause at
10 the end of the bench, place your left hand on the Bible
11 and raise your right hand.

12 WHEREUPON,

13 JANALYN BRAMLETT

14 After having been duly sworn, testified as follows:

15 THE CLERK: Thank you. Please be seated.

16 Please state your name for the record.

17 THE WITNESS: My name is Janalyn Bramlett.

18 THE COURT: Ms. Bramlett, you may have to get right
19 close to that microphone. I'm going to turn it up as much
20 as I can. Okay. All right.

21 Yes, sir.

22 DIRECT EXAMINATION

23 BY MR. CHAMBERS:

24 Q All right. Ms. Bramlett, you are, I believe, the
25 mother of Jason and Joel Booth; is that correct?

1 A I am.

2 Q So obviously, that makes you D.B. 's grandmother.

3 A Correct.

4 Q Have you been involved with D.B. and in D.B. 's
5 life since she was born? Obviously, maybe not for the
6 last couple of years, but prior to these allegations
7 coming out, were you actively involved in her life?

8 A Yes. I have been. I -- there have been numerous
9 occasions when she has come over to our house to play,
10 several occasions where she's come over to spend the
11 night. I actually went to the residence at Lamplighter
12 Drive and picked up Jason and D.B. if they needed to go
13 to the grocery store or run other errands.

14 Q Did you have -- were you in the home and in and
15 around Jason and Rose and D.B. when they were living
16 over at Lamplighter?

17 A I didn't see them very much because Rose slept during
18 the daytime and they were there. They did not have an
19 additional car. But there were several occasions when I
20 was over there.

21 Q Based on what you know, how would you describe the
22 relationship that Jason and Rose had during that period of
23 time up until the time that they separated from one
24 another?

25 A Jason seemed to manage quite well being at home. He

1 was attentive to teaching D.B. how to read and
2 homeschooling her there.

3 Rose, when I did see her, she was extremely
4 irritable. The one occasion I remember, I ran into her at
5 Walmart, and I was glad to see her because I rarely did
6 see her during the day, but she was quite hostile. I
7 wanted to pay for treatment for lice for D.B., and she
8 said that she did not want D.B. treated at all because
9 of the chemicals.

10 Q All right. Based on your interactions, how would you
11 describe Jason as a father to D.B.? Tell the jury what
12 you observed, what you thought about him as a father, that
13 sort of thing, and what his relationship was with D.B..

14 A He seemed to have a good relationship with her. He
15 tried to set limits. She is not an easy child to parent.
16 I do not think she's got some ADHD issues. She's pretty
17 high energy and likes to push limits.

18 Q Was he firm with her?

19 A He was firm, yes.

20 Q Was he attentive to her?

21 A He was.

22 Q We've heard descriptions that he was basically like
23 an absentee father, that he would sit and play video games
24 while she essentially educated herself. Is that your
25 experience with Jason and his interactions with D.B.?

1 A I didn't see that. I saw him interacting with her in
2 school games and children's games and those sorts of
3 things.

4 Q Did she seem to be functioning on the appropriate
5 level? What I mean by that is, you know, when she was
6 first grade, when she was second grade age and then on and
7 on, did she seem like she was on that level and was
8 learning the things she needed to learn based on your
9 interactions with her?

10 A She did.

11 Q You talked about her maybe having ADHD and there was
12 some behavior issues and things like that. What are some
13 other things you can tell us about your observations with
14 D.B. when she was, you know, spending the night? You
15 said you were around her a good bit, so just tell the jury
16 what your recollections and observations were.

17 A Well, she would come over to our house actually
18 frequently, especially after they moved to -- in with Joel
19 and Libby. She would come over and spend a fair amount of
20 time at our house along with M.W. and L.B. We ---

21 Q M.W. and L.B., are those the children of Olivia
22 and Joel?

23 A Yes.

24 Q Okay.

25 A Yes. And they were all in about the same age group.

1 We had some difficulty when they would play together with
2 personal space. D.B. wanted constant attention and
3 would just get right in front of you. And, I mean, she
4 was always there during her waking hours. She could not
5 play a game by herself or anything like that. She would
6 get together and play with the other children, and we had
7 tremendous trouble with her not telling the truth and
8 lying about any part of the games that they were playing
9 even to the point where either my husband or I had to be
10 physically in the space with the three girls just to keep
11 the lying down and the problems that the lying would
12 create.

13 Q She seems to be a very bright child. Would you say
14 that that's true?

15 A I'd say she's very bright, yes.

16 Q She seems to be a very creative child. Would you say
17 that that's true?

18 A Yes, I would.

19 Q But you said that she was prone to not telling the
20 truth.

21 A Yes.

22 Q And what would you say was the reason for that? What
23 would you attribute that to?

24 A I don't have any idea why that would be the case. I
25 don't know.

1 Q Was there anything that you observed over the years
2 about Jason's, his demeanor as a father, his interactions
3 with his child or with any other children that gave you
4 any kind of concern?

5 A Not with his interactions with D.B. . I was quite
6 puzzled by Rose. Rose was just not interested in spending
7 time with D.B. or playing with her. It seemed that, you
8 know, the main motivator for Rose was work. There was a
9 time in -- let's see, it was while they were living with
10 Joel and Libby that all of a sudden Rose wanted to spend a
11 lot of time with D.B., and she had not been able to
12 initially because of having difficulty passing anger
13 management and drug tests. But all of a sudden she wanted
14 D.B. to be over there a lot.

15 Q Is this when she was -- when D.B. was staying with
16 Joel and Olivia?

17 A It was. It was.

18 Q Are you familiar with that time frame when the
19 decision was made that Jason and D.B. were going to move
20 in with Joel and Olivia?

21 A I know it was 2016. I don't know exactly when in the
22 spring or the summer that was.

23 Q I mean, were you told about that? I mean, do you
24 know -- and I don't want you to tell me any hearsay, but
25 were you familiar at all with the reason as to why they

1 were moving in over there?

2 A Yes. It seemed like everybody was aware. I helped
3 with some transportation issues on moving some things back
4 and forth from Lamplighter to Design Lane, and when we --
5 during one of the car rides in between the two places,
6 Rose actually called Jason to ask him a question about
7 auto repair because she was having trouble with the truck
8 and didn't know what to do with it.

9 Q And did you visit at the address there where Jason,
10 Joel and Olivia and all the kids were living? Did you
11 visit there on occasion?

12 A Yes. Many times.

13 Q And how often were you there?

14 A Oh, my goodness. We had several birthday parties
15 there for the girls, several pickups for spending the
16 night. Frequently. Every week.

17 Q And so how was that transition? Were you able to
18 observe anything? Can you comment on how D.B. was and
19 how she adjusted to living over there at Joel and
20 Olivia's?

21 A She seemed very happy.

22 Q Okay.

23 A She seemed like she was having a ball just about
24 every time that I saw her when she wasn't in trouble.

25 Q When you say "she wasn't in trouble," what would she

1 be in trouble over?

2 A She would be in trouble for stealing or stealing
3 toys, telling things that weren't true, and then she would
4 have to stand in the corner or stand against the wall.

5 MR. CHAMBERS: Okay. All right. That's all the
6 questions I have for you. Please answer any the solicitor
7 may have.

8 THE COURT: Ms. Kluska?

9 MS. KLUSKA: Thank you, Your Honor. May it please
10 the Court.

11 THE COURT: Yes.

12 CROSS EXAMINATION

13 BY MS. KLUSKA:

14 Q Jason Booth is your son, correct?

15 A He is, yes.

16 Q So you're here supporting him.

17 A Yes.

18 Q You've been sitting here for the past two days of
19 trial, right?

20 A Yes.

21 Q Watching to see what happens throughout the course of
22 the trial, right?

23 A Yes.

24 Q You've been sitting back there with your other family
25 members.

1 A Yes.

2 Q You don't want to see anything bad happen to your
3 son, right?

4 A Of course not.

5 Q Do you work?

6 A I'm retired presently.

7 Q Well, you mentioned that you used to go over to Jason
8 and Rose's house, correct?

9 A Right.

10 Q So at that time did you work?

11 A I did, yes.

12 Q What were your hours then?

13 A I worked from 7 p.m. in the evening until 7 a.m.
14 three days a week.

15 Q How much time do you think you actually spent at
16 their house during the day?

17 A During the day, well, the birthday parties would be
18 several hours, and then when we would pick up the girls,
19 it would be probably about an hour to an hour and a half
20 while the girls gathered their things, and then about the
21 same when we dropped them off.

22 Q Okay. So birthday parties are once a year, right?

23 A Yes.

24 Q For a couple of hours.

25 A Uh-huh.

1 Q And then you would go and pick up the girls and that
2 would take maybe an hour, right?

3 A Uh-huh.

4 Q So you didn't really spend a whole lot of time there,
5 did you?

6 A We spent some holiday time there, too.

7 Q Well, again, holidays, there are just a couple of
8 those a year, right?

9 A Uh-huh. We did have five family members, so we had
10 five birthdays.

11 Q Okay. But all of those other hours during the days,
12 weeks, months, you don't really know what was going on in
13 that house, do you?

14 A No.

15 Q Did you ever spend any nights at Jason and Rose's
16 house?

17 A No.

18 Q So you don't know anything about the sleeping
19 situation or what was going on at night, do you?

20 A No.

21 Q But you do know that Rose was pretty absent.

22 A Yes.

23 Q She worked a lot.

24 A Yes.

25 Q You said that when she was home and you were there,

1 she was pretty irritable.

2 A Yes.

3 Q But you did say that you're aware that Jason tried to
4 set limits for D.B. .

5 A Yes.

6 Q That he was a disciplinarian.

7 A Yes.

8 Q You said he was firm with her.

9 A Yes.

10 Q Let's talk a little bit about Libby and Joel's.
11 You're aware that D.B. and the defendant moved into
12 Libby and Joel's in 2016, right?

13 A Yes.

14 Q You said that Rose wanted to spend time with D.B.
15 when D.B. moved into Libby and Joel's, right?

16 A Yes.

17 Q But did she want to or did she actually spend time
18 with D.B. ?

19 A Excuse me?

20 Q I mean, how often did Rose actually see D.B. when
21 D.B. was living with Libby and Joel; do you know?

22 A Rarely.

23 Q Rarely if ever, right?

24 A Rarely.

25 Q You've been sitting here throughout the whole trial,

1 right?

2 A Uh-huh.

3 Q So you've heard Rose's testimony, and even Rose
4 admitted that she never saw D.B. [REDACTED], right?

5 A Right.

6 Q Did you ever spend nights at Libby and Joel's house?

7 A No.

8 Q So, again, you don't know what was happening there
9 during the night hours, correct?

10 A No.

11 Q I want to show you a picture. This has already been
12 entered into evidence as State's Exhibit 1. You're aware
13 that the defendant and D.B. [REDACTED] shared a room, correct?

14 A Yes.

15 Q And they shared a room the entire time that the
16 defendant and D.B. [REDACTED] were living at Libby and Joel's.

17 A Yes.

18 Q Did you ever see this room? Do you know that this in
19 particular is the room that they shared?

20 A No. I was never in that room.

21 Q Are you aware that they slept every night with the
22 door closed?

23 A They have a couple of cats in the house, and that's
24 usually why most of the doors were closed or, you know,
25 during the night for the cats.

1 Q So that's a yes to my question? They did sleep with
2 the doors closed?

3 A Yes.

4 Q And you were not in the room with them when that door
5 was closed, right?

6 A Right.

7 MS. KLUSKA: That's all I have. Thank you.

8 THE COURT: Mr. Chambers?

9 MR. CHAMBERS: Nothing further, Your Honor.

10 THE COURT: All right. Ma'am, you can step down.

11 MR. CHAMBERS: Your Honor, I call Joel Booth.

12 THE CLERK: Sir, if you'll please place your left
13 hand on the Bible and raise your right hand.

14 WHEREUPON,

15 JOEL BOOTH

16 After having been duly sworn, testified as follows:

17 THE CLERK: Thank you. Please be seated.

18 Please state your name for the record.

19 THE WITNESS: Joel Booth.

20 DIRECT EXAMINATION

21 BY MR. CHAMBERS:

22 Q Joel, we've heard your name several times throughout
23 the trial. You're Jason's brother; is that correct?

24 A Yes, sir.

25 Q And I guess that by virtue of being his brother, you

1 have known D.B. for most of her life; would that be fair
2 to say?

3 A Yes, sir.

4 Q And I think you were in the Marine Corps for a while
5 maybe when she -- before she -- is that true that ---

6 A Yes, sir.

7 Q So you would have been limited as far as your
8 exposure then, but over the years, you've had a lot of
9 exposure to her, been around her and around Jason and
10 everybody involved in this case, right?

11 A Yeah. Ever since about 2012.

12 Q When they were living at Lamplighter or maybe any of
13 the other residences, did you have occasion to visit and
14 spend time with Jason and Rose and D.B.?

15 A Pretty frequently. I would say at least twice a
16 month.

17 Q So at least twice a month you were at their house?

18 A Yes, sir.

19 Q And at some point they came to actually live with you
20 and with Olivia; is that correct?

21 A Yes, sir.

22 Q Do you recall when that was?

23 A I believe it was March-April time frame of 2016.

24 Q And how is it that they ended up staying over there
25 at your house?

1 A He had informed me earlier, maybe in February, that
2 they were moving out of the Lamplighter residence, and he
3 was looking for places to stay and asked if I could help
4 him with that.

5 Q And what did you do?

6 A I talked it over with Olivia, and we decided to let
7 him have the one remaining room that we had.

8 Q You had a three-bedroom home?

9 A Yes, sir.

10 Q So you were split up -- the family was split up into
11 three different rooms. Tell the jury how that was done,
12 who was in what room, that sort of thing.

13 A Olivia and I were in our room, and our two girls,
14 L.B. [REDACTED] and M.W. [REDACTED], they had the other room, and then the
15 one remaining room, which, up until that point, was just
16 for mundane storage, that we cleared stuff out and only
17 the couch was left in there, and that's the room that
18 Jason had.

19 Q Were you working at the time?

20 A Yes, sir.

21 Q Where were you working and what were your hours?

22 A I believe at that time I was working at a company
23 called Acabus [phonetic]. I would -- I worked from home
24 during that time, and the hours were an 8:00 to 5:00.

25 Q So you were home all the time even though you were

1 working?

2 A Yes, sir.

3 Q And Olivia, did she work during that time?

4 A Yes, sir.

5 Q And what were her hours?

6 A I believe she had -- she had a little bit longer
7 hours than I did, 8:00 to maybe 6:00 or 7:00. I think she
8 was at the hospital at that time.

