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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Darlington County

Honorable Bentley Price, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MICHAELIS S. RAMSEY,

APPELLANT

APPELLATE CASE NO. 2021-000769

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
COUNTY OF DARLINGTON	)	2019-GS-16-1010
	)	
	)	
	)	
	)	
State of South Carolina	)	TRANSCRIPT OF RECORD
vs.	)	
Michaelis S. Ramsey	)	
	)	June 21 & 23-24, 2021
<u>DEFENDANT</u>	)	Darlington, SC

B E F O R E:

THE HONORABLE BENTLEY PRICE, judge and a jury.

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Attorney for the Defendant

KESHIA REED
Official Court Reporter

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1 THE COURT: The first one that we're going to
2 draw a jury for is The State of South Carolina vs.
3 Michaelis Schuyler Ramsey, which is the charge of criminal
4 sexual conduct with a minor less than 14 over the age of
5 11 with the victim in this case which is Minor
6 who is 13 years of age. And the second one is buggery or
7 sodomy of the same victim Minor So what we're
8 going to do is I'm going to allow the Solicitor's office
9 to introduce themselves and then read a witness list. And
10 then I'm going to allow the defense to do the same.

11 MR. BELL: Good morning. I'm Monty Bell. I'm
12 with the Solicitor's office. I'll be prosecuting the case
13 The State vs. Michaelis Ramsey. With me sitting second
14 chair, will be Assistant Solicitor Patti Parker to my left
15 and we will be prosecuting the case. My witness list is
16 as follows: Verona T. Herrera, Donna M. Money, Michael
17 Weatherford with HPD, Kristan Jeffords with HPD, Denise
18 Faye Casley, Minor Maggie Walters, Lisa Gianey,
19 Pamela Price, Megan Gardner, Shellie Keisler, Erica
20 Norton, Lloyd Greer, Riley Free, and Kimberly Spainhour.

21 MR. NEWTON: I'm Robert Newton. I'm the defense
22 attorney in this case. I represent Michaelis Ramsey. You
23 already heard the witness list.

24 THE COURT: All right. Does anyone here have a
25 close, personal relationship or have a family member or a

1 friend that has a close personal relationship with anybody
2 from the Solicitor's office or anybody on the witness list
3 in which was read. All right, if so please stand?

4 Yes, ma'am, your juror number?

5 PROSPECTIVE JUROR: Seventeen.

6 (WHEREUPON, juror number 17 is Nytisha Belin.)

7 THE COURT: All right, juror number 17 who do
8 you know?

9 PROSPECTIVE JUROR: I know **Minor** and I know
10 Maggie.

11 THE COURT: You know the victim?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: All right. And would that in any
14 way affect your ability to be fair and impartial in this
15 case?

16 PROSPECTIVE JUROR: No.

17 THE COURT: All right, you can have a seat.

18 COURT REPORTER: So is she dismissed?

19 THE COURT: No, she's to have a seat wait for
20 the next case.

21 THE CLERK: She's dismissed from this case.

22 THE COURT: That's correct. Anyone else? Come
23 on up, ma'am. Hold up, ma'am, because the court reporter
24 having a hard time hearing everybody.

25 THE CLERK: What's your name first?

1 PROSPECTIVE JUROR: Amanda Goins 61. I know
2 Monty Bell. I work for magistrate court for nine years.
3 My husband also once was. He now employed with the
4 Darlington sheriff's office for 19 years. I know Michael
5 Weatherford friends with him. I know Kristan Jeffords.

6 THE COURT: All right. Could you be fair and
7 impartial in this case?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: You are excused from this case.

10 THE CLERK: You just have a seat back out in the
11 audience for us please.

12 THE COURT: Yes, ma'am.

13 THE CLERK: Come forward. Let's get your name
14 for the record?

15 PROSPECTIVE JUROR: Lashanda Lucas.

16 THE COURT: Who do you know?

17 PROSPECTIVE JUROR: Monty Bell.

18 THE COURT: How do you know him?

19 PROSPECTIVE JUROR: Childhood elementary school.

20 THE COURT: All right. Would that in any way
21 affect your ability to be fair and impartial?

22 PROSPECTIVE JUROR: No.

23 THE COURT: All right. Thank you very much for
24 letting me now.

25 THE CLERK: Seventeen's out and 61 is out.

1 Let's get your name for the record?

2 PROSPECTIVE JUROR: Damarlin Walters 187. You
3 ask did we know any cops or anybody?

4 THE COURT: Anybody that they read off do you
5 know any of them?

6 PROSPECTIVE JUROR: That they read off the
7 sheet?

8 THE COURT: Yes.

9 PROSPECTIVE JUROR: I don't think so. I thought
10 you meant Monty Bell.

11 THE COURT: Do you know Mr. Bell?

12 PROSPECTIVE JUROR: Yes, sir.

13 THE COURT: All right. How do you know him?

14 MR. BELL: I use to represent him.

15 THE COURT: All right. Would that in any way
16 affect -- well, you represented him.

17 PROSPECTIVE JUROR: I know Mr. Weatherford from
18 Wal-Mart.

19 THE COURT: I'm going to excuse you from being
20 in this case.

21 THE CLERK: You're Mr. Walters, right?

22 PROSPECTIVE JUROR: Yes, sir.

23 THE CLERK: 187 is out.

24 THE COURT: He's excused from this case.

25 THE CLERK: Have a seat back in the audience for

1 us. Give us your name for the record please?

2 PROSPECTIVE JUROR: Carla Tyner.

3 THE CLERK: 183.

4 THE COURT: All right. Who do you know?

5 PROSPECTIVE JUROR: Maggie Walters I went to
6 high school with her.

7 THE COURT: And she's on the witness list?

8 MR. BELL: Yes.

9 THE COURT: Would that in any way affect your
10 ability to be fair and impartial?

11 PROSPECTIVE JUROR: I think so.

12 THE COURT: You're excused from the trial of
13 this case, just have a seat. Thank you very much.

14 THE CLERK: 183 is out.

15 THE COURT: Everybody who thinks they know
16 somebody come up all at one time so we can do this
17 quicker, okay.

18 THE CLERK: Give your name for the record say it
19 to the court reporter.

20 PROSPECTIVE JUROR: Levelle Jeffery 201.

21 THE COURT: Who you know?

22 PROSPECTIVE JUROR: Mr. Bell.

23 THE COURT: You represent him?

24 MR. BELL: The children.

25 THE COURT: I'll excuse you from the trial of

1 this case, just have a seat. You may be able to serve on
2 the next jury.

3 THE CLERK: 201 is out. Let's get your name for
4 the record first?

5 PROSPECTIVE JUROR: Tim Skipper, James Skipper.
6 I know Lisa Gainey and Erica Norton.

7 THE COURT: How do you know them?

8 PROSPECTIVE JUROR: I live in Hartsville all my
9 life.

10 THE COURT: All right. Would that affect your
11 ability to be fair and impartial?

12 PROSPECTIVE JUROR: Possibly.

13 THE COURT: You got to say yes or no.

14 PROSPECTIVE JUROR: Well, it could. I known
15 Erica since she was a child. I don't know how the case
16 ---

17 THE COURT: All right. Have a seat and we'll
18 excuse you from this trial.

19 THE CLERK: 163 out.

20 THE COURT: All right. Everybody just sit back
21 for a second. We're going to go ahead and randomize the
22 sheet for the first jury selection and then we'll just
23 call you up one by one and see if you'll be seated for the
24 selection of this jury.

25 THE CLERK: At this time if your name is called

1 if you'll just bring anything you brought with you today
2 pocketbook, umbrella or whatever and come forward and just
3 stand right where that microphone circle is and for
4 further instructions please.

5 Juror number 57 Melinda Gainey.

6 (WHEREUPON, a white female, comes forward.)

7 THE CLERK: What say the State?

8 MR. BELL: Please present the juror.

9 THE CLERK: What say the defense?

10 MR. NEWTON: Excuse the juror please.

11 THE CLERK: You been excuse from this particular
12 case. You just go back and have a seat where you were
13 please.

14 Juror number 152 Jenny Salazar.

15 (WHEREUPON, a white female, comes forward.)

16 THE CLERK: What say the State?

17 MR. BELL: Please present the juror.

18 THE CLERK: What say the defense?

19 MR. NEWTON: Excuse the juror.

20 THE CLERK: You been excused from this
21 particular case.

22 Juror number 138 Nicholas Reen.

23 (WHEREUPON, a white male, comes forward.)

24 THE CLERK: What say the State?

25 MR. BELL: Please present the juror.

1 THE CLERK: What say the defense?
2 MR. NEWTON: Seat the juror.
3 THE CLERK: Please have a seat.
4 Juror number 25 Taricia Brown.
5 (WHEREUPON, a black female, comes forward.)
6 THE CLERK: What say the State?
7 MR. BELL: Please present the juror.
8 THE CLERK: What say the defense?
9 MR. NEWTON: Seat the juror.
10 THE CLERK: Please follow the bailiff right
11 here.
12 Juror number 134 Whittney Pettigrew.
13 (WHEREUPON, a black female, comes forward.)
14 THE CLERK: What say the State?
15 MR. BELL: Please present the juror.
16 THE CLERK: What say the defense?
17 MR. NEWTON: Seat the juror.
18 THE CLERK: Please follow the bailiff.
19 Juror number 161 Courtney Sims.
20 (WHEREUPON, a white female, comes forward.)
21 THE CLERK: What say the State?
22 MR. BELL: Please seat the juror.
23 THE CLERK: What say the defense?
24 MR. NEWTON: Excuse the juror.
25 THE CLERK: You been excused from this

1 particular case, have a seat back out in the audience
2 please.

3 Juror number 76 Brittany Henderson.

4 (WHEREUPON, a white female, comes forward.)

5 THE CLERK: What say the State?

6 MR. BELL: Please seat the juror.

7 THE CLERK: What say the defense?

8 MR. NEWTON: Excuse the juror.

9 THE CLERK: You been excuse in this particular
10 case.

11 Juror number 80 Houston Hilton.

12 (WHEREUPON, a white male, comes forward.)

13 THE CLERK: What say the State?

14 MR. BELL: Please excuse the juror.

15 THE CLERK: You been excuse from this particular
16 case, have a seat back out in the audience please.

17 Juror number 181 Jacob Turbeville.

18 (WHEREUPON, a white male, comes forward.)

19 THE CLERK: What say the State?

20 MR. BELL: Please present the juror.

21 THE CLERK: What say the defense?

22 MR. NEWTON: Seat the juror.

23 THE CLERK: Please follow the bailiff.

24 Juror number 1 Charlotte Adams.

25 (WHEREUPON, a white female, comes forward.)

1 THE CLERK: What stay State?

2 MR. BELL: Please present the juror.

3 THE CLERK: What say the defense?

4 MR. NEWTON: Excuse the juror.

5 THE CLERK: You been excuse from this particular
6 case.

7 Juror number 40 Julisa Daniels.

8 (WHEREUPON, a black female, comes forward.)

9 THE CLERK: What say the State?

10 MR. BELL: Please present the juror.

11 THE CLERK: What say the defense?

12 MR. NEWTON: Seat the juror.

13 THE CLERK: Please follow the bailiff to the
14 jury room.

15 Juror number 30 James Carmona.

16 (WHEREUPON, a white male, comes forward.)

17 PROSPECTIVE JUROR: What stay State?

18 MR. BELL: Please present the juror.

19 THE CLERK: What say the defense?

20 MR. NEWTON: Seat the juror.

21 THE CLERK: Please follow the bailiff to the
22 jury room.

23 Juror number 158 Delphine Simon.

24 (WHEREUPON, a black female, comes forward.)

25 THE CLERK: What say the State?

1 MR. BELL: Please present the juror.

2 THE CLERK: What say the defense?

3 MR. NEWTON: Seat the juror.

4 THE CLERK: Please follow the bailiff into the
5 jury room for me.

6 Juror number 11 Joanna Baker.

7 (WHEREUPON, a white female, comes forward.)

8 THE CLERK: What say the State?

9 MR. BELL: Please present the juror.

10 THE CLERK: What say the defense?

11 MR. NEWTON: Excuse the juror.

12 THE CLERK: Been excuse from this particular
13 case, Ms. Baker, have a seat in the audience please.

14 Juror number 188 Porsha Washington.

15 (WHEREUPON, a black female, comes forward.)

16 THE CLERK: What say the State? 188 is excuse
17 by the Court.

18 Juror number 6 Timothy Anderson.

19 (WHEREUPON, a white male, comes forward.)

20 THE CLERK: What say the State?

21 MR. BELL: Please present the juror.

22 THE CLERK: What say the defense?

23 MR. NEWTON: Excuse the juror.

24 THE CLERK: Been excuse from this particular
25 case, Mr. Anderson.

1 Juror number 51 Zoe Flowtow.
2 (WHEREUPON, a white female, comes forward.)
3 THE CLERK: What say the State?
4 MR. BELL: Please present the juror.
5 THE CLERK: What say the defense?
6 MR. NEWTON: Seat the juror.
7 THE CLERK: Please follow the bailiff.
8 Juror number 108 Lashanda Lucas.
9 (WHEREUPON, a black female, comes forward.)
10 THE CLERK: What say the State?
11 MR. BELL: Please present juror.
12 THE CLERK: What say the defense?
13 MR. NEWTON: Excuse the juror.
14 THE CLERK: Been excuse from this particular
15 case. Juror number 13 Lois Ballard excuse by the Court.
16 Juror number 174 Cameo Thompson.
17 (WHEREUPON, a white female, comes forward.)
18 THE CLERK: What say the State?
19 MR. BELL: Please present the juror.
20 THE CLERK: What say the defense?
21 MR. NEWTON: Seat the juror.
22 THE CLERK: Please follow the bailiff for me.
23 Juror number 49 Jimeia Durant.
24 (WHEREUPON, a black female, comes forward.)
25 THE CLERK: What say the State?

1 MR. BELL: Please present the juror.

2 THE CLERK: What say the defense?

3 MR. NEWTON: Seat the juror.

4 THE CLERK: Please go with the bailiff for me,
5 Mr. Durant.

6 Juror number 16 Amanda Beasley.

7 (WHEREUPON, a white female, comes forward.)

8 THE CLERK: What say the State?

9 MR. BELL: Please present the juror.

10 THE CLERK: What say defense?

11 MR. NEWTON: Excuse the juror.

12 THE CLERK: You been excuse from this particular
13 case, Ms. Beasley.

14 Juror number 169 Loria Stukes excuse by the
15 Court.

16 Juror number 21 Alisha Bostick.

17 (WHEREUPON, a black female, comes forward.)

18 THE CLERK: What say the State?

19 MR. BELL: Please present the juror.

20 THE CLERK: What say the defense?

21 MR. NEWTON: Seat the juror.

22 THE CLERK: Please follow the bailiff.

23 Juror number 113 Sabrina McDonald-Mack.

24 (WHEREUPON, a black female, comes forward.)

25 THE CLERK: What say the State?

1 MR. BELL: Please present the juror.

2 THE CLERK: What say the defense?

3 MR. NEWTON: Seat the juror.

4 THE CLERK: If you will please go with the
5 bailiff for me, Ms. McDonald. I'll begin with the first
6 of the two alternates be one and two.

7 Juror number 52 Dalton Flowers.

8 (WHEREUPON, a white female, comes forward.)

9 THE CLERK: What say the State?

10 MR. BELL: Please present the juror.

11 THE CLERK: What say the defense?

12 MR. NEWTON: Seat the juror.

13 THE CLERK: If you will follow the bailiff,
14 ma'am.

15 Juror number 88 Shakera Jackson.

16 (WHEREUPON, a black female, comes forward.)

17 THE CLERK: What say the State?

18 MR. BELL: Please present the juror.

19 THE CLERK: What say the defense?

20 MR. NEWTON: Seat the juror.

21 THE CLERK: If you would follow the bailiff for
22 me.

23 THE COURT: All right. Ladies and gentlemen of
24 the jury, what we're now going to do that's the selection
25 of the first trial. We're going to proceed with the

1 selection of the second trial. However, the clerk is now
2 going to have to remove all those names from the
3 randomization and we'll randomize it again. And we'll
4 begin the selection of the second trial, so just sit tight
5 for us, okay. Real briefly as to the State, do you have
6 any issues as to the selection of the first jury?

7 MR. BELL: No, your Honor.

8 THE COURT: All right, as to the defense?

9 MR. NEWTON: No, Your Honor.

10 THE COURT: All right.

11 (WHEREUPON, the proceedings were concluded for
12 the day to be reconvened on June 23, 2021.)

13 (WHEREUPON, State's Exhibits Nos. 1-12 were
14 marked for identification only.)

15 THE COURT: All right. So one of the jurors we
16 contacted that we're missing is you all want to look, it
17 is juror number 25. It's number four on our list, it's
18 Taricia Brown. We contacted her and she indicated that
19 she was -- she forgot that she had jury duty today. She's
20 in Hartsville. She's disabled and she says that she will
21 get ready and head this way. We either wait on her or we
22 excuse her and put the alternate on. You all can take a
23 look and tell me what you think. Number one first
24 alternate is Dalton Flowers juror number 52.

25 MR. BELL: The State is okay with the alternate.

1 MR. NEWTON: The alternate is fine.

2 THE COURT: All right. So anything before we
3 get started?

4 MR. BELL: Nothing from the State.

5 THE COURT: Anything from the defense?

6 MR. NEWTON: No, your Honor.

7 THE COURT: All right. You all prepared and
8 ready to go?

9 MR. BELL: Yes, sir.

10 THE COURT: All right, bring them out.

11 (WHEREUPON, the jury came into open court.)

12 THE CLERK: Raise your right hand.

13 (WHEREUPON, the jury was sworn.)

14 THE COURT: All right. Good morning, ladies and
15 gentlemen, thank you very much for being here. Juror
16 number 52 Dalton Flowers were are you? You are our first
17 alternate. One of the jurors didn't show today and so you
18 have been impaneled on the jury, okay. All right. So,
19 ma'am, what's your juror number?

20 JUROR: Forty.

21 THE COURT: All right.

22 THE CLERK: Julisa Daniels.

23 THE COURT: All right. Ms. Daniels, you are in
24 the hot seat, so you're going to be appointed as our
25 forelady of the jury. You're only responsibility and role

1 right now is if there's an issue that arises that needs to
2 be brought to my attention if you'll just reduce it to
3 writing during the trial, give it to the bailiff, they'll
4 bring it to me and I'll address whatever issues come up,
5 okay. I'll explain your role and duty at a later date.
6 The only difference between you and anybody else right now
7 is that you sit in that chair and you send me the notes,
8 okay.

9 FOREPERSON: Yes, sir.

10 THE COURT: All right. Thank you, ma'am. All
11 right. Ladies and gentlemen, as I indicated before, this
12 is the State of South Carolina vs. Michaelis Ramsey. He's
13 indicted on one charge for criminal sexual conduct with a
14 minor victim 11 to 14 years of age in the second degree.
15 We are going to begin the trial now. And as I stated
16 earlier excuse me -- the State is going to be allowed to
17 give an opening statement and so is the defense. This is
18 not to be considered by yourself as evidence whatsoever.
19 This is simply what the attorneys believe that the
20 evidence is going to show in this case and so it's imply
21 just an opening statement not to be considered as
22 evidence. All right. And at that point in time then I'm
23 going to allow the State to call their witnesses and we'll
24 continue with the trial. We'll usually go for about an
25 hour, an hour and ten minutes just to let you know and

1 we'll take a break. And then obviously I think the clerk
2 indicated we'll take a break around lunch just to let you
3 know the lay of the land, what's going on just so you
4 don't get nervous because a lot of you haven't served on
5 jury duty before.