9 Q So she worked out of the home?

10 A Yes, sir.

11 Q And you said there were three kids counting D.B. [REDACTED]
12 that were living in the home?

13 A Yes, sir.

14 Q And were all the kids enrolled in school?

15 A Yes. Initially, D.B. [REDACTED] was still participating in
16 the homeschool regimen, but she eventually moved over to
17 public school.

18 Q What were your observations as far as the
19 homeschooling goes about Jason, his involvement and what
20 they did? I mean, you were there all day every day. What
21 did you see?

22 A Well, it was as if he -- you know, he would go into
23 kind of like a proctor mode to where he would be
24 presenting the material and having her do the work and
25 being around just in the room, and if she had questions,

1 you know, he would help her with that.

2 Q Did he take it seriously?

3 A Absolutely.

4 Q Did she seem to be doing well?

5 A She was very bright, yes.

6 Q And when she did start third grade, did she have any
7 trouble that you know of?

8 A Only behavioral interactions with the other kids.

9 Q How about academically, though?

10 A No and yes. Like I said, she was very intelligent,
11 but I believe her behavioral issues kind of interfered
12 with some of her scholastic work.

13 Q Did you observe behavioral problems from her?

14 A Yes.

15 Q And describe what you saw.

16 A Well, it would mostly start out as one of our kids,
17 L.B. or M.W. , coming out and saying that D.B. was
18 being mean or not playing fairly, so I would, you know,
19 investigate it and see what I can find out. It turned out
20 to be that she was trying to dictate all of -- not only
21 what game would be played, but all of the rules and how --
22 how L.B. and M.W. should play their turn. And they
23 wanted to play a different game, and D.B. would not let
24 them play another game.

25 Q Was there anything else about her that you recall as

1 far as her behavior?

2 A She loved to terrorize the cats. She would come out
3 to complain that the cats would bite her. And so, you
4 know, I thought that kind of odd because that wasn't
5 typical of our cats. So, you know, I removed the cat from
6 the room. It was not supposed to be in there to begin
7 with. And so I was paying attention afterwards, and she
8 would let the cat in, like swat at it, throw toys at it,
9 and it would retaliate, and then she would come to me.

10 Q Were there ever any issues with her where she maybe
11 was exaggerating or not telling the truth that you recall?

12 A Yes. Whenever -- whenever the -- whenever our kids,
13 L.B. and M.W., would come out to complain about the way
14 the games were being played, D.B. would say that she was
15 just trying to play, you know, and that the girls would
16 not let her play. I would ask L.B. and M.W. about
17 this, and she -- and they would say that we tried to let
18 her play.

19 MS. KLUSKA: Objection. Hearsay.

20 THE COURT: Sustained.

21 BY MR. CHAMBERS:

22 Q Don't share anything that anybody else said. I'm
23 just asking for your observations.

24 A Okay. Can you repeat the question, please.

25 Q Well, just anything that you noticed. Was she prone

1 to exaggeration? Was she prone to not telling the truth
2 in any situations? You were telling us about that.

3 A Yeah. So we -- we noticed there -- there was some
4 candies from Halloween missing, and we would ask all the
5 girls about it and no one knew anything. We eventually
6 found all of the candy wrappers under her area of the
7 room, and when we confronted her about it, she would deny
8 it.

9 Q Was she on a day-to-day basis, she and Joel, were
10 they present with everyone else in the house? Were they
11 clustered off in a room by themselves? How would you
12 describe their presence there in the home and their
13 interaction with the rest of the family?

14 A There -- there wasn't really any isolation. Jason
15 and myself and Olivia, we were mainly in the common room
16 and the girls were usually in L.B. and M.W.'s room
17 playing.

18 Q But everybody did sleep in separate bedrooms?

19 A Yes, sir.

20 Q And out of necessity, I guess, you testified that
21 Jason slept in the same room with D.B. .

22 A Yes, sir.

23 Q And did all of you close your doors at night?

24 A Yes, sir.

25 Q And what was the reason that everyone slept with

1 their doors closed?

2 A If the cats weren't tearing up the furniture, then
3 they would bother those who were sleeping.

4 Q This may be difficult, but how would you overall
5 describe Jason as a father based on what you observed of
6 him and his interactions with D.B. ?

7 A I would say present.

8 Q What do you mean by that?

9 A He was -- he was there to answer questions and give
10 support.

11 Q Was he a loving and affectionate father?

12 A Yes.

13 Q Was he a playful father? What I mean by that, did he
14 and D.B. , did they engage in horseplay or play and carry
15 on and do the sorts of things that dads very often do with
16 their kids? Did you observe any of that?

17 A No. Their -- most of their time was spent with my
18 girls -- or, I'm sorry, most of D.B. 's time was spent
19 with my girls and he would be out in the common room with
20 us during those times.

21 Q Was there ever anything that you observed there in
22 the house, and you said you were there most of the time,
23 that gave you any concern whatsoever or made you
24 suspicious of anything like this could have been going on?

25 A No, sir.

1 MR. CHAMBERS: All right. That's all the questions I
2 have. Please answer any the solicitor has.

3 THE COURT: Ms. Kluska?

4 MS. KLUSKA: Thank you, Your Honor.

5 CROSS EXAMINATION

6 BY MS. KLUSKA:

7 Q The defendant is your brother.

8 A Yes, ma'am.

9 Q And, again, you've been here supporting him
10 throughout the course of this trial, right?

11 A Yes, ma'am.

12 Q You've been sitting back there with your family.

13 A Yes, ma'am.

14 Q You've been listening to all the testimony and
15 evidence that's been presented.

16 A Yes, ma'am.

17 Q And you don't want to see anything bad happen to your
18 brother, right?

19 A Correct.

20 Q When D.B. and the defendant moved into your house,
21 and yeah, we've been over this, but they shared a room,
22 right?

23 A Yes, ma'am.

24 Q And they slept in the room with the door closed.

25 A Yes, ma'am.

1 Q And you slept in your room with your wife or your
2 girlfriend with the door closed.

3 A Yes, ma'am.

4 Q And you never spent the night in their room behind
5 their closed door, right?

6 A No, ma'am.

7 Q When you say the defendant went into proctor mode
8 when he was homeschooling D.B. [REDACTED] what did you mean by
9 that?

10 A So he would present the assignment, and he would not
11 get involved into another activity that would take his
12 attention. He would be around, whether it be sitting in
13 another chair in the room or standing, and just kind of
14 observing and waiting until she had troubles or questions.

15 Q Was there ever a time where D.B. [REDACTED] was working on her
16 schoolwork and he was playing video games?

17 A No.

18 Q You talked a lot about D.B. [REDACTED] exaggerating. With
19 this exaggerating that she did, did she ever talk about
20 some other person other than the defendant leaving sticky
21 white stuff on her?

22 A No, ma'am.

23 MS. KLUSKA: Okay. Thank you. Nothing further.

24 THE COURT: Mr. Chambers, any other questions?

25 MR. CHAMBERS: No, Your Honor.

1 THE COURT: All right. Sir, you can step down.

2 MR. CHAMBERS: Your Honor, I call Jason Booth.

3 THE COURT: All right. Sir, if you'll come forward
4 and be sworn.

5 THE CLERK: Sir, please place your left hand on the
6 Bible and raise your right hand.

7 WHEREUPON,

8 JASON BOOTH

9 After having been duly sworn, testified as follows:

10 THE CLERK: Thank you. Please be seated.

11 Please state your name for the record.

12 THE WITNESS: Jason Booth.

13 DIRECT EXAMINATION

14 BY MR. CHAMBERS:

15 Q Jason, when did you and Rose meet and under what
16 circumstances?

17 A We met at Schlotzsky's Deli. We were both working
18 there.

19 Q About when was that?

20 A That was August of 2006.

21 Q You all working together and you met and you started
22 to date?

23 A We didn't start to date until February of the next
24 year.

25 Q All right. And once you started dating, just briefly

1 tell us how your relationship progressed and what happened
2 from there.

3 A Our relationship was good all the way up until a
4 little bit after D.B. was born.

5 Q Did you decide to move in with one another at some
6 point?

7 A Yes. We were actually living together before we
8 started dating.

9 Q So just roommates to share expenses and things?

10 A Yeah. She wanted to get out of the house that she
11 was staying in, and I was at the end of my divorce.

12 Q So while you were living together, you started having
13 a romantic relationship at some point.

14 A Yes, sir.

15 Q And out of that I guess D.B. was born.

16 A Yes, sir.

17 Q And when was she born? What year?

18 A She was born in 2007.

19 Q And early in your relationship and even after D.B.
20 was born, did y'all move frequently?

21 A Yes, we did.

22 Q And why is that, and approximately how many different
23 places did you live?

24 A We started out at Stonestrow Apartments, and when we
25 found out that Rose was pregnant, we moved up -- we were

1 in a one-bedroom, and we moved to a two-bedroom for
2 D.B. . And that was about a year and a half, almost a
3 year after we were in Stonestrow.

4 Q And was that Lamplighter?

5 A Lamplighter wasn't until much later. During -- while
6 we were at Stonestrow, we ended up having to get a
7 roommate to help pay for the room, it being too expensive
8 there, and we didn't move out of there until our roommate
9 was unable to pay. And when she was unable to pay, we
10 couldn't pick up her half, so we had to move out of there.
11 And after that, we ended up staying with friends until we
12 were able to get to a place at Lamplighter.

13 Q Did you continue to work after D.B. was born?

14 A I worked all the way up until she was about three
15 months old, at which point I was working for Precision
16 Tune Autocare as a mechanic. And I had come home one day
17 and D.B. -- I mean Rose had actually told me that she
18 couldn't stay with D.B. alone anymore. She had to go
19 back to work.

20 Q All right. So did you two make a mutual decision
21 that you would stay home with her?

22 A Yes.

23 Q You couldn't work something out so that both of you
24 could work?

25 A We were going to try that, but we didn't have anybody

1 that, you know, could babysit on a regular basis, and the
2 schedules between the two, her working third shift and not
3 being able to go to one of the other shifts and me at
4 Precision Tune with those hours wouldn't work out.

5 Q So that's a decision that both of you made.

6 A Yes.

7 Q At some point did -- well, how was home life? After
8 you get to Lamplighter, like how old was D.B. then when
9 you moved to Lamplighter?

10 A D.B. was 4.

11 Q And when did you and Rose -- it sounded like y'all
12 started having trouble at some point in your relationship.
13 When did that occur?

14 A That -- it was a gradual process from when -- from
15 when D.B. was born. It actually started with, you know,
16 when she went back to work and me having to stay home
17 because she had actually, you know, threatened D.B. to
18 me. And after that it was a slow downhill.

19 Q Did she have trouble being a mother?

20 A Yes. She -- actually, when she found out she was
21 pregnant, she said she did not want to keep D.B. .

22 Q So you stayed home and you were the stay-at-home dad.
23 When she got old enough to go, why didn't D.B. go
24 to school?

25 A Well, it was up to -- Rose left a lot of the

1 decision-making as far as research goes to me, so I
2 researched the schools in the area, and, you know, like
3 how good the schools were, because we wanted nothing but
4 the best for her. And we even researched going out of the
5 district if that was an option, and that's when -- and
6 during our course of the research, I looked up different
7 like home schools. K-12 was the best one that I had found
8 that were available for D.B. .

9 Q K-12, describe what you're talking about.

10 A K-12 is a school -- is a curriculum that they use
11 across the country, and it's -- from what I've seen, it is
12 very, very good curriculum.

13 Q Is that a home school program?

14 A It's half home school. They actually don't call it
15 homeschooling because they do online classes with the
16 teacher there, and they have one-on-one interactions with
17 the teacher through the WebCam and stuff like that
18 whereas, you know, I'm there as a backup to watch, make
19 sure she does the work and stays on task and that sort of
20 thing.

21 Q So this is a computer-based curriculum.

22 A Yes, sir.

23 Q It incorporated live classes that were presented
24 online?

25 A Yes, sir.

1 Q And then also, she had homework assignments and
2 things any others child in school would do.

3 A Yes, sir.

4 Q And you monitored those things.

5 A Yes, sir.

6 Q Were you conscientious about it?

7 A Yes, sir.

8 Q And did she seem to progress at a normal rate?

9 A Yes, sir. She loved school. It was just hard for
10 her to focus.

11 Q Was she a bright child?

12 A Very.

13 Q And over the course of her time with you, roughly
14 eight years, describe for the jury what kind of child she
15 was, you know, strengths, weaknesses, her demeanor, just
16 all about her. Let them know, you know, what kind of
17 child she was growing up.

18 A She's one of the smartest kids that I've ever had the
19 pleasure of talking to. She was even described by a
20 couple of people as being a little adult by the way she --
21 she spoke, you know. She was not shy at all. She's very
22 silly, you know, open. The only trouble that she really
23 had, you know, seemed to, you know, stem from, you know,
24 her issues with her mother.

25 Q Okay. And you talked about that a little bit, but

1 what were those issues?

2 A Well, she -- she had trouble with her mother. Like
3 her mother would discipline her for things that she
4 shouldn't be disciplined for, and it's one of the things
5 that me and her mother had issues with. Like there was
6 one situation where we had gone to the hospital to visit
7 Rose's dad, and Rose had said something to her mother.
8 And D.B. [REDACTED] had spoken up and said, "Mama, that's not
9 true." And Rose took D.B. [REDACTED] outside of the room and
10 disciplined her and yelled at her for correcting her, even
11 though it was her mother that was lying.

12 Q What was the incident that Rose talked about where
13 she burned D.B. [REDACTED]'s hand with a lighter?

14 A D.B. [REDACTED] was in the corner for hitting one of the cats.

15 Q Was that punishment -- is that normal punishment that
16 you would have her stand in the corner?

17 A Yes. That was the first punishment we would go to is
18 she would stand in the corner. She would have a timeout.
19 And while she was standing there in the corner, one of the
20 cats came over there and rubbed on her leg, and she hit
21 the cat again. And where she -- I couldn't see her, you
22 know. Where I was sitting, I could see her out of the
23 corner of my eye. And that's when I looked over and, you
24 know, saw her bend down and hit the cat.

25 Now, her mom was sitting on the couch and was right

1 beside her, and her mom went nuts. And she started
2 yelling and screaming and, you know, most of the time I
3 step in. But then she started yelling and, you know,
4 screaming and threatening me. So, you know, I figured,
5 you know, if she hit the cat, she needed to be disciplined
6 further. I thought that she was going to spank her or
7 something. Well, you know, I turned back around, and, you
8 know, out of the corner of my eye, I thought she was going
9 to go and get a belt or something, but she didn't move
10 from over there from where D.B. was.