6 We have our wonderful bailiffs who you have
7 already met, our deputies that are here to protect us as
8 well. You've met the clerk. He will come in and out.
9 These are our wonderful clerks down here that will conduct
10 the trial with us. This is our madam court reporter she
11 takes down everything during the trial. This is Amy,
12 she's my law clerk. And basically she just does whatever
13 I ask her to do. She takes notes. You'll see us write
14 notes back and forth to each other. Trust me, it has
15 nothing to do whatsoever with this trial. It may be
16 something completely unrelated. You'll see us Skyping
17 sometimes on my computer, that's because my administrative
18 assistant has sent us something that we need to address at
19 one of the breaks.

20 So there's a lot of moving parts, but, again,
21 just keep your attention directed at the witness stand and
22 to the lawyers because what we do in this trial really
23 doesn't matter whatsoever. I am the judge of the law. If
24 anything comes up, I'll address it but apart from that
25 just didn't want you to get nervous if you saw us doing

1 other things. We're not reacting to anything in the trial
2 to be quite honest with you, so don't worry about any
3 reactions that you see from us. All right. All right.
4 You ready?

5 MR. BELL: State's ready, your Honor.

6 THE COURT: All right. We'll go ahead and begin
7 with opening statements.

8 MR. BELL: Your Honor, may it please the Court.

9 THE COURT: Yes, sir.

10 MR. BELL: Mr. Robert Newton. Ladies and
11 gentlemen of the jury, sexual battery with a child from
12 the age of 11 to 14 sexual battery with a child ages 11 to
13 14. The judge just told you he will instruct you all on
14 what the law is. The State contends that criminal sexual
15 conduct second degree with a minor, sexual battery with a
16 child age 11 to 14 and that burden of proof to prove that
17 Michaelis Ramsey committed that crime on May 26, 2019.
18 Burden of proof is on the State. He's before you innocent
19 until proven guilty. The burden of proof is on the State.
20 In this case, it's on me to prove his guilt beyond a
21 reasonable doubt. The State has to prove that guilt with
22 evidence.

23 Now, let's get back to what sexual battery is.
24 I think everyone knows what a child is between the ages of
25 11 and 14. Sexual battery the State will be trying to

1 prove is you will hear the definition from the judge
2 sexual battery can be cunnilingus, which is oral sex on
3 the female genitalia. Fellatio is oral sex on the male
4 genital and that won't apply here, animal penetration.
5 And then there's also going to be some language I want you
6 to pay very close attention to any intrusion whatsoever in
7 the anus, no matter with what. It can be an object no
8 matter what, that still constitutes a battery.. Pay close
9 attention to the evidence you're going to hear today.

10 You're going to hear testimony. You're going to
11 hear testimony about when it happened, where it happened
12 and how it happened. Pay close attention. The burden of
13 proof is on the State. We're going to present this
14 evidence. You're going to hear DNA testimony. You're
15 going to hear DNA testimony pay attention to that.

16 Now, ladies and gentlemen of the jury, there's
17 going to be chains of custody testimony. You are going to
18 hear the State having to go into a lot of chain of
19 custody. And bear with me, there's a reason for it, but
20 it's important that this evidence is entered in and is
21 deemed where you all can hear it later from my case.

22 You are going to hear expert testimony, pay
23 close attention to what the expert says. You will be able
24 to weigh their experience and their credibility. I thank
25 each and every one of you for being here. When you think

1 about lady justice, lady justice is blind. What is that
2 mean? He's innocent until proven guilty. You all don't
3 know him. You all don't know me. You all don't know the
4 defense attorney. You all are here to judge the facts.
5 When you see lady justice holding that scale, it's the
6 weight of the evidence. Do you understand lady justice
7 also has a sword. At the conclusion of my case, I will
8 hope that the weight of the evidence is so that you find
9 him guilty beyond a reasonable doubt and you swing that
10 sword and give my victim, Minor [REDACTED] justice. Thank
11 you.

12 THE COURT: All right, yes, sir.

13 MR. NEWTON: May it please the Court.

14 THE COURT: Absolutely.

15 MR. NEWTON: Ladies and gentlemen, I appreciate
16 you all being here today. I know you didn't have a
17 choice, but it is a very important service that you
18 endure. One that everybody in this country is entitled to
19 if they're charged with a crime.

20 I agree with one thing the prosecutor told you
21 and that is the State and the prosecutor has the burden of
22 proof. The defense in a criminal case does not have to
23 prove anything. It never has to prove anything. It is
24 the State that decides whether to press criminal charges.
25 It's the State which decides what to charge the person

1 with, if anything, and the State has to prove its case
2 beyond a reasonable doubt. This is not civil court.
3 Civil court if you all don't know what it is say
4 somebody's involved in an automobile accident and sues the
5 other driver, that's a civil case. The burden of proof in
6 that court imagine the scales of justice has to tilt just
7 slightly in the favor that one party, slightly in the
8 favor more likely than not, they win. Criminal court does
9 not work the same way. It is not well if you think
10 there's a little bit of evidence maybe the prosecution is
11 a little bit persuasive. I don't know, but, yeah, we'll
12 go with them. No, that is not criminal court. The
13 prosecution has to get the scales way down there, way down
14 there beyond a reasonable doubt.

15 In just about every criminal case you hear, you
16 may start to form an impression of the trial as it's going
17 along. I ask you not to do that, ask you to remember
18 there's going to be a lot of evidence and that you wait
19 until all the evidence is in that you heard everything
20 before you make up your minds. Normally, in a criminal
21 case since the prosecution goes first, you're going to see
22 it maybe in their way, but I encourage you always to keep
23 and remember you don't have the whole story until you
24 heard it all. And there is definitely more than one side
25 to this and I ask you to just put on your critical

1 thinking hats. And at the end of this case, I want you to
2 consider if the prosecution's version is even believable.
3 Parts of it I will submit are very unlikely to happen
4 almost unbelievable.

5 One final comment, I'm not use to staring at
6 masks or these barrier things. I'm not sure y'all can
7 hear well or not. If you have any trouble hearing from
8 anybody the attorney, the judge or any of the witnesses,
9 please let the judge know that you're having trouble
10 hearing. All right. It's important that you hear
11 everything. Thank you.

12 THE COURT: All right. Mr. Bell, call your
13 first witness.

14 MR. BELL: State calls Mike Weatherford.

15 THE CLERK: Place your left hand on the Bible
16 and raise your right. Do you swear the testimony you give
17 this court will be the truth, the whole truth and nothing
18 but the truth so help you God?

19 THE WITNESS: I do.

20 WHEREUPON,

21 Michael Weatherford,
22 after first having been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. BELL:

25 Q State your full name for the record?

1 A Michael Weatherford.

2 THE COURT: Mr. Weatherford or Deputy, just push
3 down that button make sure it's on, tap it. All right.

4 BY MR. BELL:

5 Q Mr. Weatherford, where do you work?

6 A Hartsville Police Department.

7 Q Were you working for Hartsville Police Department on
8 May 26, 2019?

9 A I was.

10 Q Where did your investigation start pertaining to this
11 case?

12 A I was at home, but I was on call as an investigator,
13 so I received a call and asked to respond to Carolina
14 Pines Regional Medical Center.

15 Q And what was the nature of the call you responded to?

16 A That a minor child had been sexually assaulted.

17 Q Did you observe the child when you got to the
18 hospital?

19 A When I got to the hospital, I looked in the room she
20 was in and I did observe her laying on the bed kind of
21 rolled up on one side laying in a fetal position.

22 Q And typically how are those sexual assault cases with
23 minors handled in your department?

24 A Delicately as possible, but generally I kind of
25 coordinate getting the victims' advocate there. Somebody

1 from Pee Dee Coalition anything of that nature trying my
2 best to make the situation comfortable while obtaining and
3 gathering evidence.

4 Q Was she examined for sexual assault at Carolina
5 Pines?

6 A She was not.

7 Q Why was she not examined at Carolina Pines?

8 A She was not examined at Carolina Pines because they
9 did not have a SANE nurse, which is a nurse to collect
10 sexual assault evidence. They did not have one of those
11 at Carolina Pines, so it could not be performed there.

12 Q So where was it performed?

13 A I believe it's Prisma Health in Richland County is
14 where we ultimately had to make arrangements and get her
15 to so the collection could be done.

16 Q Was any evidence collected from the victim at that
17 time at Carolina Pines?

18 A When I was at Carolina Pines, I -- she had on like
19 bikini bottoms as a bathing suit is how she sleeps and she
20 had those on while they were there. So I had the nurse
21 that was there obtain those, place them in a bag and hand
22 them to me as I was standing just outside of the room.

23 Q Who with the Hartsville Police Department usually
24 takes buccal swabs?

25 A That would be our evidence collection officer

1 Sergeant Erica Norton.

2 Q Did you witness Erica Norton take anyone's buccal
3 swab pertaining to this case?

4 A I did.

5 Q Who is that?

6 A That would be Mr. Michaelis Ramsey.

7 Q Based on your investigation, were you able without
8 telling me what was told to you, were you able to
9 establish the time in which the alleged assault happen?

10 A Relatively in close approximately to the time not
11 long before I was sent to Carolina Pines Hospital to speak
12 with her. It occurred in a relatively short time before
13 that.

14 Q What time give or take for that?

15 A I say probably an hour maybe two hours before I
16 arrived at the hospital.

17 Q And what time did you arrive to the hospital?

18 A I don't have my notes in front of me. I'd have to
19 look to see if I documented it.

20 Q Was it early morning?

21 A If I'm not mistaken, I believe it was around four,
22 4:30 in the morning maybe a little earlier or later give
23 or take.

24 Q Based on your investigation, were you able to obtain
25 where it happened?

1 A I was.

2 Q Did it happen in Darlington County?

3 A It happen on, I believe, it was Sunshine Court, don't
4 remember the exact apartment number, but that's inside the
5 city limits of Hartsville, which is the jurisdiction that
6 I cover.

7 MR. BELL: No further questions at this time.
8 Please answer any questions Mr. Newton have for you.

9 CROSS-EXAMINATION

10 BY MR. NEWTON:

11 Q May 26 do you know what time this incident supposedly
12 occurred?

13 A If I got to the hospital around four, so I believe if
14 I'm not mistaken, again, possibly around one to two
15 o'clock in the morning give or take. I don't know that we
16 have an exact time frame.

17 Q All right. Later that day, did you go to the
18 residence in question?

19 A I did.

20 Q What was your purpose in going there?

21 A I had obtained a search warrant to collect any
22 evidence or potential items of evidence that I could
23 locate inside the house or the apartment.

24 Q Was it an house or an apartment?

25 A It was an apartment.

1 Q Where is it located?

2 A Sunshine Court, which is an apartment complex off of
3 Carolina Avenue inside the City of Hartsville.

4 Q Okay. So how long did you spend in that apartment?

5 A Maybe an hour.

6 Q And you collecting evidence I believe?

7 A I was assisting the officers. I didn't actually
8 collect anything out of it. I had obtained the search
9 warrant from the judge to go inside of the residence. And
10 I had one of my investigators with me as well that
11 collected some items from the apartment.

12 Q Did you speak to the allege victim yourself?

13 A I did not.

14 Q So you never asked her any questions or anything?

15 A I did not.

16 Q And you were certainly not present when this alleged
17 incident happened?

18 A No, sir.

19 Q You're not a witness to any of that, are you?

20 A I was not inside the apartment.

21 Q So you were just going on what other people told you
22 at this time, correct?

23 A Correct.

24 Q How many people were living in that apartment at that
25 time when you went there the same day?

1 A I would have to refer to my notes, but I believe it
2 was six or eight maybe. There was quite a few inside the
3 apartment.

4 Q How many bedrooms in the apartment you recall?

5 A There was three bedrooms.

6 Q What size apartment would you say it is? Can you
7 guess as to square footage approximate?

8 A No, sir, I could not.

9 Q Describe it is as a large apartment or a small
10 apartment?

11 A It was not -- I would say it's not large by any
12 means.

13 Q You describe the conditions there as overcrowded?

14 A Not necessarily, no, sir.

15 Q When you went to that apartment, sir, company of two
16 other officers, correct?

17 A Correct.

18 Q Didn't y'all make comments as you entered that one of
19 your officers -- do you recall one of your fellow officers
20 saying there's more people living here than on the lease
21 and you yourself made such a comment that's reported on
22 your body cam?

23 A I don't recall that.

24 Q The room, bedroom where this supposedly happened, how
25 many people were sleeping in the bedroom at the time this

1 supposedly happened? You may refer to your notes, of
2 course, if you need to. I have a copy here if you like to
3 see it?

4 A That would be...

5 MR. NEWTON: Judge, may I approach?

6 THE COURT: Absolutely.

7 BY MR. NEWTON:

8 Q How many people were living sleeping in the bedroom
9 at the time this incident supposedly happened?

10 A Looks like notated six children of various ages that
11 were in that room.

12 Q What's the oldest of the children? How old did you
13 write?

14 A Twelve years.

15 Q Wasn't there another person who was not that young
16 also sleeping in the bedroom?

17 A I believe would be Carley who was 11 years old.

18 Q Isn't there another person listed, sir, there 17
19 years old?

20 A Dean, yes, sir.

21 Q According to that list that y'all look through it,
22 how many people were sleeping in the bedroom?

23 A My notes dictate six. With Dean, I haven't notated
24 that. I didn't know where he was sleeping or its unknown
25 where he was sleeping.

1 Q Sleeping in the bedroom. You didn't know where he
2 was sleeping in the bedroom, that's what the note means,
3 right?

4 A No, it means I don't know where that individual was
5 sleeping inside the house.

6 Q Could I see that? Thank you. For the jury please,
7 if you could just start there and just read, start there,
8 and then read the whole thing to the end please, so we
9 know what we're talking about?

10 A While inside there, I was speaking with people making
11 notes things of that nature, so it reads children in the
12 residence in parenthesis in room with the victim Carley 11
13 years of age, Adrianna eights years of age, Tristen seven
14 years of age, Zavion 12 years of age, Isabelle [REDACTED] eight
15 years of age, Campbell [REDACTED] two years of age, and then
16 there's a space where I notate Kaylee seven months old in
17 parenthesis asleep with Lisa in Lisa's bed. And then
18 there's another space where I notate Dean 17 years of age
19 and unknown where he was sleeping in parenthesis.

20 Q Okay. So that's seven people right there on the
21 list, correct?

22 A That would be eight.

23 Q Eight people, okay. In addition to those people,
24 weren't there also other people also sleeping in the house
25 that night like Maggie?

1 A Maggie was there.

2 Q Lisa Gainey?

3 A Yes, sir.

4 Q And my client?

5 A Yes, sir.

6 Q Okay. So there were at least 11 people in this
7 apartment sleeping there that night at least, correct?

8 A Correct.

9 Q All right. And it's seven or eight in the bedroom
10 where this supposedly happened, correct?

11 A I have notated six inside that room.

12 Q That's fine. Six in the bedroom where this
13 supposedly happened?

14 A Yes, sir.

15 Q Thank you. How would you describe the cleanliness
16 level of the house or the apartment?

17 MR. BELL: Objection, your Honor, relevance.

18 THE COURT: I'll allow it.

19 A I don't recall anything specifically standing out as
20 far as it being overly clean or overly dirty as far as
21 many people that was there. I don't exactly recall that
22 anything truly stood out.

23 Q Do you recall seeing plates out in the open with food
24 on them just laying out?

25 A I wouldn't doubt that, but I don't recall

1 specifically, no, sir.

2 Q Giant pile of dishes unwashed?

3 A I don't specifically remember that.

4 Q Do you recall one of your fellow officers say
5 commenting which is recorded on the body cam, I don't know
6 how people live like this. Do you recall him making that
7 statement?

8 A I don't remember that exact statement, but I can't
9 dispute that it was said, no, sir.

10 Q How about when he said and I thought my house was
11 dirty, you recall him saying that?

12 A No, sir, I do not.

13 MR. NEWTON: One moment please.

14 THE COURT: All right.

15 (WHEREUPON, a pause in the proceedings.)

16 MR. NEWTON: No further questions at this time.

17 THE COURT: All right, Mr. Bell.

18 MR. BELL: Yes, your Honor, briefly.

19 REDIRECT EXAMINATION

20 BY MR. BELL:

21 Q Mr. Weatherford, if I show you a copy of the incident
22 report, you think it would refresh your recollection as to
23 what time the incident allegedly occurred?

24 A It would help, yes, sir.

25 MR. BELL: May I approach the witness, your

1 Honor?

2 THE COURT: Yes, sir.

3 BY MR. BELL:

4 Q After reviewing that document, does it refresh your
5 recollection as to what time this alleged event occurred?

6 A Yes, sir, it does.

7 Q What time did you get to the hospital?

8 A I don't know that I haven't directly noted, but
9 reviewing the incident report, it would have been sometime
10 after six a.m., so probably 6:30, seven a.m. somewhere in
11 that time frame.

12 Q According to the incident report, when did the allege
13 event occur?

14 A The time frame that I have on the incident report is
15 between 4:40 in the morning and approximately six o'clock
16 in the morning.

17 MR. BELL: Nothing else from the State.

18 THE COURT: All right. You may be excused.

19 (WHEREUPON, the witness leaves the witness
20 stand.)

21 THE COURT: All right.

22 MR. BELL: I need to go get my next witness who
23 is sequestered.

24 THE COURT: Okay. Just for the record, who's
25 the next witness?

1 MR. BELL: Maggie Walters.

2 THE COURT: All right.

3 THE CLERK: If you place your left hand on the
4 Bible and raise your right. Do you swear the testimony
5 you give this court will be the truth, the whole truth,
6 and nothing but the truth so help you God?

7 THE WITNESS: Yes, ma'am.

8 THE CLERK: Have a seat right there.

9 THE COURT: If you'll just lean up and make sure
10 you speak up into the microphone, okay. All right, thank
11 you, ma'am.

12 THE WITNESS: You welcome.

13 WHEREUPON,

14 Maggie Walters,

15 after first having been duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. BELL:

18 Q Maggie, if you could please state your full name for
19 the record?

20 A Maggie Winnie Walters.

21 Q Okay. Maggie, you know why you're here?

22 A Yes, sir.

23 Q On May 26, 2019, where did you reside?

24 A At East Park apartment complex in Hartsville, South
25 Carolina.

1 Q Who all resided there at the house, at that house
2 with you, is that your home?

3 A That was my apartment. It was me, my kids, my
4 cousin, her kids and Ramsey had stayed there for about two
5 months.

6 Q You said who stayed there for about two months?

7 A Ramsey, Michaelis Ramsey.

8 Q Is Michaelis Ramsey here in the courtroom today?

9 A Yes.

10 Q Could you describe what he has on?

11 A Black shirt. I can't see what pants.

12 Q He's sitting at defense table?

13 A Yes.

14 Q Take me to the day prior to May 25th? Tell me what
15 was the demeanor Michaelis Ramsey on May 25th?

16 A He had been drinking. He had been gone for like
17 three days, he came back. I had been walking. He was
18 only staying there at the time because I couldn't walk.
19 When he came back, I wasn't walking, again, wasn't really
20 around him that much because I was in my room, but when I
21 saw him, he was drunk he had been drinking.

22 Q So you say he been staying with you for two months
23 because you couldn't walk?

24 A Yes, sir.

25 Q Why couldn't you walk?

1 A I was forming rheumatoid arthritis and I had Lyme
2 disease at the same time. I couldn't even stand up on my
3 own two feet by myself.

4 Q So you couldn't clean?

5 A No, that's why my cousin was there.

6 Q And Michaelis Ramsey?

7 A He help me get off my bed into the wheelchair and go
8 to the bathroom.

9 Q Did he ever help with the kids?

10 A Not that I'm aware of. Like I said, I couldn't
11 really leave out my room without the assistance. I know
12 there was times when I could walk and I left to go to the
13 store. He might have stayed at the house with the kids,
14 but besides that not that I know of.