11 So after the yelling and screaming, D.B. had
12 started, you know, yelling, for all intents and purposes,
13 bloody murder. I mean, she was just like I've never heard
14 her scream before.

15 So I turned around and looked, and Rose had D.B.'s
16 hand closed or, you know, this is Rose's hand and D.B.'s
17 hand like this (demonstrating). So I go over there and
18 see, you know, if she's crushing her hand or something
19 like that, and when I get over there, you know, I pulled
20 the two apart and there was a lighter in D.B.'s hand.
21 And it was obvious that, you know, there was a severe burn
22 on the palm of D.B.'s hand. I asked Rose, I asked Rose,
23 you know, what was going on, and that's when she picked up
24 the lighter and walked off. And I didn't have any time to
25 ask her further because that's when I started bandaging

1 and, you know, Neosporin and cleaning the burn on D.B.'s
2 hand. And I did that for maybe several times a day for
3 the next week.

4 Q Did you do anything to encourage Rose to do that to
5 her?

6 A No. Not at all.

7 Q Is that something you instigated that you told her to
8 do?

9 A No. Not at all.

10 Q All right. And what else can you tell us about --
11 you said she had trouble with her mother. Did she want
12 her mother's approval? I mean, how did that affect her
13 behavior?

14 A She wanted everything from her mother. I mean, there
15 was -- every time that her mother would come home from
16 work in the morning times or, you know, at night before
17 she would go to work, it was always -- she was always
18 trying to get her mom's attention, you know. Like when
19 her mom would come home from work in the morning was the
20 time that D.B. was getting up, getting ready for school.

21 And it started out where I was making her breakfast
22 and stuff like that, but she didn't want me to make
23 breakfast for her anymore. She wanted her mom to. And at
24 the time her mom was happy to because that's one of the
25 things that her mom loves to do. Her mom loves to cook.

1 She's -- she's very -- she did pretty much anything and
2 everything she could to get her mom's attention.

3 Q You heard several people mention ADHD. Was she ever
4 diagnosed with ADHD?

5 A Not until after I had left the picture.

6 Q Looking back, would you say that's accurate, that she
7 suffered from ADHD?

8 A I have no idea what ADHD is. To me she was just
9 being a kid, you know. I mean, even when I was a kid, it
10 was hard for me to focus on things. And, you know, so we
11 would -- we would actually go through exercises on
12 focusing where, you know, she would be reading a book and
13 I would be, you know, either watching something nearby or
14 playing a game nearby or something like that within her
15 view that she could see, but I wouldn't really be paying
16 attention to what I was supposedly doing. I was more
17 paying attention to her to try and practice her focusing
18 skills.

19 Q And what sort of discipline did you practice in the
20 home with D.B. ?

21 A Well, most of it was just putting her in the corner
22 or taking away her toys, you know. For me it rarely ever
23 resulted in me spanking her.

24 Q Did you on occasion spank her?

25 A Yes, I did.

1 Q And how would you go about that?

2 A I would get a belt and she would lean over the couch
3 and I would spank her, and she would flop all over the
4 place. Whether it was hard or not hard, it wouldn't
5 matter. She would flop all over the place, you know,
6 acting like it was the worst thing in the world. And then
7 after it was over, she would just go right back to what
8 she was doing in which she got spanked to begin with.

9 Q And did she respond well to the discipline or did you
10 continue to have discipline issues with her?

11 A No. She did not respond well to discipline at all.
12 It was a constant struggle. She was very -- you know, she
13 was extremely smart, you know. If we told her not to do
14 something one way, she would figure out a different way to
15 do it to where maybe she could get around, you know, doing
16 it not against the rules.

17 Q How were you as a father? How would you describe
18 yourself? I know you talked about you as a teacher, as a
19 disciplinarian. Just on a day-to-day as a dad, were you
20 an affectionate dad?

21 A Yes. You know, every time -- every morning when she
22 would get up, you know, it was hugs, good morning, you
23 know, give her a kiss on the cheek, how did you sleep.
24 You know, every time that she'd go to bed, I'd tuck her in
25 at night, you know, give her a hug and a kiss. And I was

1 like that, you know, all the time except for when she was
2 in trouble.

3 Q And when you were at Lamplighter, did she have her
4 own room?

5 A Yes.

6 Q And obviously, you and Rose shared a room, at least
7 when y'all were in the house together.

8 A Yes, sir.

9 Q Did she have free access to your room?

10 A For the most part, for the first, say, three or four
11 years, her bathroom was down. It didn't work. There was
12 plumbing issues under the house that we had to take care
13 of. So she was free to come through our bedroom into the
14 main bathroom that we had past that.

15 Q And she did that frequently?

16 A Yes.

17 Q So at some point, you and Rose began to really have
18 some serious problems; is that correct?

19 A Yes, sir.

20 Q And I think at that point you said she had decided to
21 move out; is that right?

22 A Well, it was actually my decision that she move out.
23 It was after the incident with the lighter, you know. I
24 had taken her outside. We sat on the truck -- on the bed
25 of the truck for a few hours talking and discussing, and I

1 eventually brought up that I think that, you know, for her
2 own, you know, maturity purposes, because she'd never been
3 on her own, you know, she didn't know all the bill paying
4 and things like that and her anger issues, I felt that it
5 would be better if she would get her own place.

6 Q Now, was there ever this meeting where D.B. decided
7 who she was going to live with?

8 A With all three of us, no.

9 Q So is that a decision that you and Rose made?

10 A Yes. It was actually a decision that she had made a
11 long, long time ago. She had come to me when D.B. was
12 born and said if we were to ever separate, that I would
13 take D.B. She wanted nothing to do with her.

14 Q So when you decided that she needed to leave because
15 of what happened with the lighter, she indicated that
16 D.B. should go with you.

17 A Yes.

18 Q How did you end up moving in with Joel and Olivia?

19 A I had -- when I discussed it with Rose that she move
20 out, you know, we waited until she was actually sure she
21 would be able to move out. We discussed it, her moving
22 out, in August of I want to say 2014 -- or 2015. And she
23 didn't actually move out until mid-March of 2016. And it
24 was then that, you know, we had discussed options of where
25 me and D.B. were going to live.

1 Q All right. And so how did you end up going to
2 Joel's?

3 A I had texted him. Me and my little brother, we text
4 a lot, you know, just about every day. And so he was well
5 apprised of the situation, you know. From all the way
6 back in August, you know, he already knew that she was
7 going to be moving out. And when I told him that, you
8 know, she was getting a place, that's when he offered to
9 have us move in there.

10 Q And so when did you move in?

11 A We moved in in April.

12 Q So April of 2016.

13 A 2016.

14 Q And I guess you were there up until November of 2016.

15 A Yes, sir.

16 Q And you shared a room with D.B. .

17 A Yes, sir.

18 Q How was that room configured? We've got a picture
19 here that the State has introduced. It's kind of blurry.
20 Does this appear to be a picture of the room?

21 A That's half the room.

22 Q All right. And it appears that there is a -- is that
23 a couch?

24 A Yes. That's actually halfway -- halfway through the
25 year, we actually changed up the configuration when she

1 went to school so she could have more room. This -- the
2 long part of the couch that actually extends past the
3 picture is a queen-size bed.

4 Q Okay.

5 A And that mattress there was her mattress from her
6 crib. It's actually very small.

7 Q And so you slept in the queen-size bed?

8 A For the first half of the year, yes.

9 Q And then she slept on the mattress.

10 A The first half of the year she actually slept on this
11 -- this part of the couch. I was right there. And her
12 mattress was actually up like a barrier along with the
13 cushions that actually separated the queen-size bed and
14 that part of the couch.

15 Q But you didn't share a bed with her.

16 A No.

17 Q Once you moved into Joel's, there were other children
18 there; is that correct?

19 A Yes, sir.

20 Q And obviously, Libby and Joel were there.

21 A Yes, sir.

22 Q And it sounds like Joel was pretty much always there
23 because he worked from home.

24 A Yes, sir.

25 Q And when they weren't in school, the kids were there;

1 is that correct?

2 A Yes, sir.

3 Q And so how did D.B. adjust? How did she do at Joel
4 and Libby's house along with the other -- with M.W. and
5 L.B. How did all that go?

6 A There was a lot more discipline in that house.

7 Q More than the discipline that you described at your
8 home?

9 A Well, it was more -- when she was at -- when we were
10 at Lamplighter, you know, we lived in a trailer. It
11 wasn't really a nice trailer. And one of the things that
12 I set forth, you know, to her was as long as you weren't
13 hurting anybody or, you know, any other people's things,
14 you can do whatever you want. I don't care. You know,
15 you could draw on the walls, draw on the floors. You
16 know, she had chalks that she played with, you know. I
17 wanted to create a space that really nurtured, you know,
18 her learning and her creativity. So there wasn't, you
19 know, very much as far as rules go.

20 But when we moved into the place with Joel and Libby,
21 it was -- you know, they're both from the military, and
22 they're -- it's a highly structured, you know, rule
23 setting, you know. They had, you know, rules posted on
24 the walls, you know, like chores that the kids had to do
25 every day, you know, that sort of thing, and she never had

1 that. So she had difficulty adjusting to that.

2 Q And did it cause behavior issues?

3 A Yes, it did. She -- she didn't want to do it, you
4 know. She would do anything that she could to get out of
5 it or she would do it wrong, you know, just to see if she
6 could, you know, not be able to do it anymore. That sort
7 of thing.

8 Q Did she ever talk about her mom while you were there?

9 A Yes. We -- we actually discussed her mom and, you
10 know, the relationship quite a bit, you know, because she
11 wanted to know where she was, why she wasn't there. And
12 at the forefront, you know, when I was growing up, my dad
13 had lied to me, and it hurt me a lot. So I wanted to be
14 as open and honest as I could with D.B. . So, you know,
15 right at the forefront I told her that it was me that
16 asked her mother to leave, you know, but we were still
17 trying to, you know, keep in contact and repair our
18 relationship so we could be together as a family again.

19 Q Now, you've obviously sat through the trial here.
20 You've heard the allegations that she's made against you.
21 She said, as you recall in the video, although not when
22 she testified, she said something different when she
23 testified, but in the video, that when she was 5 or
24 6 years old at Lamplighter, that you had, as she
25 described, put your front part in her back part. Do you

1 recall her saying that?

2 A Yes.

3 Q Did you ever do anything like that?

4 A Absolutely not.

5 Q And then she described in her testimony, she said it
6 only happened one time and it was there at the address
7 where you were living with Joel and Olivia, but on the
8 video I think she said it happened there, too. Anything
9 happen there?

10 A No. Absolutely not.

11 Q And you heard the allegations. They're pretty
12 graphic and somewhat detailed; would that be fair to say?

13 A Yes, sir.

14 Q I know you've had almost three years to think about
15 this. Any idea why she would say those things?

16 A None whatsoever.

17 Q Any idea where she would get that sort of information
18 and know about anything like that that would happen?

19 A No. The last few months, you know, when she started
20 school and I was working a lot, you know, I -- I didn't --
21 I wasn't able to spend very much time with her, so I have
22 no idea.

23 Q What kind of work were you doing? Was this while she
24 was living in the house?

25 A Yes. I was assistant manager at Dollar General.

1 Q Okay. So you were working at Dollar General while
2 you were living with Joel and Olivia?

3 A Yes.

4 Q And so what were your hours?

5 A Most of the time it was in the evening. I would --
6 we'd close up, and during the summer we closed at 11:00,
7 and I usually didn't get out of there until around 12:00
8 or 1:00.

9 Q Is that why at one point she started going over to
10 her cousin's house on the bus in the afternoon?

11 A Yes. Because I would have to go into work before she
12 was able to get out of work, so I couldn't pick them up.

13 Q And when she would go over to I think it was H.B.
14 and B.V.'s house and their mother, Amber, how long did
15 that go on; do you know?

16 A Probably three or four months.

17 Q Did you do anything to your daughter?

18 A No.

19 Q Would you have ever sexually molested her in any
20 way?

21 A Absolutely not. It's just horrible.

22 Q And this may be something you can't answer, but do
23 you have any idea why she would say something like this
24 about you?

25 A I have no idea.

1 Q Anything that you can even remotely construe happen
2 between the two of you that would lead her to say that
3 this happened?

4 A At the time I know she was really upset with me for
5 throwing away her Halloween candy, but, you know, I've
6 heard that mentioned several times. She was caught
7 stealing her Halloween candy. She would actually -- she
8 had an alarm clock, and she actually set it for an hour
9 early just so she could get up and eat her Halloween candy
10 before anybody else got up. And when I found this out,
11 which at the time, you know, she was already doing it for
12 several days, I actually wouldn't get to the house until,
13 you know, around 6:00, because after work I would go to
14 her mother's house and we would sit up all night, you
15 know, on her days off and, you know discuss things and
16 just hang out and try and repair our relationship, and I
17 wouldn't actually get home until, you know, about 6:00 in
18 the morning. And that's when I caught her getting up
19 early and doing that. And she had already been
20 disciplined before for stealing her Halloween candy and
21 stealing my phone and actually breaking my phone.

22 MR. CHAMBERS: That's all the questions I have for
23 you. Please answer any the solicitor may have.

24 THE COURT: Ms. Kluska?

25 MS. KLUSKA: Thank you, Your Honor.

CROSS EXAMINATION

BY MS. KLUSKA:

Q You homeschooled D.B. , correct?

A Yes, ma'am.

Q While Rose worked.

A Yes, ma'am.

Q You did not work.

A There was a point that I did not work.

Q Well, you said you only worked until D.B. was three months.

A Yes.

Q So from three months until age 8 when you started working at the Dollar General, you did not work, right?

A Correct.

Q You said that you did extensive research before D.B. was homeschooled.

A Yes, ma'am.

Q That you wanted nothing but the best for her.

A Yes, ma'am.

Q That you researched all the schools in your area and decided that none of those schools were good enough.

A Yes, ma'am.

Q Because you wanted her home with you.

A No.

Q You wanted her home with you so that you could

1 homeschool her.

2 A No. I did not want her home with me so I could
3 homeschool her.

4 Q Well, she was home when you homeschooled her, right?

5 A Yes. Because the ---

6 Q And you wanted her to be homeschooled.

7 A That was ---

8 Q And she was homeschooled at home, right?

9 A That was because the K-12 was the best that I found.

10 Q What other schools did you research?

11 A There were several online schools and
12 brick-and-mortar schools, as they're called, that I
13 researched. It was at first the first thing I started
14 with which is obvious was, you know, the school district
15 that we're in.