15 Q Tell me about how much did you observe him drinking?

16 A That night or all together?

17 Q Just that night.

18 A That night he came in with a white liquor bottle.

19 Q What time was that?

20 A He came in about around night fall, like right before
21 night fall. I really don't know how to say what kind
22 bottle it was. It was about that high, but when I saw
23 him, it was about half way gone. So I don't know if he
24 had drank the other half by hisself or shared with someone
25 else.

1 Q Did he say anything to you?

2 A It has been two years ago, but I can't really
3 remember any specific conversations.

4 Q Was anybody drinking with him? Did you drink with
5 him?

6 A No, I didn't.

7 Q Did you observe anyone else drink with him?

8 A One of the kids came in the room and said that he had
9 gave them some of it, my cousin son and I told him that he
10 shouldn't be drinking that.

11 Q Tell me, where did everyone sleep? I know you
12 couldn't move around, but where did everyone sleep?

13 A The kids slept in my daughter's room.

14 Q The kids ---

15 A Yes, all of them.

16 Q Who are the kids?

17 A **Minor** Isabelle, and Campbell were my kids. Carley,
18 Adrianna, Tristan is Lisa kids. And then sometimes
19 **Minor**'s half brother Zavion spend the night.

20 Q Where did they sleep? What kind of bed was this?

21 A There was a bunk bed. The top part was a twin and
22 the bottom part was a queen size.

23 Q So the top part you said was a twin?

24 A Uh-huh.

25 Q And the bottom was a queen?

1 A Queen or a king.

2 Q How many kids slept on the top?

3 A Normally, just Minor and Campbell, but sometimes
4 Isabelle would too.

5 Q How old is Campbell?

6 A Campbell's two -- well, he was two then. He'll be
7 five now in October.

8 Q How old was Minor then?

9 A 13.

10 Q 13. Okay. Who slept in the bottom queen bed?

11 A That night it was Carley, Adrianna, Izzy and Tristen
12 that sleep on the bottom and Zavion had a pallet on the
13 floor.

14 Q And one was on the floor?

15 A Uh-huh.

16 Q Okay. So that was three in the bed on the bottom
17 one?

18 A No, there's four on the bottom bunk and two on top.
19 Sometimes Izzy would sleep on top, sometimes she would
20 sleep on the bottom, that night she slept on the bottom.

21 Q What was the ages of the children?

22 A Minor was 13, Campbell was two, Carley was 11, Izzy
23 was eight, Adrianna was eight, Tristen was seven, Zavion
24 was 12 about to be 13.

25 Q Now, I don't want to get into any hearsay, but did

1 **Minor** tell you what happened?

2 A Yes, she did.

3 Q Did she tell you when it happened?

4 A Right after it happened, yes.

5 Q Did she tell you how it happened?

6 A Not until later on when we went to the hospital.

7 Q I don't want you to say hear hearsay. I don't want
8 you to tell me what she told you.

9 A She didn't go into full details.

10 Q Listen to me. Did she tell you how it happened?

11 A Yes.

12 Q Did she tell you where it happened?

13 A Yes.

14 Q After that after she reported that to you, did you
15 immediately take her to the hospital?

16 A I already took her to the hospital when she told me.
17 She didn't go into took full details at first. And she
18 went into details after the hospital.

19 Q Did **Minor** get a sexual examination at Carolina Pines?

20 A No, not at Carolina Pines they said because it was a
21 small town someone could mess with the test results. We
22 had to go to Richland Memorial.

23 Q After **Minor** reported to you what happened, did you
24 observe any stains?

25 A Yes.

1 Q Where did you observe stains?

2 A There was blood in the back part of her bikini
3 bottom.

4 Q Did you observe anywhere else any other stains?

5 A No.

6 MR. BELL: Please answer any questions
7 Mr. Robert Newton has for you.

8 CROSS-EXAMINATION

9 BY MR. NEWTON:

10 Q Who is Dean?

11 A Dean is a friend's younger brother, he's also a
12 friend of mine.

13 Q He was also sleeping in the house that night,
14 correct?

15 A He was on the couch in the living room.

16 Q How old is he?

17 A At the time he was 16.

18 Q Okay. Could have been 17?

19 A No, he was 16.

20 Q 16, 17. Were you asleep at the time when this
21 supposedly happened?

22 A Yes, sir, I was.

23 Q All right. So you don't know who was moving about
24 the house or anything like that because you were asleep,
25 correct?

1 A It was four o'clock in the morning, yes, I was sleep.

2 Q Okay. So how many people altogether were in Minor's
3 room when this supposedly happened?

4 A Five other kids and herself.

5 Q So six you said?

6 A Uh-huh.

7 Q Okay. And one of those children was actually
8 sleeping in the same bunk as her?

9 A Yes.

10 Q Correct?

11 A Yes.

12 Q Now, do y'all keep the doors locked on that apartment
13 at night?

14 A Yes, sir.

15 Q You do?

16 A Yes, sir.

17 Q Don't you have visitors coming over at odd hours
18 during the middle of the night two o'clock in the morning
19 or so?

20 A No, sir.

21 Q Didn't it happen that very night friend of Lisa
22 Gainey's?

23 A Dean came over, but the doors was not unlocked. I
24 had kids in the house.

25 Q Who let him in at what time was it two, 2:30 in the

1 morning?

2 A I don't know. I was in my bed, I couldn't walk. He
3 came to my bedroom window, told me the door was locked. I
4 yelled for somebody and somebody let him in.

5 Q Do you know who let him in?

6 A I'm sorry.

7 Q Do you know who let him in the house?

8 A No, sir, but he could not get in the house because
9 the door was locked, that's why he came and knocked on my
10 window.

11 THE COURT: Ma'am, if you'll speak up a little
12 bit for us, okay.

13 A He could not get in the house because the doors was
14 locked, that's why he came and knocked on my window.

15 THE COURT: Thank you.

16 BY MR. NEWTON:

17 Q Okay. And so he came and knocked on your window and
18 then what did you do?

19 A I told somebody that he was at the window. I just
20 yelled out. I couldn't walk somebody let him in.

21 Q Okay. So other people were still awake at this time,
22 correct?

23 A Yes.

24 Q And to the best of your memory, what time in the
25 morning was that when that happened when he knocked on

1 your window?

2 A Had to be around one something because around 12 I
3 told **Minor** that I was hurting too much to take a bath that
4 night and for her to go ahead and take a bath and go to
5 bed and shortly after that is when he knocked on my
6 window.

7 Q What was he doing over there that hour of the night?
8 Why did you he come over there at all?

9 A He couldn't get back into his sister's apartment, she
10 was already asleep. So I let him come in the house, he
11 was a kid.

12 Q Okay. I take it he was no stranger, friends of yours
13 been over there before?

14 A Yes.

15 Q I mean, what was he doing was he just going to sleep
16 in the house or was he ---

17 A He slept on the couch. He slept on the couch.

18 Q Okay. Well, isn't that where Mr. Ramsey was sleeping
19 on the couch?

20 A No, Mr. Ramsey was in Lisa's room, my cousin's room.

21 Q How long was he in your cousin's room? And how old
22 is she by the way your cousin?

23 A Right around 30.

24 Q 30.

25 A And sometimes he would sleep in Lisa's room.

1 Sometimes he would sleep on the couch.

2 Q So him and Lisa were sleeping together in her room?

3 A Not intimately, but, yes, sometimes he would sleep in
4 Lisa's room.

5 Q In the same bed?

6 A Yes.

7 Q And it's your testimony that he was sleeping in her
8 bed on the night this supposedly happened?

9 A He started off in there.

10 Q Okay. Well, was he already asleep in that bed when
11 you went to sleep?

12 A I don't know I couldn't walk, sir.

13 Q Okay. How do you know where he was sleeping if you
14 couldn't walk and confine to your own bedroom?

15 A Because of something that I was told which I can't
16 say because it's not my testimony. I can't say hearsay.

17 Q So what you're telling this jury now was stuff that
18 you did not observe yourself?

19 A I know he was not on the couch in the living room
20 because when I got up that morning I have fought to get to
21 my feet because my daughter told me what has happened.
22 And we went to go take her to the emergency room. Dean
23 was asleep on the couch.

24 Q Wait a minute. Now, this 16 year old was still
25 sleeping through all of this on the couch, is that your

1 testimony?

2 A He woke up when we started to leave.

3 Q Was there a lot of commotion in the house would you
4 say? Was there yelling?

5 A I yelled for my cousin.

6 Q Okay. And your testimony is that the 16 year old was
7 just sleeping all through this on the couch? Do you know
8 how many square feet that apartment is that you rented?

9 A No, I do not.

10 Q How many bedrooms does it have?

11 A Three.

12 Q How many bathrooms?

13 A One.

14 Q There's a kitchen?

15 A Yes.

16 Q Any other rooms?

17 A Living room.

18 Q Is it in your name that's officially on the lease?

19 A It was.

20 Q Okay. Were the names of the other people living
21 there known to the landlord?

22 A No.

23 Q Why are you not in that residence any more?

24 A After everything that happened, I got evicted.

25 Q Why did you get evicted?

1 A For having people staying with me that wasn't suppose
2 to be there and for me not really being able to clean up.

3 Q All right. So the house was not in good -- or the
4 apartment was not in good condition, correct?

5 A Yes, sir.

6 Q Said you couldn't clean up. Did anybody else clean
7 up for you?

8 A Yes, Lisa did. She's one person six or seven kids
9 because she had a small baby too at the time that slept in
10 the room with her. I mean, it was a lot on her.

11 Q But it's your testimony the landlord thought the
12 conditions were so bad that they evicted you, correct?

13 A The initial eviction was because I had people staying
14 there that was not on my lease.

15 Q All right. But in this other matter was involved as
16 well, right?

17 A Yes.

18 Q Okay. So just one toilet that means everybody there
19 uses the one toilet, right, everybody sharing the one
20 toilet?

21 A Yes, sir.

22 Q Okay. Did you and Michaelis have an affair together?

23 A No.

24 Q Y'all weren't sleeping together at all?

25 A No.

1 Q Weren't you drinking that night as well?

2 A No.

3 Q Wasn't Lisa?

4 A No.

5 Q Weren't the children, some of the children?

6 A Yes, he did give some of the children something to
7 drink.

8 Q Right in front of y'all, right?

9 A Not right in front of me. The kids came in there and
10 told me and I told him not to do that.

11 Q This happen multiple times y'all give the children
12 alcohol?

13 A No, sir.

14 Q Has DSS ever been involved in your family with you
15 and your kids?

16 A Yes, sir.

17 Q Did they get involved over this?

18 A Yes, sir.

19 Q Who has custody of your children right now?

20 A The State.

21 Q Huh?

22 A The State.

23 MR. NEWTON: No further questions at this time.

24 THE COURT: All right. Mr. Bell, any follow up?

25 MR. BELL: Briefly, your Honor.

REDIRECT EXAMINATION

BY MR. BELL:

Q Maggie.

A Yes, sir.

Q Describe Dean? Did Dean have a beard?

A No, he does not. Dean is very skinny, no beard,
hardly any facial hair.

MR. BELL: No further questions.

THE COURT: All right. Thank you very much,
ma'am. You may step down. I hope you have a wonderful
rest of your day. Thank you.

THE WITNESS: Thank you. You too.

(WHEREUPON, the witness leaves the witness
stand.)

THE COURT: All right, call your next witness.

MR. BELL: The State would call Lisa Gainey.

THE COURT: All right.

THE CLERK: Place your left hand on the Bible
and raise your right. Do you swear the testimony you give
this court will be the truth, the whole truth, and nothing
but the truth so help you God?

THE WITNESS: Yes, ma'am.

WHEREUPON,

Lisa Gainey,

after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BELL:

Q Ms. Gainey, please state your full name for the record?

A Lisa Nicole Gainey.

Q You know why you're here?

A Yes, sir.

Q Did you reside at the home where this assault took place on May 26th 2019?

A Yes, sir.

Q Could you tell me about the day before what did you observe about Michaelis Ramsey?

A The day before everything was fine earlier that day and until later on that night.

Q What was Michaelis doing earlier in the day?

A Earlier that day he was just around the house drinking a little bit.

Q How long had Michaelis been staying there?

A Probably about two or three months.

Q Was it common that Michaelis Ramsey drank?

A Yes, it was.

Q Did you observe how much he drank on that night?

A That night, yes, I did.

Q Could you tell the ladies and gentlemen of the jury could you give them a picture of how much he drink?

1 A He had -- I know he had a case of Miller High Life.

2 He had a ---

3 Q When you say a case, how much is that?

4 A I believe it was six.

5 Q Six pack?

6 A I believe it was a six pack. He had a bottle of

7 Crown and two four Locos I believe.

8 Q Two four Locos?

9 A I believe it was two four Locos.

10 Q Did you watch him consume all that?

11 A Yes, I did.

12 Q Okay. Did he typically drink like that?

13 A Not that much back to back.

14 Q Okay. Where did Michaelis Ramsey usually sleep in
15 the house?

16 A Sometimes on the couch or sometimes he come in the
17 room and lay across my bed.

18 Q Were you and Michaelis Ramsey involve?

19 A No, we was not.

20 Q Had y'all ever been involved?

21 A No, we was not.

22 Q When you lay across the bed, were you in the bed by
23 yourself?

24 A My newborn was in the bed with me.

25 Q On May 26, 2019, were you pregnant?

1 A What's that?

2 Q Were you pregnant?

3 A Yes, I was.

4 Q How many months give or take estimate?

5 A About 15 weeks.

6 Q Michaelis wasn't the father of the baby, right?

7 A No, sir.

8 Q When it was time for you to go to bed, tell me your
9 next interaction with Michaelis Ramsey?

10 A I went and layed down in the bed.

11 Q About what time?

12 A It had to be sometime after one maybe closer to two.
13 I went and layed down in the bed. I was texting my
14 boyfriend during the time he walked in. He came in. He
15 layed across my bed like he always does and he attempted
16 to touch me.

17 Q Where did he attempt to touch you at?

18 A He touched my leg first. I was laying on my stomach.

19 Q So you was laying on your stomach and he touched your
20 leg first?

21 A Yes, sir.

22 Q Go ahead.

23 A Then he ask me if I had company coming over because I
24 was texting and I told him no. I told him who I was
25 texting. Then he started to bother with me. He kiss my

1 right butt cheek and he pulled himself on top of me on the
2 backside of me. I was able to turn over. I kept pushing
3 him off of me telling him that he need to go lay down
4 because I figured he was just intoxicated and that he
5 didn't know what he was doing and that he needed to go
6 sleep it off.

7 Q So when he pulled himself up on you, could you feel
8 whether or not he had clothes on?

9 A He had clothes on at the time. I know his pants had
10 to be undone because his belt buckle it went against my
11 leg, but he did have clothes on at the time.

12 Q All right. And what happened next you're trying to
13 push him off of you, but you're laying on your stomach and
14 then what?

15 A Yes, sir. Then I had rolled over because he kept
16 continuing and continuing until I rolled over. He was
17 forcing himself up coming up toward me and in order for me
18 to actually get away from him, I had to put my foot
19 against his leg and literally push myself to the top of
20 the bed to get away.

21 Q What kind of clothes did you have on?

22 A I had on a T-shirt and undergarments.

23 Q Who else was in the bed with you?

24 A My baby.

25 Q How old was the baby?

1 A Probably about six months.

2 Q Did you get him up off of you?

3 A I did.

4 Q What did he do next? Did he say anything?

5 A He eventually just laid back up against the wall and
6 he started fondling himself.

7 Q Fondling himself?

8 A Yes, sir.

9 Q Go into detail. Was he completely exposed or did he
10 grope himself?

11 A He had his pants -- I don't know if they were down,
12 but he did have his pants open because he had himself in
13 his hand.

14 Q You could see that?

15 A Yes.

16 Q Had he ever done anything like this before?

17 A No. He's never came on to me at all. He's never
18 touch me. He's laid in the bed with me plenty of times
19 and never has bothered me.

20 Q Did he leave the room after that? How long did he
21 fondle himself?

22 A Maybe about ten, 15 minutes.

23 Q He stayed for ten or 15 minutes?

24 A In the room?

25 Q Yeah.

1 A In my room, yeah, he was probably in there about ten
2 minutes, about ten minutes, 15 minutes.

3 Q After he left your room, what did you do?

4 A I seen him go down the hallway. He turn left going
5 which is going toward the living room. And I got up and
6 went to use the restroom and then I went back to my room
7 and layed back down.

8 Q Who is Dean?

9 A Dean is the sister -- I mean, the brother of a
10 friend.

11 Q Was Dean there that night?

12 A He was.

13 Q Describe Dean?

14 A Dean he's 16. He's real baby face, no hair. He has
15 no facial hair. He's like a baby.

16 Q Was it common for Dean to stop by?

17 A Yes, it was.

18 Q Y'all ever had any problems out of Dean?

19 A No.

20 Q Without telling me what Minor said, did Minor tell
21 you something happen to her?

22 A Yes.

23 Q Did she tell you the time it happen to her?

24 A Not the exact time.

25 Q Did you get an idea around what time it happened?

1 A Yes, I did.

2 Q Did you get an idea of how it happen to her?

3 A Yes.

4 Q Did you get an idea where it happen to her?

5 A Yes.

6 MR. BELL: No further questions from the State.

7 Please answer any question Mr. Newton has.

8 THE COURT: All right, Mr. Newton.

9 CROSS-EXAMINATION

10 BY MR. NEWTON:

11 Q Where was Dean sleeping that night?

12 A He was sleeping on the green leather couch in the
13 living room.

14 Q Where was Mr. Ramsey sleeping that night?

15 A Sleeping I don't know because I don't think he went
16 to sleep. He was in my bedroom and after he left the
17 bedroom, he went down the hallway.

18 Q You said he was in your bedroom for ten or 15
19 minutes?

20 A Yeah, about ten or 15 minutes.

21 Q And I believe you testified that you didn't go to bed
22 until about one or two o'clock in the morning?

23 A I lay down about one close to two.

24 Q So when you went to bed Mr. Ramsey was not in fact in
25 your bed with you when you went to bed?

1 A Not when I first went to bed.

2 Q Okay. What is your relationship with Dean exactly?

3 A With Dean?

4 Q Yes.

5 A He's just a friend of the family -- not of the
6 family. He's just a friend -- the brother of another
7 friend.

8 Q Who is the other friend?

9 A His sister Tynesha.

10 Q Was anybody else over at the apartment that day or
11 that night?

12 A During the day, a lot of people come around because
13 we're staying in an apartment complex, but that night
14 there was nobody there me, Ramsey, Maggie and the kids.

15 Q How did Dean get in the apartment that night?

16 A I believe Maggie might have let him in.

17 Q You didn't let him in yourself?

18 A I was in bed, I didn't let him in.

19 Q Do you think Maggie let him in there?

20 A I believe Maggie let him in, but sometimes the door
21 be unlock, so he might have came in hisself.

22 Q Say that again for the jury please, what did you just
23 say?

24 A Sometimes the door is unlock, so he might have come
25 in hisself.

1 Q All right, thank you for that. So y'all sometime
2 just leave the door unlock and people will come in?

3 A Well, Maggie was still up.

4 Q Well, ma'am, wasn't she confine to a wheelchair in
5 her own bedroom at this time, so that she could not answer
6 the door?

7 A Yeah, but sometimes if somebody knocks on the door
8 she will get up and that's most of the time why she left
9 the door unlock, so when somebody knocked on the door, she
10 could yell come in if I'm asleep and there's nobody to get
11 to the door for her.

12 Q All right. But she didn't do that for Dean this
13 night, right?

14 A I was asleep when Dean actually came in. I don't
15 know how Dean got in.

16 Q Is it your testimony that Dean must have gotten into
17 the apartment sometime after one or two o'clock in the
18 morning?

19 A Yes.

20 Q Okay. So then you -- he wasn't even there then when
21 you went to sleep, right?

22 A Dean was not there -- when I went to lay down, Dean
23 was not there.

24 Q When did you first become aware that Dean was in the
25 apartment?

1 A When I was woken up about Minor and I went around to
2 the living room and he was in there laying on the couch
3 drooling out of his mouth.