16 Q What's the school district that you're in?

17 A I don't remember.

18 Then I researched, you know, the -- there's a law or
19 ruling that would allow her to go to, you know, another
20 district, you know, under certain circumstances, and, you
21 know, to -- and -- but none of the other districts that
22 were nearby that, you know, we could actually get to with
23 our transportation because we only had the one vehicle
24 would be -- were good enough, so we ended up going with
25 the K-12 system which me and Rose had extensively

1 discussed.

2 Q So none of the schools in your district were good
3 enough.

4 A Yes.

5 Q None of the schools out of your district were good
6 enough.

7 A Yes, ma'am.

8 Q So she was homeschooled with you.

9 A Yes, ma'am.

10 Q In your home.

11 A Yes, ma'am.

12 Q While Rose was at work.

13 A Yes, ma'am.

14 Q Tell us what a day in the life of homeschooling
15 D.B. entailed.

16 A Well, there was -- it was actually very structured.
17 She had all of her -- all of her subjects split up, and
18 there was a time limit that had to be seen for each of the
19 subjects. And I had to time those subjects on each of
20 them. They had to be at least 30 minutes. She had to at
21 least have 30 minutes of recess time. And, you know, it
22 was twice a week where she would actually go online, have
23 online classes and talk to her teacher, and there were
24 several times during the week where she would have
25 one-on-one time with her teacher.

1 Q I think you said on your direct examination, though,
2 that sometimes you would be nearby playing a video game;
3 is that right?

4 A I would be nearby. Sometimes I would have a video
5 game on or a TV show on as to help with her focus, but
6 most of the time it was just on me and her.

7 Q So you had a video game on -- or the TV on for you to
8 help with her focus?

9 A Yeah. It wasn't the first type of thing that I was
10 doing. She had trouble focusing, and I have learned later
11 in life because I had trouble focusing, you know, when I
12 was younger that it was something that I needed to
13 practice at. So I was helping her practice focusing by
14 having something else going on in the room either -- you
15 know, because the way it was set up is the computer that
16 she was using was facing one way and then her mother's
17 computer was on the opposite side of the room behind her.
18 So I would put something on on her mother's computer, you
19 know, as a, you know, setup distraction to where, you
20 know, it would help her learn to focus when other things
21 were going on around her, because later in life, you know,
22 you have things going on all the time at work, and, you
23 know, out and about and when you need to focus on
24 something, and I felt that that was something that she
25 needed to work on.

1 Q So your testimony here today is that you played video
2 games to help your daughter with her focus.

3 A No. I had them on.

4 Q Okay. When you were at home with D.B. [REDACTED], she didn't
5 have much interaction with other kids, did she?

6 A Yes. There were kids in the neighborhood where she
7 would go out and play with them.

8 Q How often did that happen?

9 A That would happen about once or twice a week.

10 Q So she didn't go to school. She would just see the
11 kids in her neighborhood once or twice a week.

12 A Yes, ma'am.

13 Q Rose worked third shift so she was gone all night,
14 right?

15 A Yes, ma'am.

16 Q When Rose would leave work -- or leave for work, were
17 you in charge of putting D.B. [REDACTED] to bed?

18 A D.B. [REDACTED] wouldn't go to bed until after Rose left for
19 work.

20 Q Right. And then you were in charge of putting her to
21 bed, right?

22 A Yes, ma'am.

23 Q We talked a lot about discipline, and you've talked a
24 lot about the extensive discipline that you gave to D.B. [REDACTED]
25 and that Rose gave to D.B. [REDACTED], right? I mean, Rose

1 disciplined D.B. , didn't she?

2 A Yes, ma'am.

3 Q You heard Rose testify Monday that she spanked

4 D.B. .

5 A Yes, ma'am.

6 Q That she hit D.B. with a belt.

7 A Yes, ma'am.

8 Q That she burned D.B. .

9 A Yes, ma'am.

10 Q You heard her testimony that she threatened to kill

11 D.B. .

12 A Yes, ma'am.

13 Q That she would tell her, "I brought you into this
14 world and I can take you out," right?

15 A Yes, ma'am.

16 Q And you spanked D.B. .

17 A Yes, ma'am.

18 Q Did you ever take a toy away from her to punish her?

19 A Yes, ma'am.

20 Q Did you ever hit D.B. with a belt?

21 A Yes, ma'am.

22 Q Did you ever hit her on the foot?

23 A No, ma'am.

24 Q Did you ever ground her?

25 A Yes, ma'am.

1 Q Did you ever say she couldn't watch TV?

2 A Yes, ma'am.

3 Q Did you ever say she couldn't have a snack?

4 A No, ma'am.

5 Q Did you ever say she couldn't have dessert?

6 A No, ma'am.

7 Q Did you ever make her stand in the corner?

8 A Yes, ma'am.

9 Q So it sounds like there was some pretty hard-core
10 discipline going on at the Lamplighter house, right?

11 A For the things that she did, yes.

12 Q Okay. And you and Rose smoked a lot of marijuana.

13 A She smoked most of it. I was in charge of, you know,
14 setting it up for her.

15 Q So you set it up for Rose to smoke.

16 A Yes.

17 Q But you said -- you mean you smoked a little bit too,
18 right?

19 A Yes.

20 Q While D.B. was in the house.

21 A Only when she was in her room.

22 Q But D.B. was in the house.

23 A Yes.

24 Q And you and Rose eventually started having problems.

25 A Yes.

1 Q And you break up, right?

2 A Yes.

3 Q And Rose left about March of 2016.

4 A That's when she moved out, yes.

5 Q Right. And April 2016 you move into Joel and
6 Libby's.

7 A Yes, ma'am.

8 Q Did you pay rent when you moved in with them?

9 A Not at first because I didn't have a job. I was
10 actually in surgery, you know, in April and May for my
11 teeth.

12 Q When Investigator Perry came to speak with you about
13 you sexually abusing D.B. [REDACTED], you first told him that you
14 thought she was making this all up so that she could go
15 live with her mom.

16 A Yes.

17 Q And she lives with her mom now, right?

18 A Yes.

19 Q Now that we're in this trial, you're saying that
20 she's making this all up because she hated the rules at
21 Joel and Libby's.

22 A I honestly have no idea why she's making it up.

23 Q And you're saying that she was mad that you were at
24 work.

25 A I have no idea if she was mad that I was at work.

1 Q Well, you just testified to that. On direct you were
2 speculating that she was mad that you were at work, right?

3 A She was upset that I wasn't around with her, you
4 know. I was at work or over at her mother's house.

5 Q And that she was mad that you threw away her
6 Halloween candy.

7 A Yes.

8 Q You thought at first that she was making this all up
9 allegedly to go live with her mom even though you said on
10 direct how many issues D.B. and her mom had.

11 A Yes. Her and her mother had a lot of issues, but she
12 still loved both of us.

13 Q Well, you said all her troubles stem from her mother.

14 A A lot of them did, yes.

15 Q But you were her constant, right?

16 A Yes.

17 Q You were the one that homeschooled her.

18 A Yes.

19 Q You were the one that took care of her.

20 A Yes.

21 Q And you were the one that moved from the trailer at
22 Lamplighter into Libby and Joel's, right?

23 A It was me, and there was actually a lot of us that
24 moved our stuff over there.

25 Q I'm not asking who specifically moved your things.

1 I'm saying that you and D.B. moved to Libby and Joel's.

2 A Yes.

3 Q And you and D.B. shared a room.

4 A Yes.

5 Q Did Libby and Joel have a living room?

6 A Yes.

7 Q And you didn't sleep on the couch in the living room.

8 A There was no couch in the living room.

9 Q Well, D.B. had two girl cousins, right?

10 A Yes.

11 Q And they were about a year younger than her.

12 A Yes.

13 Q The cousins shared a room.

14 A Yes.

15 Q And she did not go and sleep with her girl cousins.

16 A No. Under my -- I was very upset about that. That's
17 what I thought the arrangements were to begin with was I
18 would get the third room and she would end up sleeping in
19 the room with the other two girls.

20 Q Why were you so upset about that?

21 A I didn't think it was right.

22 Q Well, regardless of whether or not you thought it was
23 right or made you upset, you still slept with her in that
24 room, right?

25 A Yeah. We had no other choice.

1 Q I want to show you the picture of the room where you
2 slept with her. It's no problem. I'll just show it to
3 you right here.

4 You stayed in this room, right?

5 A Yes, ma'am.

6 Q And this is how the room looked on November 16, 2016,
7 right?

8 A Yes, ma'am.

9 Q I think you said on direct that the room only looked
10 like that for the first half of the time that you lived
11 there, right?

12 A Like this, the latter half.

13 Q It looked like that the latter half.

14 A Yes.

15 Q Okay. So it looked like that on November 16, 2016.

16 A Yes.

17 Q And you slept in that room with the door closed.

18 A Yes.

19 Q You slept on the couch.

20 A Yes, ma'am.

21 Q And D.B. slept on the floor.

22 A On her mattress or on the couch.

23 Q Can you estimate for us how many feet are in between
24 where you slept on the couch and where D.B. slept on her
25 mattress?

1 A I'd say about two or three.

2 MS. KLUSKA: Okay. Nothing further.

3 THE COURT: Mr. Chambers, any other questions for
4 this witness?

5 MR. CHAMBERS: No, Your Honor.

6 THE COURT: Sir, you can step down.

7 Mr. Chambers, anything else?

8 MR. CHAMBERS: The defense rests, Your Honor.

9 THE COURT: All right. Does the State anticipate
10 anything additional?

11 MS. KLUSKA: No, Your Honor.

12 THE COURT: All right. Ladies and gentlemen, we've
13 come to the end of testimony and evidence in this case.
14 As you know, it is solely my fault and not these
15 attorneys' fault at all that we have to end for today.

16 If you will be back in your jury deliberation room or
17 back here gathering at 9:45 tomorrow morning, the case
18 will be in your hands shortly thereafter. You're going to
19 hear closing arguments from the attorneys and my final
20 charge on the law, and as I said, I anticipate the case
21 being in your hands before lunchtime for sure.

22 Even though we've completed all the testimony and
23 evidence in the case, the case is not yet in your hands,
24 so please do not discuss the case with anyone or do any
25 kind of independent research. I'm sorry I have to keep

1 saying that over and over. But I hope you have a good
2 afternoon, and I'll see you back tomorrow morning. Thank
3 y'all so much.

4 (WHEREUPON, the jury exits the courtroom at 11:45 a.m.)

5 THE COURT: Mr. Chambers?

6 MR. CHAMBERS: Your Honor, I renew my motion for a
7 directed verdict.

8 THE COURT: All right. And it's respectfully denied.

9 Just very quickly, if we could meet back tomorrow
10 morning at 9:30 after y'all have had a chance to look at
11 the jury charge. Mr. Chambers, I won't ask you now, and,
12 of course, Ms. Kluska, I'll pose it to you both, I've had
13 great success in sending my written jury charge back. It
14 cuts down on the number of questions. But I don't do it
15 over anyone's objection. So if anybody objects, I will
16 not send it back, and I'll take that portion of the charge
17 out.

18 I have removed the portion about the defendant's
19 right to remain silent. I think I've included everything
20 else in there. But y'all take a look at it. Feel free to
21 email me this afternoon or this evening if either of you
22 have anything that you see that needs to be corrected
23 before tomorrow morning.

24 So far as the flow of closing arguments, I'm not
25 exactly sure what the status of the case is, but I think

1 we're in a post-Beatty world, and so I will ask that the
2 State do their closing argument in full, and then
3 Mr. Chambers the defense's, and then the State would have
4 an opportunity for reply since the defense did offer some
5 evidence in this case.

6 Any objections to that from either side?

7 MS. KLUSKA: No objection, Your Honor.

8 THE COURT: All right.

9 MR. CHAMBERS: No objection, Your Honor.

10 THE COURT: All right then. That's how we'll do it.

11 And we'll get back together tomorrow morning at 9:30.

12 Thank y'all so much.

13 (WHEREUPON, proceedings recessed at 11:47 a.m., to be
14 reconvened on Thursday, August 15, 2019.)
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Thursday, August 15, 2019

(WHEREUPON, proceedings commenced at 9:43 a.m.)

JURY CHARGE CONFERENCE

THE COURT: Ms. Kluska, I got your email last night.
You were burning the midnight oil.

And that's changed. I certainly will make it. I
hadn't made it yet, but I'm certainly going to.

Any objection to my charge on the law from the
defense?

MR. CHAMBERS: No, Your Honor.

THE COURT: Let's talk about the issue of the written
charge going back to the jury. Does anybody have any
objection whatsoever or need any other time to talk to
your client or anything about that?

MS. KLUSKA: The State has no objection.

THE COURT: All right.

MR. CHAMBERS: No objection, Your Honor.

THE COURT: All right then. Very well. Then that's
exactly what we'll do.

All right. The jury is not quite here yet and y'all
are so efficient that we've got an extra minute or two, so
I'm going to take a moment to talk to the folks in the
gallery for just a moment.

Closing arguments are just that. They're arguments

1 by the attorneys. They're going to say things you're not
2 going to like, okay? They're going to say things that's
3 going to make each side mad because they're making an
4 argument. This is a courtroom, and if anyone feels like
5 they cannot control their emotions and sit here and listen
6 to arguments without response, without sides and rolling
7 eyes and things like that, if you think you can't do it,
8 that's fine. You need to leave now because I need to let
9 you know that if anyone is disruptive in any way, and I
10 have no reason to think based on how everybody is acting
11 that anyone would be disruptive, but if anyone is
12 disruptive during these attorneys' arguments, I'm going to
13 take you into the holding cell and decide what to do with
14 you after that, because I can hold you in contempt for up
15 to six months in jail without any further questions asked.
16 So that's how serious I take your courtroom demeanor while
17 these attorneys are arguing.

18 Furthermore, I'm going to remind you when we get a
19 verdict in this case, I'm going to remind the folks in the
20 gallery, there's going to be a winner and there's going to
21 be a loser, okay? And if you can't hold it together
22 during that, that jury does not deserve any type of stress
23 or anything like that, so I'm just telling everybody in
24 the gallery now fair warning. Hold it together, even
25 though I know this is an emotional case on both sides, and

1 I do sympathize in that way that it is an emotional case
2 on both sides.

3 All right. Now that I've given my lecture, been on
4 my soapbox, are they here?

5 THE BAILIFF: They just checked in, Your Honor.

6 THE COURT: Okay. Should we go ahead and have them
7 order their lunch?

8 THE BAILIFF: I think that's what he's doing.

9 THE COURT: Okay. Good. All right.

10 (Pause in proceedings.)