4 Q He was doing what out of his mouth?

5 A Drooling.

6 Q Drooling out of his mouth. Had he been drinking?

7 A He don't drink.

8 Q Does -- well, pardon me for asking, but does he have
9 a condition that causes him to drool or something?

10 A He was just passed out, he was tired.

11 Q Well, ma'am, how do you know what condition he had
12 been in if you didn't even see him when he came into the
13 apartment?

14 A Because he's drooling out the mouth, so I figured
15 he's tired, but he was completely knocked out.

16 Q How often would y'all say y'all leave the door
17 unlocked in that the apartment?

18 A Well, I don't leave the door unlocked at all. Maggie
19 only left the door unlocked until she gets ready to go to
20 bed and then she'll get -- either she'll get in her
21 wheelchair and go around there and pull herself around
22 there and lock the door or either she'll get Boojo to lock
23 the door.

24 Q Who's the Boojo?

25 A Ramsey.

1 Q Now, earlier you mention that a bunch of people
2 coming by during the day and you started to talk about the
3 apartment complex. Y'all have a lot of visitors out there
4 people dropping by?

5 A Not really dropping by. They'll come by and see how
6 we doing or visit and a bunch of kids come to the house
7 because the kids play with a lot of children out there and
8 we know a lot of parents.

9 Q Right. It's an apartment complex with a lot of
10 different apartments, right?

11 A Yes.

12 Q A lot of people live there.

13 A Yes, a lot of people.

14 Q Well, do y'all also have a lot of adult visitors?

15 A Maggie had people coming by checking on her a lot
16 with the situation she going through with the blood clot
17 and all in her legs.

18 Q Pardon me if you said this before, but how many
19 children do you have yourself?

20 A I have five.

21 Q Five. And were they all present at the apartment at
22 this time?

23 A My last one was not present because he -- I was
24 pregnant with him at the time.

25 Q Okay. So at the time you had four children?

1 A At the time I had four.

2 Q And were they all there at the apartment?

3 A Yes, they was.

4 Q Okay. Now, the children's bedroom does it have a
5 lock on the door?

6 A I believe all the rooms had a lock on the door.

7 Q But they're not locked, are they?

8 A No.

9 Q Okay. Was the door open or closed?

10 A The door was open when I got up. When I went to bed,
11 I don't know if it was open or close.

12 Q Well, normally on a normal night, the children I
13 believe there were at least six or seven sleeping in that
14 same room, did they normally close the door or leave it
15 open?

16 A They usually close the door.

17 Q But leave it unlock?

18 A Yeah, they leave it unlock.

19 Q Was that normal sleeping arrangements six or seven
20 children sleeping in the same bedroom?

21 A No, one of the kids that was actually over there was
22 **Minor**'s brother and he stays over there some nights with
23 his sister, but he's the one that's normally not there.

24 Q How old is he?

25 A At the time I believe he was 12.

1 Q I hate to get personal with you, but do you still
2 have custody of your kids?

3 A I do.

4 Q Okay. Good for you. But you are no longer living at
5 that apartment, right?

6 A No, sir.

7 Q Where are you currently living?

8 A I currently stay in Swift Creek apartments.

9 Q Okay. Now, let's shift focus a little bit. When you
10 first heard that something had happen to **Minor** that night,
11 do you recall what time that was more less?

12 A Not exactly I don't.

13 Q Now, when you first heard what you did, wasn't your
14 reaction was that you found it hard to believe?

15 A Not really.

16 Q Didn't you tell the police that you went to the
17 bedroom and looking up at the bunk bed and didn't see how
18 that was even possible that somebody would have had to
19 climb up a ladder over her to get to where this supposedly
20 happened you remember telling him that?

21 A I told him that I went in the room and I stared at it
22 to try and figure out how he might have been able to do
23 it, but with the things that I went through, I know that
24 anything is possible and I believed what I heard.

25 Q Yes, but at the time no name was named, isn't that

1 correct? Y'all had no idea?

2 A At the time, no, there was no name.

3 MR. NEWTON: All right. I have no further
4 questions at this time. Thank you.

5 THE COURT: Anything else to follow up?

6 MR. BELL: Got to touch on this on redirect.

7 REDIRECT EXAMINATION

8 BY MR. BELL:

9 Q You signed a voluntary withdrawal form to not
10 prosecute Michaelis Ramsey?

11 A I did.

12 Q Tell the ladies and gentlemen of the jury why you did
13 that?

14 A The reason I did it for myself is because of the fact
15 that he's never came on to me. He's never bothered me.
16 So when he came in that room that night bothering me, I
17 just figured that he was highly intoxicated and he did not
18 know what he was doing. And I told him to just go lay
19 down and sleep it off. I was not sure what his intentions
20 was with me, but he's never approached me in no sexual
21 type of way, so I wasn't thinking like that.

22 Q So it was hard for you to believe it was Michaelis
23 Ramsey at first?

24 A At first it was.

25 MR. BELL: No further questions.

1 THE COURT: All right. All right, ma'am, thank
2 you so very much. You may be excused.

3 THE WITNESS: Thank you.

4 THE COURT: You welcome.

5 (WHEREUPON, the witness leaves the witness
6 stand.)

7 MR. BELL: Next the State would call **Minor**
8 **[REDACTED]**

9 THE COURT: Hold on for a second, let's go ahead
10 and take our mid morning break because this witness may
11 take a little bit of time. So let's go ahead and take a
12 five or ten minute break, all right. Again, please don't
13 discuss this case, again, until the close of this case.
14 You don't have all the evidence and so please don't --
15 whenever I allow you to take breaks and other things,
16 please don't discuss anything about the case until I give
17 you the opportunity and explain to you your role, all
18 right. You all enjoy your break.

19 (WHEREUPON, the jury retire to the jury room.)

20 (WHEREUPON, a break was taken.)

21 THE COURT: Just for the record, the juror that
22 was excused I just spoke to her. She came in and she had
23 placed on her card as I indicated before that she had a
24 disability. And I asked her what her disability was, she
25 said that she was emotionally handicap and so she's on

1 disability for that, so it's probably a good move. So she
2 seem like a very nice lady and I believe her that she just
3 forgot. All right. Anything further before we get
4 started?

5 MR. BELL: No, Your Honor.

6 MR. NEWTON: No, Your Honor.

7 THE COURT: All right, bring them out.

8 (WHEREUPON, the jury came into open court.)

9 THE COURT: All right. I hope you enjoyed your
10 break. We will go ahead and commence with the trial.
11 Call your next witness.

12 MR. BELL: Your Honor, the State calls Minor

13

14 THE COURT: Okay, if you'll come on up.

15 THE CLERK: Put your hand on the Bible and raise
16 your right hand. Do you swear the testimony you give this
17 court to be the truth, the whole truth, and nothing but
18 the truth so help you God?

19 THE WITNESS: Yes.

20 WHEREUPON,

21

Minor

22 after first having been duly sworn, testified as follows:

23

DIRECT EXAMINATION

24 BY MR. BELL:

25 Q Minor could you state your full name for the record?

1 A

Minor

2 Q

It's very good. I'm going to need you to talk loud
3 just like that. You got a court reporter need to hear it
4 and the jury, okay. How old are you, Minor

5 A

Fifteen.

6 Q

You know why you're here?

7 A

Yes.

8 Q

You nervous?

9 A

Yes.

10 Q

How old were you on May 26, 2019?

11 A

Thirteen.

12 Q

Tell the ladies and gentlemen of the jury your
13 interaction with Michaelis Ramsey the night before this
14 incident occurred?

15 A

I can't really recall that night.

16 Q

Did you recall what Michaelis was doing?

17 A

The night before, no.

18 Q

Had he been drinking?

19

MR. NEWTON: Objection to the leading question,
20 your Honor.

21

THE COURT: All right, just ask her an
22 open-ended question.

23

BY MR. BELL:

24 Q

What time did you go to bed?

25 A

Night of the incident?

1 Q Yeah.

2 A Usually, I would go to bed probably late because of
3 my siblings and cousins I let them wash first, so probably
4 be around 12 or 11.

5 Q What were you wearing when you went to bed?

6 A A bathing suit.

7 Q Why were you wearing a bathing suit to bed?

8 A Because the night before -- well, day before my
9 cousin lash aunt, her cousin was going to come and get me
10 and my cousin to go swimming and she didn't come, so I ask
11 my mom was it okay if I wear it and also because my cousin
12 and siblings had destroyed my air conditioner so I won't
13 get overheated.

14 Q So y'all didn't have any air condition in the house
15 in May?

16 A We did, but it was broken because the kids kept on
17 messing with it, so it wouldn't work right.

18 Q So you slept in a bath suiting because it was hot?

19 A Yes, sir.

20 Q Let's talk about the event and why we're here. Tell
21 me what you remember right before the incident, tell me
22 about the incident?

23 A I remember him drinking and somehow got my cousin --
24 little cousin Tristen to drink. My brother and my other
25 cousin they drunk some of what he was drinking and they

1 were trying to get me to drink and I refused. And then
2 finally gave up into them because they kept on asking and
3 I couldn't really drink because it burn my throat.

4 Q What time did you go to bed, you don't remember?

5 A No.

6 Q Tell me about your -- what you remember when you was
7 laying in the bed?

8 A I remember waking up to my bathing suit bottom being
9 pulled down.

10 Q How was you laying, were you laying on your stomach?

11 A Yes.

12 Q What did you feel? Was it dark in the room?

13 A It was not really dark because I -- then I was scared
14 of the dark, so I always ask my mom could I either have
15 the bathroom or hallway light on, so I'm able to sleep.
16 So it was that little bit of light shining in, but it was
17 not really dark but kind of dark.

18 Q Who was in the bed with you?

19 A My baby brother.

20 Q And how old was he?

21 A Probably a few months. He was already walking and
22 talking, so about to be one probably.

23 Q So he's a toddler?

24 A Yes, sir.

25 Q Now, were you sleeping on a bunk bed?

1 A Yes, sir.

2 Q Was the top a twin?

3 A I think so.

4 Q The bottom was bigger than the top?

5 A Yeah.

6 Q Okay. What do you remember next?

7 A I remember feeling pressure like someone laying on
8 top of me.

9 Q You say you felt your bottom coming down?

10 A My bathing suit was coming down, yeah.

11 Q What did you feel after that?

12 A I can't recall exactly after that, but I do remember
13 like feeling someone body weight and then feeling a beard.

14 Q What else you felt?

15 A Someone licking and kissing my ear and opening my
16 butt and licked it.

17 Q You felt him licking your butt?

18 A Yes.

19 Q You felt him licking your ear?

20 A Yes.

21 MR. NEWTON: Objection to leading questions.

22 THE COURT: He was just reviewing to what she
23 already testified to. I'll overrule the objection.

24 BY MR. BELL:

25 Q Then what you felt?

1 A I felt something coming like -- like someone
2 penetrating me.

3 Q Where did you feel penetration?

4 A In my butt.

5 Q In your butt?

6 A Yes.

7 Q What were you doing when you felt penetration in your
8 butt?

9 A I was acting like I was sleep to not wake my brother
10 and the rest of the kids.

11 Q Why did you act like you were sleep?

12 A Because I was scared and I didn't know if -- because
13 my brother kept waking up and I was scared that if I do
14 something, that he might hurt my brother, so I just act
15 like I was sleep for the safety of my little brother and
16 my siblings.

17 Q You felt licking on your butt, you felt penetration
18 and then what?

19 A I felt coming three times, like someone coming inside
20 of me three times.

21 Q Where did you feel someone ejaculating? Where did
22 you feel him ejaculating?

23 A In my butt.

24 Q What happened next?

25 A I remember getting up and acting like I'm going to

1 the bathroom and I turned around and went straight to my
2 mom's room and lock the door.

3 Q Could you see who was -- who assaulted you?

4 A I didn't even dare to look. I just kept my head
5 forward.

6 Q So you say you remember the beard and you remember
7 the pressure?

8 A Yes.

9 Q You went to your mom's and locked the door?

10 A Yes.

11 Q What did you do next?

12 A I told her that I had a nightmare and I went to her
13 closet to put something on because all I was in was just a
14 bathing suit.

15 Q Why did you tell her you had a nightmare?

16 A Because I came into her room and she ask me what's
17 wrong because usually I wouldn't get up and go into her
18 room unless something happen. Instead of telling her what
19 actually happened, I told her I had nightmares. I just
20 told her I had a nightmare.

21 Q What happened next?

22 A She -- after I told her, she told my Aunt Lisa and I
23 heard someone -- heard someone trying to get down off the
24 bunk bed like they were trying to get down without
25 falling.

1 Q What did you tell her? What did you tell your mom?

2 A I just got raped.

3 Q And your mom reacted, correct?

4 A Yeah.

5 Q And what did you hear?

6 A Someone trying to get down off of my bunk bed without
7 falling because the thing was broken.

8 Q Did you go to the hospital?

9 A Yes, later that day.

10 Q Did you go to Carolina Pines?

11 A I think I went to that one first.

12 Q Did law enforcement take your bikini bottoms?

13 A Yes, after I found blood in it, they came and I think
14 I told them that it was blood in it. I'm not sure, but
15 then they took it and they did a search of the room.

16 Q Did you see a sexual examination nurse at Carolina
17 Pines?

18 A I think so. I know I did see a nurse, but they said
19 that they don't do rape test, so I don't think that was an
20 examine nurse. I'm not sure.

21 Q Did you go see another nurse in Columbia?

22 A Yeah.

23 Q Okay. You had on different underwear other -- you
24 didn't have on bikini bottoms, you had a different pair of
25 underwear?

1 A Yeah.

2 Q Did that nurse in Columbia perform an examination on
3 you?

4 A Yes.

5 Q Did that examination include swabs?

6 A Yes.

7 MR. BELL: Beg the Court's indulgence.

8 (WHEREUPON, a pause in the proceedings.)

9 MR. BELL: No further questions from the State.

10 Minor please answer any questions Mr. Newton has for you,
11 okay.

12 CROSS-EXAMINATION

13 BY MR. NEWTON:

14 Q What grade you're in?

15 A I just got promoted to the ninth grade.

16 Q Ninth grade. What school do you go to?

17 A Lake City high.

18 Q Like City. Do you like it there?

19 A Kind of.

20 Q Have a lot of friends?

21 A Yeah.

22 Q You make good grades?

23 A Besides one grade in my social studies class, yes.

24 Q Okay. I looked at the video and stuff you talked to
25 the police officer. I remember you said that you told

1 them you wanted to be a veterinarian?

2 A Yes.

3 Q You still want to do that?

4 A Yeah.

5 Q You love animals?

6 A Yeah.

7 Q You remember talking to the police officer there at
8 the hospital you first went to the hospital?

9 A No, I don't remember talking to them.

10 Q You don't remember the conversation about wanting to
11 be a veterinarian? Don't remember it, okay. All right.

12 Minor where are you currently living?

13 A In a foster home.

14 Q In what town?

15 A In Lake City.

16 Q In Lake City. How you like it there?

17 A It's okay.

18 Q All right. Now, this bunk bed you were sleeping in,
19 you were sleeping in the top bunk bed, right?

20 A Yes, sir.

21 Q Is that normally where you slept?

22 A Sometimes, yeah. It depends if my little sister and
23 my cousins want to get on top, I let them get on top and I
24 sleep on the bottom because the bottom bunk was
25 technically mine, but they were already sleeping on it, so

1 I decided to get on the top with my brother.

2 Q And only young children sleep on the top bunk, right?

3 A Both like -- well, yes.

4 Q No adults ever tried to sleep on the top bunk?

5 A No.

6 Q That would be silly of them, wouldn't it?

7 A Yeah.

8 Q Probably wouldn't even hold their weight, would it?

9 A (Shook head in the negative.)

10 Q I hate to have to talk about this, but this is the
11 trial that's what we talking about here. I believe you
12 said and I quote felt coming three times?

13 A Yes.

14 Q That word coming do you recall when you first heard
15 it?

16 A No, that word probably after I left the home. I know
17 all the boys at my school will say that say, so that's how
18 I learned that's what it's actually called.

19 Q Did you learn that before or after this?

20 A After.

21 Q So other words you been using here in the court, did
22 you learn those words too after all this?

23 A Most of them, yes.

24 Q Okay. So when you actually went to your mother and
25 told her something happened, you weren't using those

1 words, were you?

2 A No, I was too scared to actually tell her what
3 happened because I didn't know what to do at that time. I
4 was still in, I guess, you can say in shock of what
5 happened. I didn't know how to present it to her what
6 happened.

7 Q I'm really sorry, I did not hear that last part?

8 A I didn't know how to tell her what happened without
9 her freaking out.

10 Q Okay. Had you been through something like this
11 before?

12 A Kind of.

13 Q Kind of. Back when you were nine years old?

14 A Yeah, that's probably how old I was.

15 Q An accusation was made at that time?

16 A Yeah.

17 Q But that person was never convicted, right?

18 A Yeah.

19 Q Okay. It's not the same person, is it?

20 A No.

21 Q Do you know what schizophrenia is?

22 A Yes.

23 MR. BELL: Objection, your Honor, relevant.

24 THE COURT: All right. She's already answered
25 the question, so I'll allow it.

1 BY MR. BELL:

2 Q The only reason I'm asking is because I read
3 something you had said something about your mom thought
4 you had schizophrenia?

5 A Yeah, my dad is diagnosed with it and they said
6 there's a possibility I have it, but it's not occurred at
7 my age. But I know it's where you hear and see things
8 that are not there and that have happen to me plenty of
9 times before and that night I remember recall seeing
10 something, but it was during the time of that I saw the
11 thing.

12 Q Yeah, actually that's a very interesting subject.
13 Could you describe to the jury what you thought you saw?

14 A It was like a normal room, you know, the height of a
15 window or our ceiling. It was kind of like a man figure,
16 but it was all black. It was darker than the room. And
17 he was like -- it was standing up straight staring
18 straight at me. And all I saw was like black as I
19 remember seeing him. It was just staring at me and I was
20 thinking it was something there protecting me like someone
21 that died.

22 Q What words would you describe for that thing that you
23 saw? Is there a common word that describes it?

24 A I gave it a name. I like to draw, so I draw the
25 things I use to see and I gave it the name the tall man.

1 Q Word ghost be appropriate?

2 A Probably, yeah, or a shadow figure.

3 Q Okay. And you say this is not the first time you
4 seen such a thing?

5 A No.

6 Q When did you first start seeing ghosts?

7 A When I was at the house that my mom -- well, my
8 grandfather bought my mom and it was like the doors use to
9 shut on their own like my bedroom door and stuff. And I
10 use to see things, but I use to think I was daydreaming.
11 But the most recent one before that was when I was with my
12 mom and my Aunt Lisa and we were in the room and one of my
13 cousin's wanted some cereal, so I grabbed the cereal and I
14 turned around and I saw a all little boy, but couldn't see
15 nothing all you saw was his pants. And I was like -- when
16 I knew I had schizophrenia because I kept on seeing him
17 more and more often.

18 Q Okay. But he wasn't there really, right?

19 A He was not there. I asked them did they see what I
20 saw and they said they don't see nothing. There was
21 nothing there and he was standing right where my little
22 cousin was.

23 Q Okay. Did he look like a real little boy to you?

24 A Yes. It look exactly like a little boy around her
25 age. She was probably nine or eight. It look like a nine

1 or eight-year-old little boy.

2 Q Did it look like a stranger or somebody you knew?

3 A It look like someone you knew.

4 Q Somebody you knew?

5 A Yeah.

6 Q Who?

7 A I don't know the name, but it look like a little
8 white boy that I known.

9 Q Okay. But you're positive he wasn't actually there?

10 A Yes.

11 Q Okay. And your mom knew about you seeing these
12 things, right?

13 A Sometimes. I didn't know how to tell her because I
14 heard like -- I use to watch shows and when people come
15 and tell them they think they're crazy because a lot
16 people don't believe in the stuff, so I just sometimes
17 kept it to myself, but when it got bad, I use to tell her.

18 Q Okay. Well, when you said -- originally when you
19 went to her you said you had nightmares?

20 A Yeah.

21 Q That's what you told her?

22 A Yeah.

23 Q How often would you go and sleep with her?

24 A I want to say that often it's like when I can't sleep
25 and I wake up in the middle of the night and I'm trying to

1 go back to sleep and I can't, I go sleep with her because
2 I'm use to sleeping with someone beside me because of my
3 grandma. I use to sleep with my grandmother when she was
4 alive beside her, so that was -- if I ever can't go back
5 to sleep, I just get out my bed and go to hers because I
6 have like someone right there next to me and I can feel
7 her there. So it helps calm me and make me feel better to
8 fall asleep.

9 Q She was good to you, you loved her?

10 A Sir?

11 Q Your grandma she was good to you?

12 A She was my world.

13 Q I'm sorry that you lost her. How old were you when
14 that happened?

15 A I was probably five or six.

16 Q Okay. You recall your grandfather?

17 A Yeah.

18 Q Okay. Now, did you tell your mom on this night that
19 you saw the spirit in the room or whatever it was you saw?

20 A I don't think I told her until a good time later
21 after the incident that I told her that what I saw.

22 Q And do you remember what she said in response?

23 A No, I do not.

24 Q Did she say something like it was probably your
25 grandfather watching over you?

1 MR. BELL: Your Honor, she answered the
2 question.

3 THE COURT: It's cross examination he can lead
4 her a bit. All right. You can answer the question,
5 ma'am.

6 A I don't think she said something that like. I don't
7 even think she said anything when I told her.

8 Q Okay. Well, is it possible that's who it was?

9 A Probably or, yeah, probably was because that's the
10 only male as I can remember family dying that I was close
11 to.

12 Q Well, who else have you seen like the boy or this
13 figure upon this night?

14 A I saw like a mist. It was like I want to say a black
15 mist, but it was kind of like a black mist. It's been --
16 and I remember seeing one that's kind of like a stick, but
17 not like a stick, but he's really thin and he has red
18 eyes. I remember seeing a lot different ones that I don't
19 remember names I gave to them, but it's been a lot over
20 the years.

21 Q A lot over the years. Do you recall the last such
22 time you had saw such a thing?

23 A That night that as I remember. I don't think I have
24 any more -- anyone's recently besides hearing things. I
25 haven't seen anything recently.

1 Q And I believe you said you saw this for a lack of a
2 better word ghost after?

3 A Like during kind of near the end of the fact that's
4 when -- because I had my head turned a certain way. So I
5 turned my head because I'm a wild sleeper and I act like I
6 was moving in my sleep, so I turn my head to face the one
7 that's -- and what's when I saw it or I saw him.

8 Q You said you turned your head to ---

9 A To face the windows.

10 Q Face the windows. I believe you said there was light
11 in the room. It was not completely dark the door was
12 cracked open?

13 A Yeah, the door was all the way open.

14 Q All the way open?

15 A Yeah, I want to say it wasn't that dark, but it was
16 still pretty dark, but it just had like a glimpse of
17 light, so I was still able to see kind of.

18 Q So if you had to go to the bathroom, you can see how
19 to get there?

20 A Down the stairs, yeah.

21 Q Okay. Again, I hate to get personal question, but
22 the time of this incident when you were 13 years old had
23 you started menstruating at the time?

24 A I started when I was ten.

25 Q When you were ten?

1 A Uh-huh.

2 Q Okay.

3 MR. NEWTON: May I have a moment?

4 THE COURT: Take your time.

5 (WHEREUPON, a pause in the proceedings.)

6 BY MR. NEWTON:

7 Q One final thing. First of all, you said you were a
8 wild sleeper, you toss and turn a lot in your sleep?

9 A Yes.

10 Q Okay. Is that true on a hot night too?

11 A Yeah, it was a pretty hot night.

12 Q Okay. Now, when you were testifying earlier with the
13 prosecutor here this gentleman was asking you questions,
14 you said that after this incident you went to your mom and
15 you told her, but then you heard someone trying to get
16 down off the bunk bed without falling?

17 A Yes, because I told her she screamed for my Aunt Lisa
18 and was saying that I just got raped. And during that --
19 during her time telling my Aunt Lisa, I heard -- well, the
20 kids broke the ladder, so the ladder wouldn't stay in
21 place. So I could hear if someone's like trying to get
22 down. It sound like someone's trying to get down off the
23 top bunk as fast as they can without getting hurt or
24 falling because it was really loose.

25 Q Well, who could that have been in the top bunk bed

1 that you heard trying to come down?

2 A I knew it couldn't be my brother because of how it
3 sound. It didn't -- I don't know.

4 Q You said the ladder was broken at the time?

5 A Yes.

6 Q How did you get to the top bunk yourself?

7 A It's not -- I wouldn't say broken, but the latches
8 that holds it steady they broke it off or they broke one
9 off so it kind of -- let's say like this, when trying to
10 get up, you can get up it, but you have to be very careful
11 and have someone like holding it to make sure you get up.
12 You have to be very careful because if you do one wrong
13 move, it would fall or tilt side ways and you fall off.

14 Q Okay. Well, after this incident that you described,
15 didn't the person who did it to you leave the room by your
16 testimony?

17 A Yeah, after I told my mom and I don't know where he
18 went.

19 Q I'm sorry I'm just trying to understand what you're
20 saying?

21 A After I told my mom when she was calling for my Aunt
22 Lisa, they left the room. They were getting off the bunk
23 bed and left the room. I don't know where they went.

24 Q So you're saying the person who did whatever to you
25 was still in the top bunk when you went to get your mom?

1 A When I went to my mom's room, yes, until I told her
2 exactly what happened and she started yelling they were
3 still in there.

4 Q Are you sure about that?

5 A I'm positive.

6 Q So was -- what was that person doing in the bunk bed
7 after you left?

8 A I didn't even stick around to see.

9 Q Well, there was a little baby up there too, right?

10 A Yeah.

11 Q Well, I mean, did you run as fast as you could to
12 your mom screaming all the way or what?

13 A No, I just -- I act like nothing happened. I got
14 down and walked like I normally would to go to the
15 bathroom. I just act like nothing happened and until I
16 went in her room and lock the door and I told her
17 everything that happened.

18 Q And when your mom started calling, I guess people
19 started coming out of the rooms?

20 A My cousins and siblings were still sleeping, but I
21 didn't look I was too scared to even leave out the room.
22 I stayed in my mama's room during the whole thing.

23 Q Okay. Anyway during all this time, you say you never
24 saw the person who was assaulting you?

25 A Yes.

1 Q Okay. This person name Dean who was sleeping there
2 that night how do you know him?

3 A He was one of my Aunt Lisa's friends and he also
4 lived in the neighborhood.

5 Q Do you recall where he was sleeping that night?

6 A He was in the living room sleeping on the couch.

7 Q Do you recall what time he arrived at the apartment?

8 A He was there the whole day because he was helping
9 out. I forgot what he was helping out with, but he was
10 helping us out.

11 Q He was there the whole day?

12 A Uh-huh.

13 Q So he didn't have to come knock on your mom's window
14 one or two o'clock in the morning?

15 A No.

16 MR. NEWTON: I have no further questions.

17 THE COURT: All right, anything as a follow up,
18 Mr. Bell?

19 MR. BELL: Briefly, your Honor.

20 REDIRECT EXAMINATION

21 BY MR. BELL:

22 Q Minor you testified you don't think of an adult
23 sleeping on top?

24 A It's probably possible, but in my perspective, no.

25 Q Do you think it was an adult that assaulted you?

1 A Yes.

2 Q Was there anyone else in that house that night May
3 26, 2019, that had a beard?

4 A No.

5 MR. BELL: No further questions.

6 THE COURT: All right. Thank you so very much.
7 You may step down, okay.

8 (WHEREUPON, the witness leaves the witness
9 stand.)

10 THE COURT: All right. Who's going to be your
11 next witness?

12 MR. BELL: Ms. Shellie Kaiser.

13 THE COURT: All right.

14 THE CLERK: Let's place your left hand on the
15 Bible and raise your right. Do you swear the testimony
16 you give this court will be the truth, the whole truth,
17 and nothing but the truth so help you God?

18 THE WITNESS: I do.

19 THE COURT: Before we do that, let's take about
20 a five minute break. There's something I need to address
21 with the attorneys. Give us about a five or ten minute
22 break, okay.

23 (WHEREUPON, a break was taken.)

24 THE COURT: Anything else before we get started?

25 MR. BELL: No, Your Honor.

1 MR. NEWTON: No, sir.

2 THE COURT: Bring them out.

3 (WHEREUPON, the jury came into open court.)

4 THE COURT: Has she been sworn, madam clerk?

5 THE CLERK: Yes, sir.

6 THE COURT: All right. Yes, sir, Mr. Bell.

7 WHEREUPON,

8 Shellie Keisler,

9 after first having been duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. BELL:

12 Q Ms. Shellie, can you please state your full name for
13 the record?

14 A Shellie Marie Keisler.

15 Q And what's your occupation?

16 A I am a full-time forensic nurse also known as a
17 sexual assault nurse examiner, which is short for SANE.

18 Q And how long have you been in that occupation?

19 A Since 2010.

20 Q Could you give the ladies and gentlemen of the jury
21 some of your educational background?

22 A I graduated from the University of South Carolina in
23 2000 primarily my background is womens' health. I also
24 work in labor and delivery have so for 20 years and I been
25 at this job since 2010.

1 Q Any other qualifications or specializations?

2 A So I'm certified in obstetrics, OB, fetal monitoring
3 as well as certified in pediatric adult and adolescent
4 SANE patients.

5 Q How does SANE differ from a register nurse?

6 A So we have special training that takes about a year.
7 Typically, it takes about a year. And we're specially
8 trained in taking care of victims of sexual assault and
9 domestic violence.

10 Q How many SANE exams have you performed on juveniles
11 in your career of children if you had to guess?

12 A If I had to guess, I've done probably over a thousand
13 exams separating pediatrics from adults probably half,
14 little less than half.

15 Q How many times have you testified in court as a SANE
16 nurse?

17 A Probably five or six.

18 Q And have you ever been qualified in court as an
19 expert in sexual assault nurse examinations?

20 A Yes, in 2019.

21 MR. BELL: Your Honor, at this time I move to
22 have Ms. Shellie Keisler qualified as an expert in the
23 field of sexual assault examinations on children.

24 THE COURT: Any objection?

25 MR. NEWTON: No objection.

1 THE COURT: All right. Ladies and gentlemen,
2 she's been qualified as an expert. Unlike a lay witness,
3 she can now give her opinion, all right, whereby lay
4 witnesses cannot give an opinion.

5 BY MR. BELL:

6 Q Ms. Keisler, where do you currently work?

7 A I work for Prisma Health in Columbia, South Carolina.

8 Q Were you working at Richland Prisma Health on May 26,
9 2019?

10 A Yes.

11 Q During that time can you tell us whether or not you
12 had an opportunity to treat a patient by the name of Minor

13

14 A Yes.

15 Q Did you obtain general information concerning the
16 patient?

17 A Prior to her arrival, yes.

18 Q And what's the protocol for SANE nurses when treating
19 a patient for sexual assault?

20 A The protocol as far as the examination?

21 Q Yes.

22 A Typically, when the patient arrives to whatever ED
23 that they come to, we're a mobile unit so we go to all
24 hospitals to see the victims. Typically, when they
25 arrive, we are called and we have an hour response time as

1 to when the victim gets there. And so once they're
2 medically cleared, we are called to take care of the
3 patient from that point.

4 Q Is there a form that's used as part of protocol?

5 A Yes, we use the SLED division protocol.

6 Q And did you use the protocol in this case?

7 A Yes.

8 Q Based on information gathered from Minor what areas
9 of Minor's body did you examine concerning possible
10 injury?

11 A We typically do a head to toe assessment and then
12 based on the information that's provided in the assault
13 history is where we decide where we collect our evidence.

14 Q During your examination of Minor did you observe any
15 physical injury?

16 A I would have to refer to my forensic report, but I
17 don't believe there wasn't any physical injury.

18 Q All right. If I showed you a copy of your report, do
19 you think it would refresh your recollection?

20 A Yes.

21 MR. BELL: Your Honor, may I approach the
22 witness?

23 THE COURT: Yes, sir.

24 BY MR. BELL:

25 Q What I'm showing you is marked -- premarked as

1 State's Exhibit for identification number 12. Do you
2 recognize the exhibit?

3 A Yes.

4 Q Where do I recognize the exhibit from?

5 A Where do I recognize it from?

6 Q Yes.

7 A This is the form that we use.

8 Q Is that your report?

9 A Yes.

10 Q Looking at it could you tell during the examination
11 of Minor did you observe any physical injuries on Minor

12 A No physical injuries.

13 Q Can you tell from looking at it was Minor on her
14 menstrual cycle when you examined her?

15 A It may take me a minute to find that page. From the
16 history that was provided, her last menstrual period was
17 April 25th 2019. That was what was told or what's
18 documented on here.

19 Q As an expert in the field of sexual assault
20 examination on children, is it uncommon for physical
21 examinations of sexual assault of children to not show
22 physical injuries?

23 A Is it uncommon or...

24 Q Is it common for them not to show any injuries?

25 A Yes.

1 Q Could you tell the jury about that?

2 A So typically with sexual assaults with the patients
3 it's been multiple studies done to where they take a
4 series of people let's just say 300 people and preferably
5 a study McCain hey did in 2019 was a big study. They took
6 340 patients and of those 340 patients percentage wise I
7 believe it was anywhere from five to 75 -- 75 of the 340.
8 So typically we don't see injury. And in my experience,
9 we don't typically see injury with sexual assaults.

10 Q As a SANE nurse at Richland Prisma Health, how long
11 do you have to collect evidence from a child victim post
12 assault?

13 A So with a child it's different, zero to 12 is up to
14 36 hours and then 13 and up is up to 96.

15 Q And so you saw **Minor** in enough time to
16 collect evidence from her?

17 A Yes.

18 Q What all is in a SANE kit, explain a SANE kit to the
19 jury?

20 A So at that time our kits are provided by SLED, which
21 is the South Carolina Law Enforcement Division. It's a
22 box that contains several different types of swabs and
23 also identifier to identify the DNA of the patient as
24 well.

25 Q Specifically what type of evidence is obtained by the

1 SANE nurse during the examination?

2 A It goes case by case. And the -- what the patient
3 provides in the assault history, that's what guides our
4 exam as to what evidence we collect.

5 Q Was a rectal swab performed on this victim?

6 A Yes.

7 MR. BELL: Your Honor, may I approach?

8 THE COURT: Yes, sir.

9 BY MR. BELL:

10 Q What I am showing you is premarked as State's Exhibit
11 for identification exhibit number three. Do you recognize
12 that exhibit?

13 A Yes.

14 Q Where do you recognize it from?

15 A Say that again?

16 Q Where do you recognize it from?

17 A This is -- these are the swabs that I collected and
18 has my name on it with my initials.

19 Q So that's how you know you collected it?

20 A Yes.

21 Q Once you collect those, how do you -- what do you do
22 with them next? Where does it go there? What do you do
23 with it after you finish collecting it?

24 A So once all of the evidence is collected, it is
25 packaged up and then we turn it over to law enforcement

1 depending on the time frame as far as when they come.

2 Q What's your standard operating procedure to keep the
3 items safe and secure?

4 A So we have an evidence room that's behind three
5 locks. Our office door is locked as well as our evidence
6 room door is locked and we keep all of our evidence in a
7 locked refrigerator until law enforcement is able to come
8 get it.

9 MR. BELL: Your Honor, may I approach?

10 THE COURT: Yes, sir.

11 BY MR. BELL:

12 Q What I am showing you is State's Exhibit premarked
13 for identification State's Exhibit Number 4. Do you
14 recognize the exhibit?

15 A Yes.

16 Q How do you recognize the exhibit?

17 A My name and initials are on the envelope.

18 Q And what is the exhibit?

19 A Swabs collected for suspected bodily fluids.

20 Q And those were collected from Minor

21 A Yes.

22 Q State's Exhibit premarked for identification Number 3
23 that was rectal swabs collected from Minor

24 A Yes.

25 Q Did you follow standard operating procedures in

1 securing the anal excuse me -- State's Exhibit Number 4
2 for identification?

3 A Yes.

4 MR. BELL: Your Honor, may I approach?

5 THE COURT: Yes, sir.

6 BY MR. BELL:

7 Q Now, showing you State's Exhibit premarked for
8 identification exhibit Number 5 you recognize it?

9 A Yes.

10 Q What do you recognize it from?

11 A My initials are on the envelope.

12 Q What is it?

13 A Suspected saliva.

14 Q Did you take that swab?

15 A Yes.

16 Q Who did you take the swab from?

17 A Minor [REDACTED]

18 Q Last but not least.

19 MR. BELL: Your Honor, may I approach?

20 THE COURT: Yes, sir.

21 BY MR. BELL:

22 Q State's Exhibit premarked for identification only
23 State's Exhibit Number 2 do you recognize it?

24 A Yes.

25 Q Where do you recognize it from?

1 A My initials are on the envelope?

2 Q What is it?

3 A A known DNA standard which is a buccal swab.

4 Q Who is the buccal swab from?

5 A Minor [REDACTED]

6 Q With all these swabs, did you follow standard
7 operation proceed and secured it?

8 A Yes.

9 Q What did you do with it after it was secured?

10 A Once all of the evidence was collected, I placed into
11 the collection box and locked it in our evidence room.

12 Q So it has a lock?

13 A Yes.

14 Q And then what happened with it?

15 A Then law enforcement comes to get it and then we turn
16 it over to them.

17 Q Did you turn over this evidence to law enforcement or
18 the swab, did you turn it over?

19 A Yes.

20 Q Do you remember who you turned it over to?

21 A Hartsville Pee Dee Investigator Kristan Jeffords is
22 her last name. I can double check. I believe that was
23 her last name Jeffords.

24 MR. BELL: Answer any questions -- beg the
25 Court's indulgence.

1 (WHEREUPON, a pause in the proceedings.)

2 BY MR. BELL:

3 Q Could you go back to the rectal swabs and this might
4 seem elementary like to go back to State's Exhibit Number
5 3. It's a rectal swab where did you collect that swab
6 from?

7 A Where did I collect it?

8 Q Uh-huh.

9 A Rectum.

10 Q Tell me about the swab process? Do you go inside the
11 rectum?

12 A Yes.

13 Q How far?

14 A Typically, I will insert it into the rectal area up
15 until I can't see Q-Tip any more. So, I mean, I don't
16 know ---

17 Q What is the difference between a rectal swab and a
18 anal fold swab?

19 A So a rectal swab it's inserted into the rectal area
20 and then the anal fold. Swab it's collected on the
21 outside. There folds on the outside of the rectal area
22 which we call anal folds.

23 Q So just to be clear is that on the side or around the
24 anus?

25 A Circumferential it's all the way around. If you

1 think about it as a clock, it's all the way around.

2 Q And that's considered around the clock because anal
3 fold?

4 A Yes, it's 'circumferential which means all sides of
5 the rectum.

6 Q Now, State's Exhibit Number 5 could you refer to your
7 report and tell me where was that swab taken from?

8 A I'm sorry which swab?

9 Q That will be State's Exhibit Number 5 I think
10 indicated by SLED Number 1.5?

11 A Is this red sticker exhibit 5?

12 Q Yes.

13 A And tell me again the question?

14 Q My question is based on your report where did you
15 take that swab from?

16 A So this was taken from the patients left ear for
17 suspected saliva.

18 Q Could you talk -- let the jury know about the process
19 in which you did that?

20 A So typically, again, depending on the information
21 that's provided us from the assault history, that's how we
22 collect our evidence. And with this particular, I
23 collected a double swab technique is what we do to collect
24 evidence if we think that it's any kind of bodily fluids.
25 We put a few drops of sterile water on the Q-Tips and then

1 collect from the area that the patient states that
2 something happen.