11 THE COURT: Bring the jury in.

12 (WHEREUPON, the jury entered the courtroom at 9:55 a.m.)

13 THE COURT: Good morning, ladies and gentlemen. We
14 are now ready to proceed with closing arguments in this
15 case.

16 Ms. Kluska?

17 CLOSING ARGUMENTS

18 MS. KLUSKA: Thank you, Your Honor. May it please
19 the Court.

20 Who is Jason Booth? He was my dad, but now I know
21 that what he was doing to me was bad. You heard those
22 words from a brave little 11-year-old girl who got up on
23 that stand and told you what she suffered at the hands of
24 her father. We're going to talk about who Jason Booth is,
25 and we're going to talk about what the evidence proves

1 that he is guilty of.

2 In just a few moments you're going to get to go back
3 into the deliberation room, and you're going to have a
4 chance to finally talk to each other about the evidence
5 and the testimony in this case. But before you do, I want
6 to have a chance to go through this testimony and evidence
7 with you so that when you go back into the jury room,
8 there is no doubt in your mind.

9 Let's talk about the law. Judge Verdin is going to
10 instruct you on the law, but I want to go over it briefly
11 with you now. As you know, the defendant is charged with
12 criminal sexual conduct with a minor in the first degree.
13 In order to prove that to you, we had to prove that he
14 committed a sexual battery on D.B. . A sexual battery is
15 defined under the law as any intercourse, cunnilingus,
16 fellatio or any intrusion, however slight, into the
17 genital or anal openings of another. We heard testimony
18 that this defendant anally penetrated D.B. with his
19 penis. Members of the jury, we have shown you that
20 element.

21 We also had to prove that D.B. was under 11 at the
22 time of the sexual battery. Well, she's 11 now. On
23 November 16, 2016, she was only 8. We showed you that
24 element. So, members of the jury, the defendant is guilty
25 of criminal sexual conduct with a minor in the first

1 degree.

2 As to criminal sexual conduct with a minor in the
3 third degree, we have to prove that the defendant
4 committed a lewd or lascivious act on D.B. . We heard
5 testimony that he touched her vagina, he grabbed her
6 breasts. Members of the jury, that is a lewd and
7 lascivious act on the body of a child under the age of 16.
8 Well, that one's easy because she's not 16 yet, so we
9 proved that element to you. To gratify his own sexual
10 desires. Well, I have no idea why he would do what he did
11 unless it was to gratify his own sexual desires. We've
12 shown you that element. So, members of the jury, the
13 defendant is also guilty of criminal sexual conduct with a
14 minor in the third degree.

15 In order to prove these elements to you here
16 throughout the course of this trial, we've called several
17 witnesses, and all of these witnesses gave us little
18 pieces of the puzzle about what happened to D.B. . And
19 each of them had little pieces of the puzzle that
20 corroborated her story.

21 You heard from Dr. Henderson. Dr. Henderson was
22 qualified as an expert in child sex abuse -- or I'm sorry
23 -- as a pediatric expert. She did the medical exam on
24 D.B. . You heard what her exam entails, what she does
25 when she's looking at a child who's been sexually abused.

1 She explained to you that in this case, D.B. had normal
2 findings. She didn't find physical evidence of sexual
3 abuse, but she also explained to you that normal is
4 normal, that 97 to 99 percent of her exams do not have
5 findings of sexual abuse, that it could have happened
6 exactly like D.B. said it happened and she wouldn't have
7 expected any findings. She told you that the anus is a
8 muscle. It's made to expand and contract, so she wouldn't
9 have expected to find any trauma. Things could have
10 happened exactly the way D.B. said that they did.

11 She also told you about the difference between acute
12 and chronic exams. She told you that an acute exam is one
13 that happens 72 hours after the abuse. Anything after
14 that 72-hour window is a chronic exam, and she told you
15 that those are much more common. Why? Because kids don't
16 tell. Kids don't tell right away, so she sees chronic
17 exams more often than not. And she told you that in this
18 case, her findings were exactly as she would have
19 expected.

20 And we don't know why exactly D.B. didn't tell
21 right away. She didn't have the support at home. Her mom
22 was gone. Her father was the one that was abusing her, so
23 who was she going to tell?

24 You heard from Amber, H.B., and Libby. And, again,
25 they're members of the Booth family, but they're here

1 because they're important pieces of the puzzle of D.B.'s
2 disclosure.

3 You heard that H.B. brought a health book home in
4 November of 2016. And this health book was an
5 unintentional trigger for D.B.. She testified that what
6 her dad had done to her was constantly on her mind. So
7 when she saw the picture of the penis in that book, she
8 blurted out what her dad had done to her. H.B. told
9 Amber, Amber told Libby, and Libby contacted law
10 enforcement.

11 And you heard from law enforcement. You heard from
12 Investigator Perry and Deputy Nunez. And you heard what
13 their investigation entailed. Investigator Perry did a
14 five-week-long investigation. He talked to multiple
15 witnesses. He went and he saw D.B.'s forensic
16 interview, and he told you that had D.B. not made a
17 disclosure of sexual abuse, his investigation would have
18 been done right there. But we know that's not what
19 happened. We know that she disclosed sexual abuse.

20 And then you heard from Rose. Members of the jury,
21 we don't pick our witnesses, and Rose is not on trial here
22 today for whether or not she's a good mom. But what we do
23 know are things from Rose's testimony that have to be
24 true. Number one, we know that Rose worked a lot. We
25 know that Rose left D.B. vulnerable when she was at

1 work. We know that even when she was home from work, she
2 was not always a present parent.

3 We also heard that Rose burned D.B. . We heard that
4 in May -- or April 2016, Rose left, again, leaving D.B.
5 vulnerable with the defendant. But we heard now D.B.
6 lives with Rose. So again, if we had not called Rose and
7 throughout the course of this trial you heard all of these
8 people discussing this Rose person, you would have been
9 wondering who she was. So we had to call her so that we
10 could give you the whole picture of what D.B. was going
11 through. And what we know now is that her life was pretty
12 tough. She did not have the best support at home.

13 So let's talk about D.B. . And I want you all to
14 think back to Monday morning when Judge Verdin was
15 downstairs with you and she qualified you to be a juror.
16 You all had to stand up in front of an entire room of
17 people and you had to give your name and occupation. And
18 I'm sure that some of you were anxiously awaiting for the
19 clerk to call your number. I'm sure that some of you,
20 when you stood up and your number was called, you, for a
21 split second, forgot what you did do for a living.

22 Think about what that 11-year-old girl had to do in
23 this courtroom. She got up on that stand, the clerk swore
24 her in, her little hand was shaking like a leaf. She had
25 to look out into a courtroom full of strangers and talk

1 about the most humiliating, the most terrible thing that a
2 little girl could ever even have in her mind, and she had
3 to do it in front of the man responsible. Think about
4 that. We could all see that she wasn't getting it out
5 exactly right on the stand, but she's 11 talking about
6 this terrible, terrible subject.

7 We're not here to talk about or decide what happened
8 at Lamplighter. You're here to decide his guilt or
9 innocence in the Greenville case, what happened at Libby
10 and Joel's. And I submit to you that what she said on the
11 stand was good enough to prove to you that he is guilty.

12 And I wrote her words down because I wanted to make
13 sure I got them just right. She told you she was sleeping
14 on the mattress on the floor lying on her side. The
15 defendant asked if he could sleep next to her. He laid
16 behind her on his side. He started moving around like a
17 pulse. His front part was touching her butt, and he was
18 pushing it in with his hands and body. He touched her
19 vagina. He penetrated her vagina and he made this motion
20 (demonstrating). She crunched her buttock, and the
21 defendant called out Rose, her mother's name. And on
22 cross she clarified that her dad anally penetrating her
23 with his penis did hurt. It felt weird. It felt funny.

24 Forensic interviews are done for this very reason.
25 This case is three years old through no fault of D.B. 's,

1 but that forensic interview gives us a snapshot in time, a
2 snapshot in time to what was going on in that little
3 8-year-old's brain.

4 And I asked you at the beginning of this trial to
5 keep in mind one question: What are some details that an
6 8-year-old can just not make up, impossible to make up
7 unless it happened to them? And that interview was full
8 of them. Her interview was full of what I like to call
9 sensory details. Sensory details are things that make you
10 remember back to what something felt like, what something
11 sounded like, the feeling or the thought that you had when
12 something was happening to you. Her interview was full of
13 them. You can't make up what something felt like. You
14 can't make up what you heard. She's telling you what she
15 felt like because that really happened.

16 And, again, members of the jury, I wrote down what
17 she said because I wanted to make sure I got some of those
18 details exactly right. The front part in her butt made
19 her butt feel angry. Her motions to describe the
20 defendant pushing on her breasts and digitally penetrating
21 her vagina, how the defendant called out, "Rose, Rose,
22 come back, Rose," how her "P" or her vagina felt angry,
23 and she wanted to get away, how when he did this to her,
24 she felt unbeautiful. Those are the words of an
25 8-year-old girl who is trying to describe to us the

1 feeling of shame. She doesn't understand what he's doing
2 to her, but she knows it does not make her feel good. She
3 knows it does not make her feel beautiful. To her, what
4 he's doing to her makes her feel shameful and unbeautiful.

5 And then the real kicker, the white gooey stuff that
6 stuck to her "P." We know what that is because we're
7 adults. She is an 8-year-old describing to you going to
8 the bathroom after the defendant ejaculated on her. She
9 is describing, in an 8-year-old's language, semen. We
10 know that no 8-year-old could ever dream this up unless it
11 actually happened. It is impossible.

12 One thing that really struck me in the interview,
13 too, is how D.B. does not understand the voluntariness
14 of what he's doing to her. She gets in the interview
15 room, and she's flipping around in the chair and she's
16 asking Christine Carlberg what color markers she has. She
17 doesn't know that she's there to talk about some grave,
18 serious matter.

19 And she told you about a conversation she had with
20 her father when she was 6 years old. And she says, "Dad,
21 something really weird is happening between us in my
22 sleep." And she told you that he said he didn't mean to
23 do it. Well, we know that he meant every second of what
24 he did.

25 But she knows now that what he was doing to her was

1 bad. She told you on the stand exactly that, I know now
2 what he's doing to me was bad, and that's why he's not my
3 dad anymore.

4 And don't forget that D.B. 's words are evidence.
5 Her words are just as good as any DNA, any fingerprint.
6 If this was a bank robbery trial, we would call for you
7 the bank teller, and we would have her talk about, as an
8 eyewitness, what she saw. D.B. is an eyewitness to what
9 happened to her own body, and she's here to tell you about
10 that. So her testimony is evidence, her forensic
11 interview is evidence.

12 These cases are a little bit different than most.
13 You're not going to see a murder weapon. You're not going
14 to see DNA because a forensics team doesn't drop down from
15 the sky to swab down these little kids when they're
16 abused. Instead, these little children carry around these
17 deep, dark secrets in their injured little souls until
18 finally, if ever, they're brave enough to tell.

19 Let's talk a little bit about the defense's theory.
20 Mr. Chambers is just doing his job. It's his job to work
21 with what he's got and zealously advocate for his client.
22 And please be aware that the State is the sole bearer of
23 the burden in this case. The defense has absolutely no
24 burden. Mr. Chambers and the defendant could have sat
25 back at that table, kicked up their feet and not said one

1 single word. But when they do present to you evidence and
2 they do present to you a theory of the case, you have to
3 hold them accountable for it.

4 And over the course of this trial, we've heard
5 several theories, and none of them make any sense. You
6 heard yesterday when the defendant was on the stand that
7 when Investigator Perry first came to ask him about these
8 allegations, he told Investigator Perry that he thought
9 D.B. [REDACTED] was making this up because she wants to go live
10 with her mom. Well, we heard Rose testify. Rose burned
11 D.B. [REDACTED]. D.B. [REDACTED]'s been living with her mom for three years
12 and her story is still the same, so that theory doesn't
13 really -- then we've abandoned that one.

14 Next we heard she hated the rules at Joel and Libby's
15 house so she decided to make this up so that she could get
16 away from her dad. Well, we heard that Rose and the
17 defendant had some pretty hard-core methods of discipline
18 in their home that D.B. [REDACTED] seemed pretty used to. If
19 anything, some of those disciplinary methods that they
20 used bordered on physical abuse. So they've abandoned
21 that theory.

22 Next, when the defendant was on the stand, we heard
23 that he thought possibly D.B. [REDACTED] was making this up because
24 he got a job and she wasn't used to him being gone so
25 much. Then it quickly changed to D.B. [REDACTED] is mad because I

1 took her Halloween candy.

2 The theory that a child could make this up with this
3 level of detail because someone took their Halloween candy
4 is so ridiculous that I am not even going to waste your
5 time by addressing it any further.

6 And for what? Why is she going to make this up?
7 What does she gain by coming here and doing this?
8 Absolutely nothing. She's still going to go to middle
9 school in a couple of days, and she's going to be worried
10 about whether or not she'll get lost in her new big
11 school. She's going to go home with her mom after today
12 and live the same exact life that she's been living for
13 three years.

14 I asked you at the beginning of this trial who in
15 this case has the most to lose, the most motive to lie.
16 D.B. has no motive to lie. None whatsoever. But the
17 defendant, he has every motive to lie.

18 And, again, the defendant has the absolute right not
19 to testify. He did not have to get up and talk to you
20 yesterday, but he chose to. And so when that happens, a
21 switch flips and the defendant becomes like any other
22 witness, any other witness, and you as the jury get to
23 judge his credibility.

24 What did he talk about when he was on the stand?
25 Well, I'm not trying to say that any dad who homeschools

1 his child is bad. No. But when that dad is on trial for
2 sexually abusing his daughter, it shows opportunity. How
3 convenient was it that he was home alone with D.B. all
4 day long? How convenient was it that Rose was at work all
5 night and he had her all to himself all night long? How
6 convenient was it that when he moved into Libby and
7 Joel's, this is where he got to stay with her. And,
8 again, I'm not saying that any dad who sleeps in the same
9 room or even in the same bed as his daughter is bad, but
10 when that dad is on trial for putting his penis in his
11 daughter's buttocks, then this shows opportunity. He told
12 you on the stand that he slept with her in this room two
13 to three feet away every day for six months. How
14 convenient.

15 For their theory to be true, D.B. had to wake up on
16 November 16, 2016, and say, "Today is my day. Today is
17 the day where I put my diabolical plan in motion. Today
18 is the day where I am finally going to get out of my dad's
19 clutches."

20 And she doesn't really know what anal sex or semen
21 is, but that idea just so happened to pop into her head.
22 She didn't really know what it was, but she thought that's
23 what I'm going to roll with. I don't know what it is, but
24 that's what I know I need to say to get away from my dad.

25 But she couldn't tell an adult. That would be too

1 obvious. So she decided to wait for the perfect
2 opportunity for when H.B. pulled out that health book
3 and told her -- and told H.B. what had happened to her.
4 And she had to cross her fingers that H.B. would do the
5 right thing and then go tell an adult, and then that adult
6 would tell law enforcement, and then when Bob Perry, the
7 lead investigator of child sex crimes in Greenville
8 county, talked to her, she fooled him, and then when
9 Christine Carlberg, the woman who's talked to 3,400 or
10 more children who have been sexually abused, she fooled
11 her, too. And then she maintained the same story for
12 three years to wait before she could get before all 12 of
13 you and fool you. Why? She has no reason to lie. She's
14 a little girl who in that video disclosed sexual abuse to
15 you and who on the stand got before you and did the exact
16 same thing, the sexual abuse that she suffered at his
17 hands.

18 The burden of proof in this case is beyond a
19 reasonable doubt. Beyond a reasonable doubt doesn't mean
20 beyond all doubt. It means beyond a reasonable doubt.
21 The State has no interest in convicting an innocent
22 person, but the State has every interest in convicting
23 people who abuse children.

24 If you leave this courtroom to deliberate and you are
25 firmly convinced by D.B.'s words, then you must find him

1 guilty. If you leave this courtroom and you are firmly
2 convinced that those details in D.B. 's interview are
3 true, then you must find him guilty. And I submit to you
4 that every detail she gave in that interview was the
5 truth. But if at any point any of you have any inkling of
6 a doubt, I want you to play the video in the jury room.
7 You can watch it 50 times if you need to. Go back to
8 minute 34. Minute 34 is when D.B. talks about the
9 white, gooey stuff that stuck to her "P," a detail that no
10 8-year-old could ever make up. And I promise you that no
11 matter how many times you feel like you need to play that
12 video, that every time you start at minute 34 and you hear
13 about the white sticky stuff that stuck to her "P," you
14 will be hearing a child disclosing sexual abuse until the
15 end of time, sexual abuse that she suffered at that man's
16 hands. Find him guilty.

17 Thank you.

18 THE COURT: Thank you, Ms. Kluska.

19 Mr. Chambers?

20 MR. CHAMBERS: May it please the Court, Your Honor,
21 solicitor.

22 Ladies and gentlemen, I told you at the outset of
23 this case that what we have at this point is an
24 accusation, an accusation made against Jason Booth. And
25 as we stand here, and I talked to you about corroboration,

1 corroboration of that accusation, corroboration of that
2 statement. And now all of the evidence has been presented
3 to you. The solicitor stood up and made a great argument,
4 and now, in a few minutes, you're going to go back and
5 you're going to deliberate and you're going to decide what
6 the facts are in this case.

7 So one of the things you're going to ask yourself is
8 when these people testified, were they consistent? Is
9 what they said corroborated? And you're going to have to
10 look at all the evidence, everything that was presented to
11 you, everything that the solicitor brought to you.

12 Now, one of the things that I thought about as I was
13 preparing for this case, as we went through this case is
14 the experience that I think all of us have had at some
15 point where someone or maybe sometimes more than one
16 person have accused you of doing something that you know
17 you didn't do. And there's no more helpless feeling in
18 the world of being accused of something you didn't do,
19 sometimes for seemingly no motive whatsoever. And you're
20 left to try and search and ask yourself why would that
21 person say that about me? And maybe you'll even
22 articulate those answers. But the truth is, you don't
23 know.

24 What we know is that consistently from the outset
25 Jason Booth has cooperated at every turn. When

1 Investigator Perry came to talk to him, he didn't have to
2 talk to him. Investigator Perry told him you don't have
3 to talk to me. But he did. He denied that anything
4 happened. He speculated, because that's what you do.
5 Somebody has just said a terrible thing. I mean, really,
6 I don't know of anything you could be accused of that
7 would be worse, especially as a father.

8 And I'll be honest with you, this case hit home with
9 me a little bit because I have an 8-year-old daughter at
10 home and I can't help but run through my mind if an
11 allegation like this were to be made, I would be
12 devastated. I would be searching for answers. I would be
13 asking myself why is this happening to me?

14 But the truth is, is Jason Booth sits there today as
15 he sat there talking to Investigator Perry. He had no
16 idea why he was in this position. He just knew that he
17 didn't do it, and he has maintained that for nearly three
18 years. And as the solicitor said, even though he didn't
19 have to, even though there's no burden of proof on him
20 whatsoever, he took the witness stand and he testified to
21 you under oath, and he withstood the cross-examination of
22 a very good prosecutor in this case. And he called other
23 witnesses, and we'll talk some more about that in a
24 minute.

25 But really, as I said at the outset and as we sit

1 here right now, what you have is the statement of D.B. .
2 Now, it's a compelling statement. When you watch that
3 video, you want to believe her. And I would say to you
4 that I'm not altogether convinced that something didn't
5 happen with this child, but you have to ask yourself if
6 something did happen, was it her father who was
7 responsible?

8 So let's kind of look at the situation. We know what
9 the allegation is, we know what she said in the video, but
10 we also know what she said when she came in here to
11 testify. The solicitor realizes with her inconsistency in
12 what she testified to and what was in that video is a
13 problem for her. That's why she used the term what we
14 gave you, what she said is good enough. Well, folks, good
15 enough is a very low bar. Good enough doesn't get you
16 over reasonable doubt in this case.

17 Now, anytime you're talking to different people who
18 witness an event, you're going to get some inconsistencies
19 in what each one of them said, but usually the person,
20 especially the person who experienced it, there's not
21 going to be a lot of inconsistency. Over the passage of
22 time, you may get some minor things wrong here and there,
23 but you don't ever lose sight of the really important,
24 salient details. You just don't.

25 Now, it's true that Jason Booth is not charged with

1 anything that happened at Lamplighter or anywhere else or
2 was alleged to have happened, but the truth of the matter
3 is that in her statement that she gave in the video,
4 D.B. indicated that what she alleged happened with him
5 putting his front part in her back part, it happened on
6 several occasions, at least two occasions at Lamplighter
7 and then she said several other occasions or at least a
8 couple of occasions at the other address.

9 But when she took the stand, folks, what she said was
10 it was a one-time, isolated incident. That is a
11 significant difference. That's the kind of thing that
12 should give anybody hearing that pause. That's not what
13 color shirt was I wearing on a given day. That's not what
14 time of day was it. That is -- she is talking about going
15 from several episodes that she described in fairly good
16 detail to it only happened one time. And that is a
17 significant difference, and that is something you can take
18 a look at and say, well, you know, I'm not sure. That
19 raises a reasonable doubt in this case. And it's
20 significant because her statement is all they have. There
21 is no physical evidence or anything to back up anything
22 that she's saying.

23 Now, in these cases they follow a pretty normal sort
24 of a routine in how these things are done. The
25 investigator goes out and investigates and then they send

1 the child over to the Julie Valentine Center and they do
2 the forensic interview. And then even though, as they've
3 said multiple times, because, again, they realize this
4 might be something that would give you pause, they always
5 take the child over to see Nancy Henderson. That's
6 basically all she does at this point are these physical,
7 forensic medical exams where apparently she never expects
8 to make any physical findings. And my question is always
9 if you don't expect to make any physical findings, why are
10 you even doing the exam? Well, they do the exam because
11 it's one more opportunity for somebody to come in here and
12 take the witness stand and testify in this case.

13 But I want you to think about this case and I want
14 you to think about it in terms of common sense. First of
15 all, Dr. Henderson said, "I made no physical findings."
16 Now, she says no physical findings is consistent with
17 child abuse. But I asked her, and it's obviously true
18 that it's also consistent with there being no sexual abuse
19 in a case.

20 And this is not just any sort of run-of-the-mill
21 case. This is not a case where digital penetration was
22 what was alleged or just fondling or anything like this.
23 This is a case where a grown man is alleged to have
24 engaged in anal intercourse with an 8-year-old child.

25 And remember, she's not reporting -- they talked

1 about delayed reporting. She's not reporting something
2 that supposedly happened years ago. They had only been
3 living at that address where she claims this happened for
4 a very short period of time. I think they said they moved
5 in there around April, and then she reported this in
6 September, and then everything sort of kicked into gear.

7 And we're not clear about exactly when she said this
8 happened, but we know that we're dealing with a fairly
9 short period of time, and yet there was nothing physically
10 that would indicate that anal sex had occurred. Grown
11 man, 8-year-old daughter. I know that that's kind of a
12 graphic thing to think about, but common sense would tell
13 you that there should be something there, something that
14 you could point to. And the fact that it's not is
15 something that you consider. There was evidence of the
16 burn in the hand.

17 The other thing that's important, too, is this child
18 -- and granted, you heard some discussion about
19 discipline. My client told you that he would spank his
20 daughter. He didn't lie about that, but he explained to
21 you how he did it, that he didn't do it hard. They used
22 timeout which is something that I think just about every
23 parent has used at some point. It's nothing out of the
24 ordinary. But he also told you that when they moved into
25 the house with his brother, that the discipline, the

1 routine was a little bit more strict, the discipline was a
2 little bit more strict.

3 And what did D.B. say when she was asked about all
4 the people in her life? According to her they all spanked
5 her and whipped her to the point of leaving marks on her,
6 even talking about her feet. And yet when Dr. Henderson
7 did this physical exam, all she found was the burn in the
8 hand, no marks or anything on this child, no scarring to
9 back up what she has said. She is prone to exaggeration.
10 Now, that's not necessarily unusual for an 8-year-old
11 girl. We know that a lot of children are that way.

12 We heard -- and I know the solicitor will say
13 discount everything family members had to say. They have
14 a vested interest to try and protect Jason. But this is
15 also -- D.B.'s also their relations.

16 D.B.'s grandmother testified to the fact that she
17 was a child who had a lot of discipline problems, but more
18 importantly, she was a child that was prone to not telling
19 the truth. She was prone to exaggeration.

20 Joel Booth, the child's uncle, testified. Same
21 thing. Talked about how difficult it was sometimes with
22 her in the house and the way that she would make things
23 up. Those are all things that are important to consider
24 because when all is said and done, you have her
25 accusation. You have her accusation.

1 And it's true, folks. She said some things that when
2 you consider it came out of the mouth of an 8-year-old,
3 you have to think to yourself how would she know that?
4 But one of the things, unfortunately, that I have learned
5 is we now live in a society where there is just a
6 proliferation of information and things out there, and
7 things have a way of getting to children that perhaps when
8 I was growing up, it just didn't happen. So who knows
9 what she's been exposed to. We know that things were kind
10 of rough with Rose. We know that she was getting on a bus
11 and going over to hang out with these 11-year-old boys
12 every day.

13 And they talk about the fact that what triggered her
14 was a health book, but when H.B. was asked about it, he
15 said, "Well, I had one there but I don't think she ever
16 saw it. I don't think it ever came out of my backpack."
17 It's almost like there was something there that he didn't
18 want to bring out, that he didn't want to say. I don't
19 know why, and frankly, we're never going to have a full
20 explanation other than -- about why she would have made
21 these allegations or how she would know the things that
22 she knows. But we can look to see if there's anything to
23 corroborate what she had to say.

24 You know, everybody that came in here that was
25 familiar with Jason that they had testify tried their best

1 to paint him in the most negative light because one of the
2 easiest thing to do is when you want to prove something,
3 and you can work backward and build your case around it.
4 It's the easiest thing in the world to do. And so
5 everybody that came in here wanted to paint him in as
6 negative a light as possible, just a terrible person. He
7 was a terrible dad. But we really take a close look at
8 that, we find out that that's not true. That's just an
9 effort to inject negative feelings toward him, that's an
10 effort to eject emotion into a case and to have you get
11 away from actually looking at what the evidence in the
12 case is.

13 They said, for example, Rose said this and even
14 D.B. when she got in here, oh, I was homeschooled.
15 And basically, what that homeschooling entails is just me
16 sitting there doing the best I could while he just hung
17 out and smoked and played video games and stuff.

18 But when you really look at it, what was the
19 situation? He told you about how they arrived at the K-12
20 curriculum, how they thought that was a good curriculum
21 for her, how she would work at it and he acted as a
22 proctor to make sure she was doing her work and overseeing
23 it, helping her with it. And guess what? When she
24 actually started third grade, she did really well. So
25 clearly, he wasn't just sitting over there playing video

1 games, ignoring this child.

2 But the other implication was he didn't want her to
3 go to school because he needed her alone. And they
4 started out trying to portray him as taking her to his
5 brother's house and cloistering her up in a room and they
6 stayed shut up in this room. And they even tried to make
7 it sound nefarious somehow because people slept with their
8 doors closed. I sleep with my door closed. A lot of
9 people do. And they tell you everybody in the house slept
10 with their door closed.

11 But what you also heard was there was no effort to
12 keep this child segregated or isolated. This child was a
13 part of that family. This child was out and about with
14 everybody else.

15 And there was never a time, by the way, when there
16 wasn't somebody else in the house. Joel worked from home.
17 When D.B. was home from school, the other kids were home
18 from school. Olivia was there. And everybody said there
19 was nothing about the way he behaved or the relationship
20 they had that at any point would give them pause or make
21 them think that anything was going on. They tried to make
22 it sound like he's lazy, like he sat home basically on his
23 butt while his wife went out and worked. Well, families
24 make those decisions. Sometimes one party works and the
25 other one stays home to care for the child and care for

1 the home. That's what he did.

2 But they did everything they could to paint him in a
3 negative light because they want you to have a bad opinion
4 of him. That's part of building their case, a case that
5 rests completely on the accusations of a child that are
6 completely uncorroborated and, in fact, contradicted by
7 her very own testimony. Those are the facts.

8 Now, it is without question she knew some things that
9 would give you pause. She knew some things that perhaps a
10 child her age wouldn't ordinarily know. But you can't
11 attribute that to her father. There are plenty of other
12 sources that could have come from. What you can consider
13 is the fact there were glaring inconsistencies in what she
14 testified and what was in the video. You can consider the
15 fact that there is no physical evidence of any kind that
16 corroborates what she was saying.