3 Q Lastly, State's Exhibit Number 2 could you explain to
4 the jury what a buccal swab is?

5 A So this is the patients DNA to make it known that the
6 evidence that's being collected is under this patient.

7 MR. BELL: Nothing else from the State. Please
8 answer any questions Mr. Newton have for you.

9 CROSS-EXAMINATION

10 BY MR. NEWTON:

11 Q When you were examining Minor how long do you think
12 you were with her in all?

13 A Time frame if you give me a few minutes, I can tell
14 give you exactly. So I took the patient to my office at
15 1955, which will be 7:55 p.m. that night and then she was
16 discharged from my care 2215 which would be 10:50 p.m.

17 Q So about three hours you were with her, is that
18 correct?

19 A Yes.

20 Q During this three hours you were with her, how would
21 you describe her demeanor?

22 A I have to look back to my documentation because it's
23 has been a while. I believe documented she engaged easily
24 with me.

25 Q I'm sorry what?

1 A She engaged easily with me. There wasn't anything

2 ---

3 Q Which page are you looking at on your document?

4 A It's under physical exam let me find it. It's on
5 page eight under general demeanor.

6 Q All right. And there's a number of boxes there you
7 check if they apply, correct?

8 A Correct.

9 Q Could you read off the possible boxes that might
10 apply or that ---

11 A That I documented?

12 Q No, no, read all the boxes and say which one you saw
13 sign?

14 A Okay, under this report general demeanor, we have
15 choices of quiet, tearful, trembling, anxious, controlled,
16 angry, sobbing, tense. And then we also document the way
17 that they respond to questions briefly, reluctantly,
18 readily. And then also we document eye contact whether
19 it's good or poor and then we describe their demeanor.

20 Q As far as eye contact, did you check good or poor for
21 that?

22 A I checked good.

23 Q So she had good eye contact with you?

24 A Yes.

25 Q Responses to questions of the three are briefly,

1 reluctantly or readily which one did you check?

2 A Readily.

3 Q And that means she was engaging with you answering
4 all your questions right away?

5 A Yes.

6 Q Okay. General demeanor quiet, tearful, trembling,
7 anxious, controlled, angry, sobbing tense. Did you check
8 any of those boxes?

9 A I checked controlled.

10 Q Controlled is the only one of those boxes you
11 checked?

12 A Yes.

13 Q What do you mean by controlled exactly could you
14 explain that to the jury?

15 A She was -- I was able to interact with her. She was
16 able to answer the questions, so I didn't -- there weren't
17 any issues as far as her not answering the questions so.

18 Q So she was not tearful, she was not trembling, she
19 was not anxious, she was not angry, she was not sobbing or
20 not tense?

21 A No.

22 Q Okay. And the prosecutor already asked you this, but
23 just to make sure I heard it correctly. After the three
24 hours of your examination you discovered no signs of
25 physical injury, is that correct?

1 A Yes.

2 MR. NEWTON: No further questions.

3 THE COURT: All right, anything as a follow up?

4 REDIRECT EXAMINATION

5 BY MR. BELL:

6 Q As a SANE expert, is it your opinion during your
7 examinations is it often that you see children that don't
8 tear up when they get an examination?

9 A Yes. So before we even sit down with a patient, we
10 build rapport with them. And it can be anything from
11 where what their interest are, where they go to school,
12 how many animals they have that kind of thing. We don't
13 just go right into doing an exam with children. We build
14 rapport before going into all the specifics of this
15 because we ask pretty personal questions.

16 MR. BELL: Nothing else from the State.

17 THE COURT: All right. Thank you so much for
18 being here, have a wonderful rest of your day.

19 (WHEREUPON, the witness leaves the witness
20 stand.)

21 THE COURT: Well, it's 12 o'clock who do you
22 plan on calling as your next witness?

23 MR. BELL: Next witness would have been Kristan
24 Jeffords.

25 THE COURT: And she's one of the law enforcement

1 officers?

2 MR. BELL: Yes.

3 THE COURT: All right. I just want to make sure
4 wasn't somebody I needed to get or she needs to get back
5 to work or anything? How long do you think she'll take?

6 MR. BELL: Kristan won't be long at all.

7 THE COURT: All right, go ahead and call your
8 next witness.

9 MR. BELL: Kristan Jeffords.

10 THE CLERK: Place your left hand on the Bible
11 and raise your right. Do you swear the testimony you give
12 this court be the truth, the whole truth, and nothing but
13 the truth so help you God?

14 THE WITNESS: I do.

15 WHEREUPON,

16 Kristan Jeffords,
17 after first having been duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. BELL:

20 Q Kristan, could you state your full name for the
21 record?

22 A Kristan Jeffords.

23 Q Based on your review of this case, what was your
24 involvement in this case?

25 A I picked up the rape kit from Shellie at Prisma

1 Health.

2 Q When you picked it up, what condition was it in?

3 A It was sealed. It was properly sealed.

4 Q And what did you do with the box then?

5 A I transported it back to our office and I put it into
6 our locked evidence room for the next evidence custodian
7 to transfer it.

8 Q What's y'all standard operating procedure in securing
9 evidence making sure evidence stays secure?

10 A We take our evidence and place it behind lock and
11 key, a door that's locked and we place it into a -- the
12 rape kit needed to go into a refrigerator, so we placed it
13 into the sealed refrigerator.

14 Q Did you follow standard operating procedure in
15 handling of this rape kit?

16 A Yes, sir.

17 Q Who's the only one that has access to the rape kit
18 once you secure it?

19 A Once I secure it, the only officer who has access to
20 it is our evidence officer and that's Erica Norton.

21 MR. BELL: No further questions.

22 THE COURT: Anything?

23 MR. NEWTON: No questions.

24 THE COURT: All right. Thank you so very much.

25 (WHEREUPON, the witness leaves the witness

1 stand.)

2 THE COURT: All right. Anybody else going to be
3 short?

4 MR. BELL: Erica Norton.

5 THE COURT: Okay.

6 THE CLERK: Place your left hand on the Bible
7 and raise your right. Do you swear the testimony you give
8 this court will be the truth, the whole truth, and nothing
9 but the truth so help you God.

10 THE WITNESS: Yes, ma'am.

11 WHEREUPON,

12 Erica Norton,

13 after first having been duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. BELL:

16 Q Erica, could you please state your full name for the
17 record?

18 A Erica Brook Norton.

19 Q And what is your occupation?

20 A I'm the evidence custodian at Hartsville Police
21 Department.

22 Q Were you the evidence custodian on or around May 26,
23 2019?

24 A Yes, I was.

25 Q Did you handle the evidence related to this case?

1 A Yes, sir.

2 Q Did you take or collect any evidence in this case?

3 A I collected the buccal swabs from Mr. Ramsey.

4 Q Was that witness by anyone?

5 A Lieutenant Weatherford he was a first sergeant then.

6 Q Was your standard operating procedure in sealing and
7 preserving evidence as evidence custodian?

8 A So after I collect it, I put it in an envelope and it
9 goes into evidence. With me being the evidence officer, I
10 usually log it and then I secure it in the evidence room.
11 And in that particular case, it would go into a section to
12 be gone to be sent to SLED the next time I go.

13 Q So who performed the buccal swab on Michaelis Ramsey?

14 A I did.

15 Q And you secured it, correct?

16 A I did.

17 Q And what did you do with it from there?

18 A After I -- my next trip to SLED what I do is with my
19 job, I log everything into SLED eye lab is what it's
20 called. We log in everything there and then on my next
21 trip to SLED I go to Columbia, so it's usually about once
22 or twice a month. So my next trip to SLED I took it and
23 what we do is we seal it with evidence tape on the
24 envelope. We initial and date it and it goes into a
25 locker at SLED. We stamp the date -- there's a stamp that

1 has like the date and the time that you take it, so I
2 stamped it. I initialed that that was me taking it. And
3 then it goes into a locker where you push a little button
4 and it locks it. And the only people that have access to
5 it then is the evidence technicians at SLED.

6 Q Did you also take the rape kit to SLED involved in
7 this case?

8 A I did.

9 Q And did you follow standard operating procedures in
10 terms of turning that evidence over to SLED as well?

11 A Yes, sir, I did.

12 Q Did you make sure everything stayed sealed?

13 A Yes, sir, everything was sealed when I got it.

14 MR. BELL: No further questions from the State.

15 THE COURT: Anything, Mr. Newton?

16 MR. NEWTON: No questions.

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

18 You may be excused. Have a wonderful rest of your day.

19 (WHEREUPON, the witness leaves the witness
20 stand.)

21 THE COURT: All right, anybody else?

22 MR. BELL: No, your Honor, I told the rest of my
23 witnesses to be back after lunch. I think I have another
24 witness coming at one and then I have a few at two.

25 THE COURT: Okay. All right. Ladies and

1 gentlemen of the jury, we'll go ahead and take our
2 afternoon break and enjoy lunch. It's 12:15 now, so let's
3 be back around 1:30. All right, fair enough. All right,
4 enjoy your lunch, see you then.

5 (WHEREUPON, the jury excused for lunch.)

6 (WHEREUPON, a lunch break was taken.)

7 THE COURT: All right. Anything else before we
8 get started?

9 MR. BELL: Nothing from the State, your Honor.

10 THE COURT: All right, sorry about that. I got
11 locked out of my computer and I couldn't do anything
12 without my computer, so sorry about that. All right,
13 bring them out.

14 (WHEREUPON, the jury came into open court.)

15 THE COURT: All right. Thank you all so very
16 much. Hope you enjoyed your lunch. I apologize for the
17 delay, it's my fault. I got locked out of my computer for
18 trying to change my passwords. So, again, it's my fault,
19 so I apologize for the slight delay. But if you're ready
20 to go, call your next witness.

21 MR. BELL: Yes, your Honor, the State calls
22 Verona Herrera to the stand.

23 THE CLERK: Place your left hand on the Bible
24 and raise your right. Do you swear the testimony you give
25 this court will be the truth, the whole truth, and nothing

1 but the truth so help you God?

2 THE WITNESS: I do.

3 WHEREUPON,

4 Verona T. Herrera,

5 after first having been duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. BELL:

8 Q Ms. Herrera, could you please state your full name
9 for the record?

10 A Verona Herrera.

11 Q And what is your occupation?

12 A Now, I work with DHEC or the Department of
13 Environmental Control as a on-site waste water enforcement
14 officer.

15 Q On or around March -- where did you use to work?

16 A The South Carolina Law Enforcement Commission or I
17 mean department -- I'm sorry also known as SLED.

18 Q How long did you work in the field -- what field did
19 you work in?

20 A I was a forensic serologist in the DNA section at
21 SLED.

22 Q How long did you work in that section?

23 A Over 12 years.

24 Q Could you give the jury some of your educational back
25 ground?

1 A Sure. Associate of science from Tri-County Technical
2 College. I have an associate in public works from
3 Greenville Technical College with a certificate in
4 forensics. And I have a bachelor's of science degree from
5 Liberty University in criminal justice forensics.

6 Q Any other qualifications or specializations?

7 A No, sir.

8 Q Could you tell the ladies and gentlemen of the jury
9 what exactly is forensic serology?

10 A Forensic serology has basically two components at
11 SLED. There's the evidence processing section which takes
12 pieces of evidence that are larger than basically a sheet
13 of standard paper like car parts, clothing, guns and
14 processes those for either body fluids, blood, semen,
15 saliva or touch or ownership DNA which would be skin
16 cells.

17 Q And what exactly did you do for SLED when performing
18 as a forensic serologist?

19 A I process evidence from crime scenes, identified the
20 body fluids if they happen to be present, collected the
21 skin cells if that was what was requested, forwarded my
22 results to the DNA section for a DNA profile to be
23 developed, wrote reports and testified court.

24 Q So if I heard you correctly as a forensic serologist
25 what you did for SLED was identify the DNA and then you

1 send those specimens to DNA for further analysis?

2 A I identified the potential for DNA to be there, yes.
3 And it was kind of like a weeding out kind of section. We
4 would look at different objects. And if our testing was
5 positive, that meant there's a potential for a DNA profile
6 to be developed and then it would go forward analyzed.

7 Q How many serology testing you performed in your
8 career?

9 A Thousands upon thousands.

10 Q Have you ever been qualified in court as an expert in
11 the serology analysis?

12 A Between serology analysis and evidence processing,
13 which is what became serology at SLED probably 15 to 20
14 times.

15 Q And how many times have you testified in court as an
16 expert in serology analysis?

17 A Expert in serology probably seven to ten.

18 MR. BELL: At this time, your Honor, I like to
19 move to qualify Ms. Herrera as an expert in the field of
20 serology.

21 MR. NEWTON: No objection.

22 THE COURT: All right. Ladies and gentlemen, as
23 I stated previously, she has been qualified as an expert
24 and therefore can give her opinion. And as I stated
25 earlier, lay witness cannot give an opinion.

1 BY MR. BELL:

2 Q Ms. Herrera, could you please talk about your
3 standard operating procedure regarding the chain of
4 custody at SLED?

5 A As evidence was submitted to the laboratory, we had a
6 locker system, which was the officer from the agency would
7 bring in evidence, seal it in the appropriate vessel like
8 a box or a heat seal pouch, place that in a locker system.
9 And then our evidence technicians would take that out,
10 make sure the seals were present, make sure that the
11 information entered into the computer was correct, and
12 then they would house that evidence in our office control
13 room. When someone who needed to analyze the evidence
14 requested it, those individuals will pull it from the
15 evidence control room, give it to whoever requested it.
16 Every step in that chain is documented with a time, a date
17 and the person who had that piece of evidence in their
18 custody. That continues the whole time that the evidence
19 is at SLED no matter it goes through three people or the
20 entire lab. Every person that touches it is documented
21 date, time and who that person is.

22 MR. BELL: Your Honor, may I approach?

23 THE COURT: Yes, sir.

24 BY MR. BELL:

25 Q Ms. Herrera, showing you what's been premarked as

1 State's Exhibit Number 11. Do you recognize that exhibit?

2 A Yes, sir, this appear to be certified chain of
3 custody that SLED issues for each case.

4 Q Based on your view of this case, is that document
5 apply to this case?

6 A Yes, sir, the lab number matches my documentation as
7 well.

8 Q Would every hand that has touched items while in SLED
9 possession you record it on this document regarding the
10 case?

11 A Yes, sir.

12 Q Does the document show that any items pertain to this
13 case were ever in your possession?

14 A Yes, sir.

15 Q Did you comply with standard operating procedure and
16 properly documented your contact with items in this case?

17 A I did as far as I'm aware, yes, sir.

18 Q Was this regularly kept up and maintain by SLED as
19 part of their regular business practice and activity?

20 A Yes, sir.

21 MR. BELL: Your Honor, at this time I want to
22 move for State's Exhibit 11 to be moved into evidence.

23 THE COURT: Without objection?

24 MR. NEWTON: That's right.

25 THE COURT: All right, without objection.

1 (WHEREUPON, State's Exhibit No. 11 was admitted
2 into evidence.)

3 BY MR. BELL:

4 Q Did you do serology analysis excuse me -- pertaining
5 to the sexual assault case involving victim Minor
6 [REDACTED]?

7 A I did, yes, sir.

8 MR. BELL: Your Honor, may I approach?

9 THE COURT: Yes, sir.

10 BY MR. BELL:

11 Q What I'm showing you is State's Exhibit 3 marked for
12 identification. Do you recognize that item or any
13 markings on that item?

14 A I do, yes, sir. This is ---

15 Q Go ahead.

16 A I'm sorry.

17 Q Go ahead what do you recognize?

18 A This is SLED's unique lab number in this case. This
19 is the unique item number within that case that was given
20 to it. My initials and the date that I open this evidence
21 is here.

22 Q And what is the standard operating procedure in
23 handling this exhibit?

24 A When the sexual assault kit comes into SLED, it
25 arrives in a box, which is put into the heat seal pouch

1 and sealed that seal is initial and dated which that is
2 checked by our evidence control technicians when they put
3 it on the shelf, that is also checked by me to make sure
4 that that seal is intact when I go to open the evidence as
5 well. It's in a paper envelope inside that heat seal
6 pouch which is usually sealed as well. And then these
7 envelopes are sealed and we make sure that all those seals
8 are intact.

9 Q And based on your records was there any indication
10 when you received the item that the item had been tampered
11 with?

12 A No, sir, there's nothing in my notes that I would
13 have sought analysis and made a note and contacted the
14 agency that submitted it.

15 Q And did you perform serology analysis on this item?

16 A I did, yes, sir.

17 Q And what did you do with the item after your serology
18 analysis?

19 A It was returned to our evidence control department
20 for the DNA analyst to retrieve it later.

21 Q Did you document your findings in a report?

22 A I did, yes, sir.

23 MR. BELL: Your Honor, may I approach?

24 THE COURT: Yes, sir.

25

1 BY MR. BELL:

2 Q Okay. What I am going to show you is two exhibits
3 State's Exhibit 4 and 5 both marked for identification
4 let's start with four. Do you recognize that item?

5 A Yes, sir..

6 Q How do you recognize it?

7 A Again, the unique lab number item number for this
8 item, my initials and the date.

9 Q Did you perform an analysis on this?

10 A I did, yes, sir.

11 Q And did you document your findings in a report?

12 A Yes, sir.

13 Q Could you refer to State's Exhibit Number 5 marked
14 for identification?

15 A Yes, sir.

16 Q Do you recognize it?

17 A I do. And it's the same the lab number, the item
18 number, my initials and the date.

19 Q Did you perform a serology analysis on it?

20 A I did, yes, sir.

21 Q What did you do with both items State's Exhibit
22 Number 4 and State's Exhibit Number 5 marked for
23 identification? What did you do with them after your
24 serology analysis was complete?

25 A They would have as well been resealed in the heat

1 seal pouch and taken to the evidence control department.

2 Q And did you document the findings on both of those in
3 your report?

4 A I did, yes.

5 MR. BELL: Your Honor, may I approach?

6 THE COURT: Yes, sir.

7 BY MR. BELL:

8 Q What I'm showing you now State's Exhibit 6 marked for
9 identification. Do you recognize the exhibit?

10 A Yes, sir.

11 Q Where do you recognize it from?

12 A It is a copy of my report for this case.

13 Q Is it a true and accurate report of your findings of
14 the test that you ran regarding this case today?

15 A Yes, sir.

16 MR. BELL: At this time, your Honor, I would like
17 to move State's Exhibit 6 into evidence.

18 THE COURT: All right, any objection?

19 MR. NEWTON: No, Your Honor.

20 THE COURT: All right, without objection.

21 (WHEREUPON, State's Exhibit No. 6 was admitted
22 into evidence.)

23 BY MR. BELL:

24 Q At this time, Ms. Herrera, would you please review
25 your serology report for the jury starting with number

1 one?

2 A Item number one is a sexual assault evidence
3 collection kit from a Minor [REDACTED] Item 1.1 is
4 underwear. Would you like for me to read my results as
5 well?