17 Like I said, when somebody accuses you of something
18 you didn't do, it's a helpless feeling, and that's the
19 position that Jason finds himself in, and he finds himself
20 basically at this point in your hands.

21 Now, the solicitor said "good enough." Folks, good
22 enough is not enough. Beyond a reasonable doubt is a
23 substantial burden, and it's a substantial burden because
24 this is the court where somebody can leave here in this
25 case labeled a sex offender for the rest of his life,

1 criminal conviction. This is the court where a person can
2 be deprived of his liberty, and so that's why there's such
3 a high burden.

4 As Her Honor will tell you, after you go back and
5 deliberate, you start going through everything in this
6 case, you have to ask yourself, am I sure? Am I
7 definitely sure? Because that's what "firmly convinced"
8 means. If you have any hesitation or any pause, then the
9 appropriate verdict is not guilty. Probably guilty is not
10 an option. Most likely guilty is not an option. Guilty
11 beyond a reasonable doubt.

12 And, folks, when you look at the totality of the
13 evidence in this case, there's reasonable doubt. There's
14 reasonable doubt. I get that some of you are really going
15 to want to believe what she had to say, but you have to
16 look at it within the context of reasonable doubt.

17 This is an emotional case. It's a tough case to
18 hear. These are the worst cases, and nobody walks away
19 from these cases feeling good no matter what happens. But
20 the burden is beyond a reasonable doubt.

21 Folks, I'm going to do the hardest thing I'm going to
22 have to do all day. I'm going to have to go sit down.
23 The solicitor, because she has this burden of proof, not
24 only gets to go first, but she gets to go last and she
25 gets to respond to what I said. And as you already have

1 seen, she's very good, and I'm sure she's going to say
2 some things that I wish I could stand up and respond to,
3 but I can't do that.

4 I'm Jason's advocate. I am here as best I can to try
5 and make sure that he gets a fair trial. And I'm going to
6 think of some things that I wish I had said, I'm going to
7 wish I could respond to her, but here's the thing that
8 gives me solace. I've been doing this for a little while,
9 and I know that jurors take their oaths seriously, and I
10 know that y'all are going to go back there, and you're
11 going to deliberate, and you're going to discuss this
12 case, and you're going to go through all the evidence and
13 you're going to do it thoroughly, and you're going to come
14 to the right decision in this case. I would submit to you
15 that they have not carried their burden and that a verdict
16 of not guilty is the appropriate verdict in this case.

17 I appreciate ya'll being here, and I can tell you for
18 sure that Jason appreciates you being here because he's
19 been waiting for his day in court. It's tough. Not
20 something you look forward to. But you folks are here to
21 bring finality to this case, and we appreciate it.

22 Thank you.

23 THE COURT: Thank you, Mr. Chambers.

24 Ms. Kluska?

25 MS. KLUSKA: No rebuttal necessary, Your Honor.

1 Thank you.

2 CHARGE ON THE LAW

3 THE COURT: All right. Very well. Ladies and
4 gentlemen, you now heard closing arguments from the
5 attorneys. I now am required by law to give you
6 instructions on the law, and I'll tell you that I read my
7 instructions for a couple of reasons. First, I want to
8 get it right, make sure I don't leave anything out, but
9 also the attorneys in this case have very graciously
10 agreed, both sides have very graciously agreed for you to
11 have my written charge back with you in the jury
12 deliberation room to help guide you in your deliberations.
13 I'm going to give you some instructions on how to use my
14 charge when you are back there. If anyone --
15 Mr. Foreperson, if anyone needs any additional copies of
16 my charge, if that would be helpful, all you have to do is
17 let us know, all right?

18 That being said, Mr. Foreperson, ladies and gentlemen
19 of the jury, you have seen and heard the evidence
20 presented as well as the arguments of counsel. It now
21 becomes my duty and obligation to instruct you on the law
22 applicable in this case. It will then be your duty and
23 obligation to begin your deliberations through which
24 process you will decide the facts, apply the law as
25 instructed by the Court, and determine whether or not the

1 State has met its burden of proof.

2 It is your exclusive duty to determine the facts in
3 this case. You do that based upon your own common sense
4 examination and evaluation of the testimony and other
5 evidence received during the trial of the case. You
6 12 jurors alone will decide what weight, value and effect
7 that is to be given to any particular testimony or other
8 evidence received. Your ultimate goal is to determine
9 whether the State has met its burden of proof in this case
10 based upon the evidence presented and the law applicable.

11 In this case the State of South Carolina, through the
12 13th Circuit solicitor, has charged the defendant with the
13 following criminal offenses: criminal sexual conduct with
14 a minor in the first degree and criminal sexual conduct
15 with a minor in the third degree. The allegations
16 charging the defendant with these crimes are set forth in
17 the indictments that have been previously explained to
18 you. The indictments are not evidence in this case and
19 you may not consider the indictments as evidence against
20 the defendant. The indictments will be in the jury room
21 with you but serve only one purpose, and that is to serve
22 as the verdict forms on which your unanimous decisions
23 will be written.

24 Each indictment charges a separate and distinct
25 offense. You must decide each indictment separately on

1 the evidence and the law applicable to it uninfluenced by
2 your decision as to any other indictment. The defendant
3 may be convicted or acquitted on any or all of the
4 offenses charged. You will be asked to write a separate
5 verdict of guilty or not guilty for each indictment.

6 As to the charges set forth in the indictments, the
7 defendant has entered a plea of not guilty. That plea of
8 not guilty has therefore placed upon the State the burden
9 of proving the allegations that are set forth in each of
10 the indictments, the burden of proving each of the
11 essential elements of the crimes charged and therefore the
12 burden of proving the guilt of the defendant to the
13 satisfaction of you 12 jurors beyond a reasonable doubt
14 before a verdict of guilty could be returned as to any
15 indictment. The burden is never upon a defendant to prove
16 that he is not guilty or to prove that he is innocent,
17 because in some cases that might not be possible. The
18 burden is always upon the State because it has made the
19 allegations to prove the defendant guilty beyond a
20 reasonable doubt.

21 You are further instructed that it is a vital,
22 important and cardinal rule of law that every defendant in
23 a criminal trial, no matter how serious the offense might
24 be for which he stands charged, shall always be presumed
25 innocent of that charge, and that presumption of innocence

1 shall be with the defendant from the moment of his arrest,
2 throughout the course of the criminal process and even
3 throughout the course of the actual trial. The
4 presumption of innocence shall be with the defendant even
5 as you go into the jury room to begin your deliberations,
6 and that presumption of innocence shall be with him there
7 and be with him forever unless you 12 jurors determine
8 that he is no longer entitled to that presumption of
9 innocence. It is only if, unless and until you are
10 satisfied of the defendant's guilt beyond a reasonable
11 doubt that he would no longer be entitled to the
12 presumption of innocence.

13 I remind you that during this trial you and I have
14 certain duties to perform. As the trial judge, it is my
15 responsibility to preside over the trial of the case, and
16 I also have the duty to rule on the admissibility of
17 evidence offered during this trial. You are to consider
18 only the competent evidence before you. If there was any
19 testimony ordered stricken in the record, you must
20 disregard that testimony. You are to consider only the
21 testimony which has been presented from this witness stand
22 and any exhibits which have been made a part of the record
23 in this case.

24 I have the additional duty to charge you the law
25 applicable to this case. As the presiding judge, I'm the

1 sole judge of the law of the case, and it is your duty as
2 jurors to accept and apply the law as I now state it to
3 you. If you already have any idea as to what the law is
4 or what the law ought to be and it does not agree with
5 what I now tell you the law is, you must abandon this idea
6 because you're sworn to accept the law and apply the law
7 exactly as I state it to you.

8 In every case tried in the court before a jury, the
9 jury becomes the sole and exclusive judge of the facts. A
10 trial judge cannot state, comment on or make any statement
11 to a trial jury about the facts in a case. Since you the
12 jury are the sole judge of the facts in this case, you are
13 not to infer from what I have said during the progress of
14 this trial, in ruling upon the admissibility of evidence
15 or otherwise or anything that I say now during the course
16 of this instruction to you that I have any opinion about
17 the facts in this case. I do not. The law does not allow
18 me to have an opinion about the facts in this case. This
19 is a matter solely for you the jury to determine. As
20 jurors, it is your duty to determine the effect, value,
21 weight and truth of the evidence presented in this trial.

22 The State has the burden of proving the defendant
23 guilty beyond a reasonable doubt. Some of you may have
24 served as jurors in civil cases where you were told that
25 it is only necessary to prove that a fact is more likely

1 true than not true such as by the greater weight or
2 preponderance of the evidence. In criminal cases, the
3 State's evidence must be more powerful than that. It must
4 be beyond a reasonable doubt.

5 A reasonable doubt is the kind of doubt that would
6 make a reasonable person hesitate to act. Proof beyond a
7 reasonable doubt is proof that leaves you firmly convinced
8 of the defendant's guilt. There are very few things in
9 this world that we know with absolute certainty, and in
10 criminal cases, the law does not require proof that
11 overcomes every possible doubt.

12 If, based on your consideration of the evidence, you
13 are firmly convinced the defendant is guilty of the crime
14 charged, you must find the defendant guilty. If, on the
15 other hand, you think there is a real possibility that the
16 defendant is not guilty, you must give the defendant the
17 benefit of the doubt and find him not guilty. Facts and
18 circumstances that merely place upon the defendant a grave
19 suspicion of the crime charged or that merely raise a
20 speculation or conjecture of the defendant's guilt are not
21 sufficient to authorize a conviction of the accused.

22 There are two types of evidence which are generally
23 presented during a trial: direct and circumstantial
24 evidence. Direct evidence is the testimony of a person
25 who claims to have actual knowledge of a fact such as an

1 eyewitness. It is evidence which immediately establishes
2 the main fact to be proved.

3 Circumstantial evidence is proof of a chain of facts
4 and circumstances indicating the existence of a fact. It
5 is evidence which immediately establishes collateral facts
6 from which the main fact may be inferred. Circumstantial
7 evidence is based on inference and not on personal
8 knowledge or observation.

9 The law makes absolutely no distinction between the
10 weight or value to be given to either direct or
11 circumstantial evidence, nor is a greater degree of
12 certainty required of circumstantial evidence than of
13 direct evidence. You should weigh all of the evidence in
14 the case.

15 After weighing all the evidence, if you are not
16 convinced of the guilt of the defendant beyond a
17 reasonable doubt, you must find the defendant not guilty.

18 Necessarily, you must determine the credibility of
19 witnesses who have testified in this case. Credibility
20 simply means believability. It becomes your duty as
21 jurors to analyze and to evaluate the evidence and
22 determine if the State has met its burden of proof in this
23 case.

24 In determining the believability of witnesses who
25 have testified in this case, you may believe one witness

1 over several witnesses or several witnesses over one
2 witness; you may believe part of the testimony of a
3 witness and reject the remaining part of the testimony of
4 that same witness; you may believe the testimony of a
5 witness in its entirety or reject the testimony of the
6 witness in its entirety; you may consider whether any
7 witness has exhibited to you any interest, bias, prejudice
8 or other motive in the case; you may also consider the
9 appearance and manner of a witness while on the witness
10 stand.

11 The rules of evidence ordinarily do not permit
12 witnesses to testify to opinions or conclusions. An
13 exception to this rule exists for witnesses we call expert
14 witnesses. A witness who, by education and experience,
15 has become an expert in some art, science, profession or
16 calling may state an opinion as to a relevant and material
17 matter in which the witness claims to be an expert and may
18 also state the reasons for that opinion.

19 You should consider any expert opinion received in
20 evidence in this case and like any other evidence give it
21 the weight you think it deserves. If you decide the
22 opinion of an expert witness is not based on sufficient
23 education and experience or if you conclude that the
24 reasons given in support of the opinion are not sound or
25 that the opinion is outweighed by other evidence, you may

1 disregard the opinion entirely.

2 An expert witness's testimony is to be given no
3 greater weight than that of other witnesses simply because
4 the witness is an expert. Further, you are not required
5 to accept an expert's opinion even though it is not
6 contradicted.

7 A statement alleged to have been made by the
8 defendant has been admitted into evidence in this case.
9 However, you must make the ultimate decision whether or
10 not the defendant made the statement. If the defendant
11 did make the statement, you must determine whether the
12 statement was made by the defendant voluntarily and of his
13 own will. This means that the statement was not caused by
14 pressure, force, fear, threats, coercion or intimidation
15 or by hope or promise of leniency or reward of any kind.

16 In determining whether the statement was voluntary,
17 you should consider both the characteristics of the
18 defendant and the details of the questioning. Some of the
19 factors that you must consider are, one, the age of the
20 defendant; two, the defendant's education or lack of
21 education; three, the defendant's mental ability or
22 capacity; four, the defendant's IQ or intelligence; five,
23 the defendant's background and environment; six, the place
24 and length of detention; seven, the nature of the
25 questioning; and eight, the advice or lack thereof to the

1 defendant of his constitutional rights including but not
2 limited to the right to remain silent, that any statement
3 could have been used against him in a court of law, the
4 right to have a lawyer present, that if he couldn't afford
5 a lawyer, a lawyer would be appointed to represent him
6 without any cost and that he could stop making a statement
7 at any time. The State must prove beyond a reasonable
8 doubt that the defendant made a knowing, intelligent and
9 voluntary waiver of his rights and that the statement of
10 the defendant was voluntary.

11 You must carefully consider all of the surrounding
12 circumstances before you give any weight to an alleged
13 statement. The State has the burden of proving beyond a
14 reasonable doubt that the alleged statement was voluntary.
15 If you determine it was, you may give the statement any
16 further consideration you deemed proper. You must decide
17 what weight, if any, should be given to each of the
18 alleged statements. If you determine the alleged
19 statement was not the free and voluntary statement of the
20 defendant, you should not consider the statement at all.

21 In order to establish criminal liability, the State
22 must also prove criminal intent. For a particular crime,
23 the mental state required might be purpose, intent,
24 knowledge, recklessness or criminal negligence.

25 The State must prove criminal intent beyond a

1 reasonable doubt. Criminal intent is a matter that must
2 be determined by the jury from the facts of the case.
3 There is no way to prove criminal intent to a mathematical
4 certainty, so the law says that criminal intent may be
5 inferred from the circumstances shown to have existed.
6 This is how you determine whether or not the element
7 requiring intent was present.

8 It is not necessary to establish intent by direct
9 evidence. Intent may be established by circumstantial
10 evidence or by taking into consideration the acts of the
11 parties and all the facts and circumstances of the case.