6 Q You can.

7 A Okay. Examination for component of semen acid
8 phosphatase was negative. Item 1.1.1 is a cutting from
9 the crotch of the underwear. The presumptive test for
10 saliva was negative. The item was forwarded to the DNA
11 section. Item 1.1.2 is hair from underwear and no
12 analysis was performed on that item. Item 1.2 is vaginal
13 swabs. Examination for components of semen P30 and
14 spermatozoa were negative. No semen was identified. And
15 the item forwarded to the DNA section. 1.3 rectal swabs
16 examination for components of semen P30 and spermatozoa
17 were negative no semen identified and the item was
18 forwarded to the DNA section. Item 1.4 is suspected
19 bodily fluid swabs, anal folds, examination for components
20 of semen P30 and spermatozoa were positive. Semen was
21 identified. Item was forwarded to the DNA section. 1.5
22 is suspected saliva swab from the left ear. Presumptive
23 testing for saliva was negative and the item was forwarded
24 to the DNA section. Item 1.6 pubic hair combings no
25 analysis was performed and the victim buccal swab the item

1 was forwarded to the DNA section.

2 Q So, Ms. Herrera, nowhere in your report you had no
3 access to Michaelis Ramsey's swab, did you?

4 A No, sir, at the time I was there that swab was not
5 available.

6 Q The only swabs you had were from the rape kit?

7 A That is correct, yes.

8 MR. BELL: Beg the Court's indulgence.

9 THE COURT: Yes, sir.

10 (WHEREUPON, a pause in the proceedings.)

11 MR. BELL: No further questions from the State.
12 Please answer any questions Mr. Newton you may have for
13 you.

14 CROSS-EXAMINATION

15 BY MR. NEWTON:

16 Q Hello, ma'am.

17 A Hello.

18 Q So the report you just read ---

19 A Yes, sir.

20 Q --- the only positive result you gotten was from the
21 anal folds, is that correct?

22 A From the swab from the anal folds, yes, sir.

23 Q And everything else including the rectal swabs were
24 negative?

25 A Were negative for the items I tested for, yes.

1 Q So what exactly is an anal fold, do you know?

2 A That is an anatomical question -- area that the SANE
3 nurse assigns anal fold. I would assume it is a portion
4 of the rectum, but -- or the anus.

5 Q Now, when you say components semen were positive,
6 what exactly do you mean? What are you looking for
7 components of semen?

8 A There are cellular portion of semen and there's a
9 liquid portion of semen. One of the components or
10 molecules within the liquid portion of semen is called
11 P30, that is a very high concentrations in semen where it
12 can be a much lower concentrations and some other body
13 fluids. We test for a very high level, so if that's
14 positive that means that there's a high level of P30
15 within that liquid portion. Spermatozoa is actually the
16 sperm cells themselves. It's the cellular portion of the
17 semen. And we actually visualize that under a microscope
18 to determine whether those are present or not. So if we
19 have the cellular portion and a component from the liquid
20 portion, we can say that semen is identified.

21 Q How much of the component is required to be present
22 before you say it's a positive identification? I mean,
23 are we talking about just tiniest little speck would that
24 be a positive identification?

25 A You mean the semen or ---

1 Q Yeah.

2 A As long as both components are there, we would call
3 it semen.

4 Q Even if it's not visible to the naked eye, you need a
5 microscope to see it?

6 A Well, you would need a microscope to visualize sperm
7 cells no matter what.

8 Q Okay. So we're not talking about something you can
9 identify with your eyeball?

10 A No, cellular portion of anything can be identified
11 with an eyeball. Like even your blood, your blood cells
12 can't be visualized without a microscope. So your skin
13 cells can't be visualized without a microscope. We would
14 need a microscope in order to visualize the spermatozoa
15 even if there were millions there because they're so tiny
16 in and of themselves that you can't see them with the
17 naked eye.

18 Q Well, do you quantify the amount that you find or is
19 you just or is it just positive or negative?

20 A For the...

21 Q I mean, would you rate -- do you say how much semen
22 you found is that part of your investigation?

23 A We don't quantify the amount of semen found. I can
24 according to my notes the testing for the P30 was very
25 weak, but it was there in the concentration that our test

1 test for. And there were a few sperm heads identified on
2 the swab.

3 Q You use the word very weak?

4 A Yes.

5 Q So not talking a lot here?

6 A But it was there. So as long as that's there along
7 with the sperm cells, then we can say that it's semen.

8 Q Okay. Well, are there components of semen that are
9 present in substances that are not semen?

10 A There are, yes.

11 Q Like what?

12 A Vaginal secretions, breast milk, blood of men with
13 prostate cancer.

14 Q Men with prostate cancer?

15 A Yes.

16 Q Okay. And do you have any way of ---

17 MR. NEWTON: No further questions. Thank you.

18 REDIRECT EXAMINATION

19 BY MR. BELL:

20 Q Ms. Herrera, referring to 1.3 based on your previous
21 testimony, does it necessarily mean that there's no DNA
22 present just because semen -- test components of semen
23 were found negative?

24 A No, sir, there could still be DNA available as -- a
25 foreign DNA to the victim, yes.

1 Q And what other types of DNA -- what other types of
2 DNA would -- could possibly be present? I mean, you said
3 semen is DNA, but what else again?

4 A Blood, saliva, the skin cells within saliva, skin
5 cells from skin that was in contact with other skin or
6 clothing or the countertop, so basically skin cells, blood
7 and semen are your main.

8 Q So if skin cells were present, the test would still
9 come back negative for semen because that one pick up on
10 skin cells, correct?

11 A That is correct, yes, sir.

12 MR. BELL: No further questions.

13 THE COURT: All right. Thank you so very much,
14 ma'am. You may be excused. I hope you have a wonderful
15 rest of the day.

16 (WHEREUPON, the witness leaves the witness
17 stand.)

18 THE COURT: All right, call your next witness.

19 MR. BELL: State calls Kimberly Spainhour.

20 THE CLERK: Do you swear the testimony you give
21 this court will be the truth, the whole truth, and nothing
22 but the truth so help you God?

23 THE WITNESS: Yes.

24 WHEREUPON,

25 Kimberly Spainhour,

1 after first having been duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. BELL:

4 Q Hello, Ms. Spainhour.

5 A Hello.

6 Q Please state your full name for the record?

7 A Kimberly Spainhour.

8 Q What is your occupation Ms. Spainhour?

9 A I currently work at DHEC in the public health
10 laboratory.

11 Q And where did you work prior to working at DHEC?

12 A I use to work at the South Carolina Law Enforcement
13 Division commonly referred to as SLED.

14 Q And what kind of work did you do there?

15 A I was also a forensic serologist at SLED.

16 Q Did you sometimes perform other tasks?

17 A Yes, so I use to perform the extractions and
18 quantifications after the serology analysis was done.

19 Q Have you had a chance to review the documents related
20 to this case?

21 A I have, yes.

22 Q Discussed the role that you played in this case as a
23 forensic technician?

24 A In this case, after the serology was performed, I
25 picked up the evidence and performed an extraction on the

1 evidence to get any potential DNA out of the sample as
2 well quantified it to see how much DNA was present in a
3 sample.

4 Q Do you do anything else with the sample after you
5 extract and quantify?

6 A I do not.

7 Q Where does the sample go then?

8 A It is then transferred to the DNA analyst for the
9 case.

10 Q Now, State's Exhibit Number 11 is up there. It is
11 the verified chain of custody?

12 A Okay.

13 Q Could you refer to that?

14 A I'm sorry.

15 Q I said could you refer to that?

16 A Yes.

17 Q Do you recognize that item?

18 A I do, yes.

19 Q Where do you recognize it from?

20 A This is the chain of custody with this case number
21 and my name is in the chain of custody.

22 MR. BELL: Your Honor, may I approach?

23 THE COURT: Yes, sir.

24 BY MR. BELL:

25 Q What I'm now showing you is State's Exhibit Number 1

1 marked for identification take a look at it. You see any
2 familiar markings on that item?

3 A I do, yes. We have the SLED lab number item number
4 and my initials are on the back.

5 Q Could you refer to State's Exhibit Number 11 verified
6 chain of custody page 14? Could you tell the ladies and
7 gentlemen of the jury about the movement of this item
8 within SLED and how you were involved?

9 A Yes, this item was first reported by Jackie Davis a
10 forensic technician. And then it moves to forensic
11 technician Vera Martinez and then to myself.

12 Q And where did it go after you?

13 A It was then transferred to forensic scientist Donna
14 Money and then to the DNA return. And then to forensic
15 technician Julia Begaman.

16 Q And based on your records, was there any indications
17 that that item had been tampered with?

18 A No, sir.

19 Q State's Exhibit Number 2 is up there?

20 A Three, four, five.

21 MR. BELL: Your Honor, may I approach?

22 THE COURT: Yes, sir.

23 BY MR. BELL:

24 Q What I'm showing you is Premarked as State's Exhibit
25 Number 2 for identification. Could you please look at the

1 markings and do you recognize the item?

2 A Yes, it is, again, the lab number and item number,
3 from the sexual assault kit.

4 Q Could you refer to the verified chain of custody and
5 tell me where you got it from and where it went after and
6 that would be page ten?

7 A This was first reported out by Verona Herrera. And
8 then it went to forensic technician Jackie Davis. And
9 then into an evidence room on DNA intake self 48. And
10 then forensic technician Vera Martinez. And then to
11 myself and then it was transferred to forensic scientist
12 Donna Money. And then to the DNA return section. And
13 then to forensic technician Julia Begaman, forensic
14 technician Vera Martinez, who placed it on an agency
15 return shelf.

16 Q Can you refer to State's Exhibit Number 3. I think
17 it's up there. I like for you to do the same on that as
18 well?

19 A The chain?

20 Q Well, just first identify it, do you recognize it?

21 A Yes, sir.

22 Q Where do you recognize it from?

23 A The lab number and item number on the envelope.

24 Q Could you refer to the chain of custody page five and
25 six and tell me where you got the item from and where did

1 it go after you was done performing your test?

2 A This was first in the custody of forensic technician
3 Verona Herrera and then forensic technician Jackie Davis.
4 And then forensic technician Vera Martinez and then myself
5 forensic technician and then forensic scientist Donna
6 Money. And then the DNA return section. And then
7 forensic technician Julia Begaman, forensic technician
8 Vera Martinez. And then placed on the agency return
9 shelf.

10 Q Can I direct your attention to State's Exhibit Number
11 4. Do you recognize the item?

12 A I do. It has the lab number and item number on it.

13 Q Okay. Please refer to page six and seven of the
14 verified chain of custody. Please tell me where you
15 receive that item from and after you finish testing it
16 where did it go?

17 A This was in the custody of forensic technician Verona
18 Herrera, forensic technician Jackie Davis. The DNA
19 in-take shelf, forensic technician Vera Martinez, myself
20 and then forensic scientist Donna Money. Then the DNA
21 return section. Then forensic technician Julia Begaman,
22 then forensic technician Vera Martinez, and then the
23 agency return shelf.

24 Q Number five is up there State's Exhibit Number 5?

25 A Yes, sir.

1 Q Do you have it?

2 A Yes, sir.

3 Q Do you recognize that item?

4 A I do. It has the lab number and item number on it as
5 well.

6 Q Could you please refer to page seven and eight of the
7 verified chain of custody?

8 A Yes. This was in custody of forensic technician
9 Verona Herrera, forensic technician Jackie Davis, the DNA
10 in-take shelf. Then forensic technician Vera Martinez,
11 then myself, then forensic scientist Donna Money, then the
12 DNA return section, then forensic technician Julia
13 Begaman, forensic technician Vera Martinez and then on the
14 agency return shelf.

15 MR. BELL: Your Honor, may I approach?

16 THE COURT: Yes, sir.

17 BY MR. BELL:

18 Q Lastly, I'm showing you State's Exhibit 7 and State's
19 Exhibit 8?

20 A Okay.

21 Q State's Exhibit 7 -- State's Exhibit 8 excuse me
22 contains items that came out of State's Exhibit 7 been
23 stipulated to.

24 A Okay.

25 Q Do you recognize those items?

1 A I do, yes. These have the lab number and item number
2 written on the tubes.

3 Q Could you refer to page 15 and 16 tell me where did
4 you get these items from and where did they go after you
5 finished with your testing? I will just need to know the
6 item number seven. Well, not item number seven excuse me
7 -- State's Exhibit Number 7?

8 A These were in the custody of forensic scientist Donna
9 Money. And then the DNA return section forensic
10 technician Julia Begaman, forensic technician Vera
11 Martinez and then the agency return shelf.

12 Q So will I be incorrect in saying that as a forensic
13 technician in this case you were like a DNA analyst
14 helper?

15 A You could say that, yes.

16 Q Did you follow standard operating procedure when
17 handling all of those items?

18 A Yes, I did.

19 Q And based on your records, were there any indication
20 that any of those items had been tampered with prior to
21 you doing your test?

22 A No, sir.

23 MR. BELL: No further questions from the State.
24 Please answer any questions the defense may have.

25 CROSS-EXAMINATION

1 BY MR. NEWTON:

2 Q Solicitor, was asking you if handled the items while
3 they were in possession according to standard operating
4 procedure and you answered, yes. He asked you about other
5 people whose names are on these chain of custody
6 documents. Now, you did not actually witness how they
7 handled it when it was in their possession, did you?

8 A No, sir, I would have picked it up from them.

9 Q How long would it have been in their possession
10 before you picked it up from them?

11 A Which item would you like to know.

12 Q Is there different times for the different items?

13 A I would just be telling you what the chain of custody
14 because all of our items are time stamped, so we know how
15 long it is each in a person's custody or places custody.

16 Q Is an average of an hour or so would you say?

17 A It depends on the circumstances and what's being done
18 at that moment.

19 Q Okay. But you cannot actually swear what these other
20 people were doing when it was in their possession, right,
21 because you did not witness what they were doing with it?

22 A I did not witness it, no, but we do follow standard
23 operating procedures.

24 Q But they're suppose to for sure. I'm sure all the
25 employees are suppose to follow standard operating

1 procedure, but we are human beings and sometimes things
2 happen and you were not a witness to how they actually
3 handled it?

4 A I was not, but there are no notes to indicate that
5 something was anything out of the ordinary.

6 Q Well, if somebody had botched up in a critical piece
7 of evidence, do you think they would admit it right away
8 or try to cover it up?

9 A I do believe they would admit it, yes.

10 Q Okay. Is it never happened ever that somebody tries
11 to cover up an error?

12 A I can't testify to people covering or not covering
13 upper errors.

14 Q Okay.

15 MR. NEWTON: I have no further questions of this
16 witness.

17 THE COURT: All right, anything as a follow up?

18 MR. BELL: Yes, briefly, Your Honor.

19 REDIRECT EXAMINATION

20 BY MR. BELL:

21 Q Referring to the chain of custody on exhibit number
22 one, that will be -- marked for identification as State's
23 Exhibit Number 1 that will be SLED item number seven page
24 14. Could you differentiate by looking at the chain of
25 custody between people who actually did something with the

1 item and or people who just moved it from shelf to shelf?

2 A Yes, sir.

3 Q Could you do that for the jury?

4 A Forensic technician Vera Martinez would have picked
5 evidence up from a self and transferred it to my custody.
6 I transferred it to forensic scientist Donna Mohey who had
7 performed analysis on it. And then it was returned
8 through forensic technician Julia Begaman who would have
9 just moved it to the evidence technician. In this case,
10 it would be Olivia Cartwright who then just moved it to an
11 agency return shelf.

12 Q So let's do this if you don't mind. Briefly, you did
13 one, let's go through every one of the State's exhibits.
14 All I want you to tell me about while it's in SLED's
15 custody the people who actually performed test on the item
16 State's Exhibit Number 2 will be SLED item number 1.7 page
17 ten?

18 A Verona Herrera would have performed analysis. Jackie
19 Davis would have moved evidence. Vera Martinez would have
20 moved evidence. I would have performed analysis. Donna
21 Money would have performed analyst. Julia Begaman would
22 have moved evidence. Vera Martinez would have moved
23 evidence.

24 Q Next SLED item number 1.3 that will be State's
25 Exhibit mark for identification number three page five and

1 six of the State's Exhibit Number 11?

2 A Verona Herrera would have perform analysis. Jackie
3 Davis would have moved evidence. Vera Martinez would have
4 moved evidence. I would have performed analysis. Donna
5 Money would have performed analysis. And Julia Begaman
6 would have moved evidence and Vera Martinez would have
7 moved evidence.

8 Q State's Exhibit Number 4 was mark for identification
9 as SLED number 1.4 please refer to page six and seven of
10 the verified chain of custody?

11 A Verona Herrera would have performed analysis. Jackie
12 Davis would have moved evidence. Vera Martinez would have
13 moved evidence. I would have performed analysis. Donna
14 Money would have performed analysis. Julia Begaman would
15 have moved evidence. And Vera Martinez would have moved
16 evidence.

17 Q State's Exhibit Number 5 a SLED item 1.5 page seven
18 and eight of the verified chain of custody?

19 A Verona Herrera would have performed analysis. Jackie
20 Davis would have moved evidence. Vera Martinez would have
21 moved evidence. I would have performed analysis. Donna
22 Money would have performed analysis. Julia Begaman would
23 have moved evidence. And Vera Martinez would have moved
24 evidence.

25 Q And lastly State's Exhibit Number 7 is marked for

1 identification page 15 and 16, which are also encompass
2 State's Exhibit Number 8. You could just for efficiency
3 purposes just discuss State's Exhibit Number 7, which is
4 SLED item eight on the verified chain of custody?

5 A Donna Money would have performed analysis. Julia
6 Begaman would have moved evidence and Vera Martinez would
7 have moved evidence.

8 MR. BELL: Your Honor, at this time the State
9 would like to move State's Exhibits 1, 2, 3, 4, 5 and 8
10 into evidence.

11 THE COURT: All right, any objection?

12 MR. NEWTON: No, your Honor.

13 THE COURT: All right, without objection.

14 MR. NEWTON: No, I didn't say no objection.

15 THE COURT: Okay. All right. Ladies and
16 gentlemen of the jury, we're going to have a matter of law
17 that we need to take up outside of your presence. If
18 you'll just give us a five minute break, we'll get you
19 right back in, okay.

20 (WHEREUPON, the jury retire to the jury room.)

21 THE COURT: All right, yes, sir.

22 MR. NEWTON: Your Honor, I just think there's
23 critical breaks in the chain of custody. Two things in
24 particular kept coming up over and over again is being
25 involved in all of the chains is Jackie M. Davis and Julia

1 Begaman and neither one of them are listed on the State's
2 witness list. I do not expect them to be here to testify.

3 THE COURT: Did Davis or Begaman ever take it
4 outside of SLED's location, that was just an internal
5 movement back and forth?

6 MR. BELL: Yes, Your Honor.

7 THE COURT: Then the chain's established.

8 MR. BELL: Thank you, Your Honor.

9 THE COURT: Anything further?

10 MR. NEWTON: My client would like to go to the
11 restroom.

12 THE COURT: Not a problem, let's take a five
13 minute break.

14 MR. NEWTON: All right, thank you.

15 MR. BELL: Thank you, Your Honor.

16 (WHEREUPON, a break was taken.)

17 THE COURT: Anything further before we get
18 started back?

19 MR. BELL: No, sir, Your Honor.

20 THE COURT: Bring them out.

21 (WHEREUPON, the jury came into open court.)

22 THE COURT: All right, yes, sir.

23 MR. BELL: Nothing further from the State.

24 THE COURT: For the record, it's admitted
25 without objection -- I mean, over the objection sorry I

1 didn't put that on the record.

2 MR. BELL: Thank you, your Honor.

3 (WHEREUPON, State's Exhibits Nos. 1, 2, 3, 4, 5
4 and 8 were admitted into evidence.)

5 MR. NEWTON: Nothing further.

6 THE COURT: Thank you so very much. You may be
7 excused.

8 (WHEREUPON, the witness leaves the witness
9 stand.)

10 THE COURT: All right, call your next witness.

11 MR. BELL: Donna Money.

12 THE CLERK: Place your left hand on the Bible
13 and raise your right please. Do you solemnly swear the
14 testimony you give this court will be the truth, the whole
15 truth, and nothing but the truth so help you God?