12 Criminal intent is a mental state of conscious
13 wrongdoing. It is up to you to determine what the
14 defendant intended to do based on the circumstances shown
15 to have existed in this case.

16 The defendant is charged with criminal sexual conduct
17 with a minor in the first degree. To show the defendant's
18 guilt, the State must prove two elements beyond a
19 reasonable doubt. First, the State must prove beyond a
20 reasonable doubt that the defendant engaged in a sexual
21 battery with a victim. A sexual battery is sexual
22 intercourse, cunnilingus, fellatio, anal intercourse or
23 any intrusion, however slight, of any part of a person's
24 body or of any object into the genital or anal openings of
25 another person's body except when the intrusion is

1 accomplished for medically recognized treatment or
2 diagnostic purposes.

3 Second, the State must prove beyond a reasonable
4 doubt that the victim was less than 11 years old at the
5 time of the sexual battery.

6 Consent, willingness, indifference or ignorance on
7 the part of the minor victim, if any, as to what was
8 taking place does not in any way affect the charge of
9 criminal sexual conduct with a minor.

10 The defendant is also charged with criminal sexual
11 conduct with a minor third degree. The State must prove
12 beyond a reasonable doubt that the defendant lewdly and
13 willfully committed or attempted to commit a lewd or
14 lascivious act upon the body or its parts of a child under
15 the age of 16 years with the intent of arousing, appealing
16 to or gratifying the lust, passions or sexual desires of
17 the defendant or the victim.

18 "Willfully" means voluntarily and intentionally with
19 a specific intent to do something that the law forbids.

20 "Lewd" means obscene, lustful, indecent or lecherous,
21 while "lascivious" means tending to incite lust, indecent,
22 obscene or tending to deprave the morals in respect to
23 sexual relations.

24 Consent, willingness, indifference or ignorance on
25 the part of the minor victim, if any, as to what was

1 taking place does not in any way affect the charge of
2 criminal sexual conduct with a minor.

3 I will give you a copy of these instructions in
4 written form. During your deliberations you may refer to
5 my instructions to guide your decision-making. You must
6 consider the instructions as a whole and may not follow
7 some and ignore others. Please return the copy of the
8 instructions to the Court at the time your verdict is
9 rendered.

10 Ladies and gentlemen, please remember that each
11 indictment charges a separate and distinct offense. You
12 must decide each indictment separately on the evidence and
13 the law applicable to it uninfluenced by your decision as
14 to any other indictment. The defendant may be convicted
15 or acquitted on all or any of the offenses charged.

16 You will be asked to write a separate verdict of
17 guilty or not guilty for each indictment. You will see,
18 Mr. Foreperson, that there is a place on each indictment
19 that says "verdict," and once you come to your unanimous
20 decision, you simply write "guilty" or "not guilty" and
21 sign it as the foreperson and date it, please.

22 Your verdict as to each indictment must be a
23 unanimous one.

24 Mr. Foreperson, when the jury agrees on the verdict,
25 you'll mark the verdict as I told you on the indictments

1 and sign your name as foreperson. Please then activate
2 the light outside the jury room and inform the bailiff
3 that you have reached your verdicts. At that time we're
4 going to receive you back into the courtroom.

5 I ask that you now return to your jury room, but
6 don't begin your deliberations until you're told by the
7 bailiff to do so. There are some matters which must be
8 discussed with the attorneys before you begin your
9 deliberations. When you receive a copy of my
10 instructions, the indictments and the exhibits entered in
11 this case, that will be your signal to begin your
12 deliberations. We have ordered your lunch to be here at
13 approximately 11:45, so if that just kind of gives you a
14 little guideline. Your lunch should be here right about
15 that time. Henry's is awful good about getting it here in
16 a timely manner.

17 So thank you so much for your service, and we will be
18 back with you very shortly. Thank you.

19 (WHEREUPON, the jury exits the courtroom at 11:00 a.m.)

20 THE COURT: Any objection to my charge on the law
21 from the State?

22 MS. KLUSKA: None, Your Honor.

23 THE COURT: Any from the defense?

24 MR. CHAMBERS: No, Your Honor.

25 THE COURT: I want to thank the gallery for the way

1 in which you conducted yourselves during this. I really
2 do appreciate it.

3 All right. I'm going to ask the attorneys to please
4 get together the exhibits in the case. I know there's not
5 many. I don't remember there being many. And then we'll
6 let the jury begin deliberating. We'll be in recess
7 pending a verdict.

8 (WHEREUPON, a recess is taken at 11:01 a.m., and the jury
9 begins deliberations.)

10 THE COURT: All right. It's my understanding that we
11 have a verdict. I know I spoke with everyone in the
12 gallery, specifically family members of both sides and I
13 impressed upon you that I'm going to absolutely not allow
14 any outbursts whatsoever. I understand it's an emotional
15 day, but if there is any sort of an outburst whatsoever,
16 this jury does not deserve this. They did not ask to be
17 involved in this case. They were chosen. And so if
18 there is any sort of an outburst, I want to be very clear
19 I'm going to take you into custody, and my contempt
20 powers, without a trial or anything, are up to six months
21 in jail. So I want to be very, very clear.

22 All right. Are we ready to bring the jury back in
23 from the State?

24 MS. KLUSKA: Yes, Your Honor. Thank you.

25 THE COURT: From the defense?

1 MR. CHAMBERS: Yes, Your Honor.

2 THE COURT: All right.

3 (WHEREUPON, the jury entered the courtroom at 1:29 p.m.)

4 THE COURT: Mr. Foreperson, it's my understanding
5 that the jury's reached a verdict; is that correct?

6 JURY FOREPERSON: Yes, ma'am.

7 THE COURT: Will you please give the indictments to
8 the bailiff. Thank you so much.

9 And the verdict forms appear to be in order.

10 Madam Clerk, I'll ask you to publish them.

11 VERDICT

12 THE CLERK: Thank you. Your Honor, in the case of
13 2017-GS-23-0535, the State vs. Jason Carlton Booth,
14 indicted for criminal sexual conduct with a minor in the
15 first degree, the verdict is guilty.

16 In the case of 2017-GS-23-0536, Mr. Booth is indicted
17 for criminal sexual conduct with a minor in the third
18 degree. The verdict is guilty.

19 Ladies and gentlemen, if you agree these are the
20 verdicts you reached in your deliberation room, would you
21 please raise your right hand.

22 (WHEREUPON, all jurors raised their right hand.)

23 THE CLERK: Thank you.

24 THE COURT: Ladies and gentlemen, thank you so much
25 for your service in this case. I speak for everyone

1 involved in this. We appreciate what you've done so much.

2 If you'll step back to your jury deliberation room
3 for just one quick moment, I just want to come back there
4 and say goodbye to you. That's all, and then you'll be on
5 your way and finished for the week. Thank you again.

6 (WHEREUPON, the jury exits the courtroom at 1:31 p.m.)

7 THE COURT: Any matters we need to take up before I
8 release the jury from the State?

9 MS. KLUSKA: No, Your Honor.

10 THE COURT: Anything from the defense?

11 MR. CHAMBERS: No, Your Honor.

12 THE COURT: All right then. Very well. We'll be in
13 recess for just a moment. I'm going to step back and
14 speak to the jury and then we'll come right back in for
15 sentencing.

16 (WHEREUPON, a recess is taken at 1:32 p.m.)

17 THE COURT: We're going to wait just a moment because
18 a few jurors I think are interested in potentially coming
19 back in.

20 I want to give another admonition to the people in
21 the courtroom. No one is to speak to these jurors at this
22 point. I am still not releasing them to be able to talk
23 to anyone. The exception to that would be our alternates
24 who are here who, of course, have been with them
25 throughout the trial. But I do not want anybody to say

1 anything to any of these jurors who are in here. And as
2 you can see, we've got deputies in the courtroom, and I
3 just -- I don't want them to have anybody bother them
4 whatsoever.

5 (Pause in proceedings.)

6 THE COURT: All right. So we're ready to proceed.

7 Ms. Kluska, how many days in jail does the defendant
8 have already?

9 MS. KLUSKA: 966.

10 THE COURT: And, Mr. Chambers, you all agree with
11 that?

12 MR. CHAMBERS: I do, Your Honor.

13 THE COURT: All right. Well, I certainly heard the
14 facts of the case, and I'm sure, Mr. Booth, that you know
15 that criminal sexual conduct with a minor third degree
16 carries up to 15 years and criminal sexual conduct with a
17 minor first degree carries a minimum of 25 years up to
18 life.

19 I've heard the facts of the case. Ms. Kluska, is
20 there anything else from the State?

21 MS. KLUSKA: Just the defendant's record, Your Honor.
22 2007, operating uninsured motor vehicle and DUS.

23 THE COURT: Okay. All right. So a very limited
24 record.

25 All right. Mr. Chambers?

1 MR. CHAMBERS: Your Honor, the cases like this are
2 always tough. I can just tell you that my client has
3 maintained his innocence to me throughout this process to
4 the point that at one point there was an offer on the
5 table, a plea with a recommendation of 10 to 15 years, and
6 my client was so steadfast in his innocence that, I mean,
7 his quote to me was, "I don't care if they offer me time
8 served. I'm not pleading guilty. I just didn't do this."
9 And even going through the process of trying to get ready,
10 you know, over the course of the nearly three years that
11 he's been in jail, I told him about the strength of the
12 evidence. And that Julie Valentine forensic interview was
13 tough and I knew would be a really strong piece of
14 evidence for them. He just always maintained his
15 innocence.

16 I know that statutorily there's a limit to what you
17 can do. I would just ask you to be as lenient with him as
18 possible. I mean, even if he were to walk free today,
19 which obviously he's not going to be able to do, I mean,
20 he's going to never have a relationship with his daughter
21 again, he's never going -- he'll be labeled a sex
22 offender. I mean, his life will be very difficult. But
23 throughout this process, he's had the strength of his
24 convictions in this particular case and now he took the
25 ultimate gamble. So I would just ask you to be as lenient

1 with him as you can possibly be, Your Honor.

2 Is there anything you'd like to say?

3 DEFENDANT BOOTH: I didn't do this.

4 SENTENCING

5 THE COURT: All right. When sentencing, you know, of
6 course I have to take into consideration the sentencing
7 range that is part of this, and obviously the minimum
8 sentence in this case. I also have to take into
9 consideration the harm that you're convicted of doing, and
10 that's substantial. I take into account that you have a
11 very limited record, and I take into account the nature of
12 the offense.

13 The sentence of the Court is 32 years, credit for 966
14 days, and 15 years concurrent, credit for 966 days.

15 And I wish that little girl the best of luck. Thank
16 you.

17 MS. KLUSKA: Thank you, Your Honor.

18 (WHEREUPON, Court's Exhibit Number 1 was marked for
19 identification, and proceedings concluded at 1:47 p.m.)
20
21
22
23
24
25

1 CERTIFICATE OF REPORTER

2
3 STATE OF SOUTH CAROLINA)

4 COUNTY OF GREENVILLE)

5
6
7 I, CHERYL A. SMITH, Official Court Reporter for the
8 Thirteenth Judicial Circuit of the State of South
9 Carolina, do hereby certify that the foregoing is a true,
10 accurate and complete Transcript of Record of the
11 proceedings had and evidence introduced in the trial of
12 the captioned case, relative to appeal, in the Court of
13 General Sessions for Greenville County, South Carolina, on
14 the 12th, 13th, 14th and 15th day of August, 2019.

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

17
18 November 10, 2019

19
20
21 *Cheryl A. Smith*

22 Cheryl A. Smith, CVR-M

23 Court Reporter
24
25

WITNESSES

Robert Joseph Perry

Greenville County Sheriffs Office

12/22/2016

ARREST WARRANT NUMBER

2016A2310100345

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

VERDICT

Guilty

Foreperson of Petit Jury

Date: 8/15/2019

DOCKET NO. 2017-GS-23-

LBP

000535

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

February

TERM 2017

THE STATE

vs.

JASON CARLTON BOOTH

Indictment for

0385 ✓

CRIMINAL SEXUAL CONDUCT WITH A MINOR
FIRST DEGREE

VIOLATION § 16-03-0655

RECEIVED

AUG 26 2019

SC Court of Appeals

A Certified Copy
 Paul B. Wilkerson
 Clerk of Court C.P. & G.S.
 Greenville County, SC
 Dated: 08/21/2019 TS

FILED

JAN 26 2017

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR FIRST DEGREE

At a Court of General Sessions, convened on **FEB 21 2017** the Grand Jurors of Greenville
County present upon their oath:

That JASON CARLTON BOOTH did in Greenville County, between December, 2015 and November,
2016, commit a sexual battery on D.B., who was less than eleven years of age. This is in violation of
§16-03-0655 of the South Carolina Code of Laws (1976) as amended.

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

Heidi B. Paolotti
SOLICITOR

BAR # 69114

WITNESSES

Robert Joseph Perry

Greenville County Sheriffs Office

12/22/2016

ARREST WARRANT NUMBER

2016A2310100346

ACTION OF GRAND JURY

TRUE BILL

Foreperson of GRAND JURY

VERDICT

Guilty

Foreperson of Petit Jury

Date: 8/15/2019

DOCKET NO. 2017-GS-23-

LBP

000536

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

February

TERM 2017

THE STATE

vs.

JASON CARLTON BOOTH

Indictment for

3661 ✓

CRIMINAL SEXUAL CONDUCT WITH A MINOR
3RD DEGREE

VIOLATION § 16-03-0655

RECEIVED
AUG 26 2019
SC Court of AppealsA Certified Copy
Paul B. Wickens
Clerk of Court C.P. & G.S.
Greenville County, SC

Dated 08/21/2019 TS

FILED

JAN 26 2017

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR 3RD DEGREE

At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

FEB 21 2017

That JASON CARLTON BOOTH did in Greenville County, between December, 2015 and November, 2016, being over the age of fourteen years, willfully and lewdly commit or attempt a lewd and lascivious act upon or with the body, or its parts, of D.B., a child under the age of sixteen years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of himself or such child. This is in violation of §16-03-0655 of the South Carolina Code of Laws (1976) as amended.

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

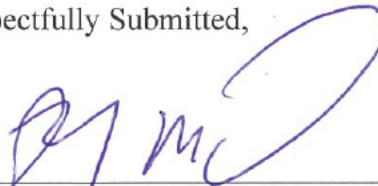
Mich. B. Pasuth
SOLICITOR

BAR # 69114

CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,



Robert M. Dudek
Chief Appellate Defender

RECEIVED

Jul 27 2020

SC Court of Appeals

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

ATTORNEY FOR APPELLANT

This 27th day of July, 2020.