16 THE WITNESS: I do.

17 THE CLERK: Have a seat up there for me please.

18 WHEREUPON,

19 Donna Money,

20 after first having been duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. BELL:

23 Q Ms. Money, can you state your full name for the
24 record?

25 A Donna Money.

1 Q And what's your occupation?

2 A I am a forensic DNA analyst in the DNA case work
3 department at the South Carolina Law Enforcement Division.

4 Q How long have you worked there?

5 A Close to nine years.

6 Q How long have you worked in the field of forensic
7 science?

8 A Also nine years.

9 Q What's your educational background?

10 A I have a bachelor's degree in science -- in forensic
11 science excuse me from the Pennsylvania State University.

12 Q Any other trainings, qualifications or
13 specifications?

14 A When I start my employment at SLED, I underwent a
15 year and a half long training program under a qualified
16 analyst. This program included, but was not limited to
17 practice training and competency samples, oral exams, mock
18 courts, written exams, report writing exam. Once I was
19 signed off to perform independent case work, I then
20 entered our proficiency testing schedule where I am tested
21 twice a year. And I am required by the FBI to have at
22 least eight hours of continuing education each year.

23 Q Could you tell the jury exactly what is forensic DNA
24 analysis?

25 A DNA analysis is the process of obtaining DNA profile

1 from an item. As far as forensic, it's utilizing DNA
2 analysis technology with items of evidence and known
3 standards.

4 Q And what exactly do you do for SLED when performing
5 forensic DNA analysis?

6 A My job duties are to perform DNA analysis whichever
7 step it is on items of evidence and known standards. I
8 also perform statistical calculations, write reports and
9 testify.

10 Q How many forensic DNA analysis test have you
11 performed in your career?

12 A Several thousands.

13 Q Now, have you ever been qualified as an expert in the
14 field of forensic DNA analysis before?

15 A Yes.

16 Q How many times have you testified in court as an
17 expert in forensic DNA analysis?

18 A 38 times.

19 MR. BELL: Your Honor, at this time I like to
20 move Ms. Donna Money to be qualified as an expert in the
21 field of forensic DNA analysis.

22 MR. NEWTON: No objection.

23 THE COURT: All right. Again, she can give her
24 opinion. She's being qualified as an expert.

25

1 BY MR. BELL:

2 Q Did you do any work after reviewing this case or get
3 prepared for this? Did you do any work pertaining to the
4 sexual assault case involving victim Minor [REDACTED]

5 A Yes.

6 Q In front of you, do you have State's Exhibit 8 -- 7
7 and 8. Could you look State's Exhibit 7, State's Exhibit
8 8 is actually has been stipulated to that's come out of
9 State's Exhibit 7. So do you recognize State's Exhibit 7?

10 A Yes, this is a heat sealed pouch containing extracts
11 that are labeled with the SLED lab number and the item
12 number related to evidence submitted in this case.

13 Q Have you ever seen it before?

14 A Yes.

15 Q Does it have any familiar markings on it.

16 A Yes, I was the individual that placed these tubes in
17 this heat seal pouch my initials and the date that I did
18 this is at the top.

19 Q So do you recognize exhibit number eight. It's been
20 stipulated came out of exhibit number seven?

21 A Yes, these also contain extract tubes that have the
22 SLED lab number and item numbers written on them.

23 Q What safeguards are in place to ensure the integrity
24 of the DNA analysis process from the technician to the DNA
25 analysis?

1 A Whenever DNA analysis is first started, these
2 surfaces that DNA analysis is performed on is cleaned
3 using a bleach solution. There are various protective --
4 personal protective equipment that's used lab coats,
5 gloves that are changed after every item. When items are
6 being transferred from one person to another if they are
7 say in a box or heat seal pouch those containers would be
8 sealed at the time of transfer.

9 Q If there was any issues with any of the analysis
10 that you done, you would have documented it, correct?

11 A Yes.

12 MR. BELL: Your Honor, may I approach?

13 THE COURT: Yes, sir.

14 BY MR. BELL:

15 Q It's going to be front and back. You take a moment
16 and look at State's Exhibit Number 10 marked for
17 identification. Do you recognize the item?

18 A Yes, this appears to be an enlarged copy of my
19 report.

20 Q Is it a true and accurate depiction of your report
21 and your findings in your analysis in this case?

22 A Yes.

23 MR. BELL: Your Honor, at this time the State
24 move for exhibit number 10 to be move into evidence.

25 THE COURT: The larger demonstrative portion of

1 it?

2 MR. BELL: Yes, sir.

3 THE COURT: I don't have any objection, do you?

4 MR. NEWTON: No.

5 THE COURT: Okay, without objection.

6 (WHEREUPON, State's Exhibit No. 10 was admitted
7 into evidence.)

8 MR. BELL: Your Honor, may I approach, I would
9 like to publish the exhibit to the jury and have Donna
10 Money explain her report to the jury.

11 THE COURT: All right, would you like to have
12 her step down?

13 MR. BELL: Yes, I'll get an easel.

14 THE COURT: Ma'am, you're welcome to step down
15 and show the presentation if you like.

16 BY MR. BELL:

17 Q Ms. Money, could you please step down and explain to
18 the ladies and gentlemen of the jury your full report and
19 your findings?

20 COURT REPORTER: Can she just switch sides so I
21 can hear her.

22 BY MR. BELL:

23 Q I apologize I did not prepare you for this.

24 COURT REPORTER: Can you turn around -- go to
25 the other side. Thank you.

1 Q Starting with SLED item 1.7 the buccal swabs explain
2 to the ladies and gentlemen of the jury about the standard
3 what does that mean?

4 A Standards, comparison standards as described here
5 also known as known standards these are samples taken
6 directly from an individual, so we know the source of that
7 DNA profile and that is what's used to compare against any
8 DNA profile that may be developed from an item of
9 evidence. The way our reports are layed out is any known
10 standard of comparison standard would be listed first
11 before any items of evidence that are submitted in a case.

12 Q So according to your report that's SLED item number
13 1.7 is **Minor**'s buccal swab and line item -- SLED
14 item number seven Michaelis Ramsey buccal swab, correct?

15 A Yes.

16 Q All right. Moving right along items of evidence
17 1.1.1 next one could you explain that?

18 A SLED item 1.1.1 was a cutting from couch of underwear
19 and the DNA profile developed from that item was
20 attributable to **Minor**

21 Q Okay. Going on 1.1.2.1?

22 A SLED item 1.1.2.1 was a hair taken from a pair of
23 underwear and the DNA profile developed from this item was
24 also attributable to **Minor**

25 Q Move along to 1.2?

1 A 1.2 were vaginal swabs. The DNA profile developed
2 from that item was also attributable to Minor [REDACTED]

3 Q 1.3?

4 A 1.3 were rectal swabs collected in this case DNA and
5 a DNA profile suitable to comparison was developed.

6 Q Okay. Could you explain that to the jury?

7 A That is just a statement saying that a profile was
8 developed and after evaluating it, it is suitable for
9 comparison against known standards submitted in a case.

10 Q Known standards would be the buccal swabs that are
11 submitted by Minor [REDACTED]

12 A Yes.

13 Q And Michaelis Ramsey?

14 A Yes.

15 Q What did you find?

16 A When looking at this profile, it was determined that
17 the profile was a mixture and the mixture was originally
18 came from two individuals.

19 Q What two individuals were they?

20 A May I read the proposition set?

21 Q Yes.

22 A When comparisons performed against DNA profiles, a
23 statistical calculation needs to be calculated in order to
24 provide a weight to that comparison. The types of
25 statistics we calculate currently at SLED are known as

1 likelihood ratios where you compare two possible
2 explanations for an event and see which one is more likely
3 to explain that event. In this case, the DNA profile is
4 the event it is what occurred. For this, the proposition
5 set is that the DNA profile was interpreted as a mixture
6 originating from two individuals. Since this item came
7 directly from an individual, [Minor] we can assume
8 her DNA being there. Because of that, the two possible
9 explanations for this mixture profile are [Minor]
10 and Michaelis Ramsey contributed to the mixture or [Minor]
11 [] and an unidentified unrelated individual
12 contributed to this mixture. The likelihood ratio
13 calculated was that the DNA profile is approximately 7.7
14 septillion times more likely if [Minor] and
15 Michaelis Ramsey contributed to the mixture then if it was
16 [Minor] and an unidentified unrelated individual.

17 Q 7.7 septillion?

18 A Yes.

19 Q How many zeros in septillion?

20 A Twenty-four.

21 Q Okay. Moving on suspect bodily fluids of item number
22 1.4?

23 A So item 1.4 were suspected buccal swabs collected
24 from the anal folds. And a DNA profile suitable for
25 comparison is developed from the sperm fraction of this

1 item.

2 Q Go ahead.

3 A The DNA profile developed from the sperm fraction of
4 this item was a single source profile and it was compared
5 against the two standards in this case the buccal swabs
6 from Minor [REDACTED] and the buccal swabs from Michaelis
7 Ramsey. Minor [REDACTED] was excluded as the contributor
8 of the single source profile. When comparing it against
9 Michaelis Ramsey, a likelihood ratio was calculated. So
10 the proposition set was that the DNA was interpreted as
11 single source. The two possible explanations are
12 Michaelis Ramsey contributed to the profile or an
13 unidentified unrelated individual contributed to this
14 profile. The likelihood ratio was that the DNA profile is
15 approximately 2.1 octillion times more likely if Michaelis
16 Ramsey contributed than if it was an unidentified
17 unrelated individual.

18 Q How many zeros in octillion?

19 A Twenty-seven.

20 Q I'm handing you what's been moved in evidence as
21 State's Exhibit. I'm looking at 1.4 the serology report
22 if I recall based on serology it was positive for semen,
23 correct?

24 A Yes, according to the results for that item semen was
25 identified.

1 Q 2.1 octillion How would you say that more likely that
2 Michaelis Ramsey contributed to the profile as someone
3 else would have [Minor] 2.1 octillion more times?

4 A The DNA profile is 2.1 octillion times more likely
5 to occur if Michaelis Ramsey was a contributor for
6 another person that was unrelated.

7 Q Let's go to 1.5 please suspected saliva swabs left
8 ear?

9 A 1.5 or suspected saliva swabs collected from the left
10 ear. A DNA profile suitable for comparison was developed.
11 The profile developed was interpreted as a mixture
12 originating from four individuals. Again, since this was
13 an item collected directly from [Minor] I am able
14 to assume her DNA would be present there. The two
15 possible explanations for this four person mixture were
16 [Minor] Michaelis Ramsey and two unidentified
17 unrelated individuals contributed versus [Minor]
18 and three unidentified unrelated individuals contributed
19 versus [Minor] had three unidentified unrelated
20 individuals contributed. The likelihood ratio calculated
21 for this profile was that the DNA profile is approximately
22 750 septillion times more likely if [Minor]
23 Michaelis Ramsey and two unrelated individuals contributed
24 than if it were [Minor] and three unidentified
25 unrelated individuals.

1 Q Based on your report on page four, would it appear
2 there was some evidence collected, but it wasn't tested.
3 Could you talk to me and help me understand why it wasn't
4 tested?

5 A There were five items submitted to SLED for analysis
6 in addition to the CSC kit and the subject's known
7 standard. However, these five items were returned to the
8 submitting agency without analysis and were not
9 inventoried. The CSC kit was first because that is the
10 most probative most intimate item in a sexual assault
11 case. If an association is made between the allege
12 suspect and the evidence in that kit, any other evidence
13 will be sent back without analysis.

14 Q Is that what happened in this case?

15 A Yes.

16 Q And lastly, would you explain to the ladies and
17 gentlemen of the jury your likelihood ratios and because
18 it would be easier for me to say octillion, septillion is
19 definitely him, but that's not y'all's position. Could you
20 explain that to the jury?

21 A These notes that are before you are notes that we
22 provide in every report whatever a likelihood ratio is
23 calculated. These notes are to serve as a reference to
24 some of the terminology that we use and also to see where
25 the values listed fall whether they are weak support or

1 the first possible explanation or do they have moderate
2 support for a second explanation for example. The values
3 that are listed in this report are all greater than one
4 million and according to the verbal scale found in this
5 action is very strong support for those first possible
6 explanations which were the victim and the listed subject
7 in this case.

8 Q Last thing, again, looking at the rectal swabs based
9 on your verbal scales the DNA profile was approximately
10 what again?

11 A 7.7 septillion times.

12 Q And on what swab was that?

13 A The rectal swabs.

14 Q Could you underline 7.7 septillion for me?

15 A (Witness underlined document.)

16 MR. BELL: Your Honor, that be all from the
17 State. Please answer any questions defense may have.

18 THE COURT: All right, would you like her to
19 return to her seat or do you want to have her go over the
20 presentation?

21 MR. NEWTON: Go over the presentation.

22 THE COURT: Okay.

23 CROSS-EXAMINATION

24 BY MR. NEWTON:

25 Q I mean, this is not my area at all, so pardon my

1 ignorance, but just to focus on the last thing that you
2 and the prosecutor was talking about. This is the way
3 y'all interpret the numbers that you calculated basically
4 mean this, this or that?

5 A That's the wording we use to describe a way if we're
6 asked what the values mean or do they translate into a
7 word sense instead of a numerical sense.

8 Q Well, I note something that's not on there and that
9 nothing on there says decisive or conclusive?

10 A With likelihood ratios, that's not a terminology that
11 we use.

12 Q Okay. All right. You can go back to your seat now.
13 I also just want to -- down here there's wording about the
14 alternate propositions may require calculation of
15 additional ratios. What does that mean? This part right
16 here alternate propositions may require calculation of
17 additional ratios et cetra.

18 A If during an investigation an agency or say a
19 solicitor's office determines that they would like another
20 individual in a case compared to the mixture profile, that
21 would be alternative proposition.

22 Q Okay. So if hypothetically they were to come to you
23 and say wait there's another suspect, could you do your
24 calculations on that, it may change everything what you're
25 saying?

1 A A calculation would be performed as far as if there
2 be a change I don't know that.

3 Q But it could result in a change?

4 A It's possible.

5 Q Okay. Thank you. So the way you -- if I understand
6 you correctly, the way you do this is you basically have
7 one proposition oppose to it with a second proposition?

8 A Yes.

9 Q And you -- just you work with two propositions not
10 with three or four or five?

11 A Within a set, no, it's one possible explanation
12 versus an alternative possible explanation.

13 Q Are you certain you covered all the possibilities,
14 all the possible explanations?

15 A It's just based on known standards that are submitted
16 in a case.

17 Q Okay. But so you're saying there could be unknown
18 factors that do not enter into the calculation that you're
19 not aware of?

20 A As far as the calculations, I'm not sure what you're
21 referring to.

22 Q Again, let's say another -- hypothetically, let's not
23 talk about this case. I'm talking about in general
24 hypothetically say the police have one suspect they
25 believe that did it and the victim, but the person who's

1 guilty is really a third person that they're not aware.
2 Now, you can run analysis on the two people they're aware
3 of the victim and the suspect and you would get result for
4 that, correct?

5 A Yes.

6 Q And that result may indicate strong support, a very
7 strong support for that innocent person's guilt, correct?

8 A Those values are to the occurrence of the DNA
9 profile. Those values are not being applied to innocence
10 or guilt of an individual.

11 Q Okay. So as an expert your expert testimony is that
12 these words strongly support, very strong support does not
13 mean guilt or innocence either way, correct?

14 A It's just to the weight of the DNA profile.

15 Q Thank you. Now, I assume that in your studies about
16 DNA analysis, do they teach you or train you the
17 importance of how the samples are collected in the first
18 place?

19 A Not exactly sure what your question is.

20 Q Well, again, this is not my field, but I've done some
21 reading. Is it possible to have a contaminated sample for
22 example where if the sample was not collected correctly in
23 the first place, wouldn't that throw off the results?

24 A If something were to occur during the collection
25 outside of the laboratory that's analyzing it, it could

1 happen.

2 Q In this case, from the samples we're talking about
3 were taken by police officers from inside the house, okay.
4 Well, let me rephrase that. Let's talk about a specific
5 example. I'm curious about this for example 1.5 the
6 suspected saliva swab. Now, according to your result that
7 said there were four different people contributing to that
8 mixture?

9 A The mixture was interpreted as originating from four
10 individuals.

11 Q Four. Okay. Well, how could that be since there's
12 no allegation that more than one assailant was involved at
13 all by anybody?

14 A Keeping in mind, the area where it was collected from
15 the left ear that is an external area of a person's body.
16 Casual contact between individuals could result in the
17 transfer of DNA from one person to another.

18 Q Okay. Now, isn't it true also that if let's say I
19 touched this right here right now and rubbed my hands on
20 it, could my DNA be found from what I just did?

21 A Possibly.

22 Q Possibly. Okay. All right. Do you think the
23 conditions of a home the person lives in could be a
24 factor, how many people live in the home? Were you aware
25 that the accused in this case was living in the same home

1 as the alleged victim for over two months?

2 A There was information provided at the time of
3 submission incident report, but as far as our analysis, we
4 base it on information provided in the SANE report.

5 Q So you were not aware of that?

6 A I may have read it early on in my analysis of this
7 case.

8 Q Okay. So to explain the saliva and the four results
9 you just saying that it's an example of how DNA can be
10 shed and just randomly picked up by another person?
11 Hypothetically, the place I just touched with my hand
12 let's say the clerk of court here in the blue shirt he
13 were to rub his hand over the same spot I just did, could
14 my DNA now be on his hand?

15 A Possibly.

16 Q Okay. And let's continue the hypothetical please
17 suppose that Mister obliging clerk then rubs his hand or
18 he was sweating and he just did like that, would now DNA
19 perhaps be found on his forehead?

20 A It's possible.

21 Q Okay. If I'm living in the same house with somebody
22 and I breathe, is it possible that my DNA could be in the
23 house just from by breath from breathing out?

24 A It's possible.

25 Q It's possible. What if say ten people or so were

1 living in the same apartment and they were all sharing the
2 same toilet for example, wouldn't one of them sitting down
3 on the toilet, another one sitting down later might pick
4 up DNA just from that common exchange?

5 A It's possible.

6 Q Okay. Thank you appreciate the honesty. Okay, so we
7 got DNA every where and it's your testimony that DNA could
8 be put on a surface by various means and another person
9 can pick it up just by touching her common contact, that
10 is correct, right?

11 A Yes, it's possible to do it that way.

12 MR. NEWTON: I have no further questions. Thank
13 you.

14 THE COURT: All right. Anything as a follow up?

15 MR. BELL: Nothing from the State, your Honor.

16 THE COURT: Nothing. All right. Thank you so
17 much for being here. I hope you have a wonderful rest of
18 your day.

19 (WHEREUPON, the witness leaves the witness
20 stand.)

21 THE COURT: All right, call your next witness.

22 MR. BELL: Your Honor, if I can take a quick
23 recess, I think that's my last witness, I just want to
24 make sure all my exhibits are in.

25 THE COURT: Take all the time you need.

1 (WHEREUPON, a pause in the proceedings.)

2 MR. BELL: Your Honor, the State would rest.

3 THE COURT: All right. Ladies and gentlemen.
4 there's a matter of law that I'll need to take up outside
5 of your presence. If you'll just enjoy your break, we'll
6 get you right back out in just a couple minutes, okay.

7 (WHEREUPON, the jury retire to the jury room.)

8 THE COURT: All right. Any motions that we need
9 to take up before we discuss the rights of the defendant?

10 MR. NEWTON: Your Honor, we'll make the
11 obligatory motion for directed verdict.

12 THE COURT: All right. Well, obviously it's
13 just a scintilla of evidence that has to go to the jury
14 concerning the guilt or innocence of the defendant. And I
15 certainly think they have met their burden as to that and
16 I'll allow it to go to the jury. All right, Mr. Ramsey,
17 if you'll please stand. All right, Mr. Ramsey, if you'll
18 raise your right hand. Do you swear or affirm the
19 testimony you give be the truth, the whole truth, and
20 nothing but the truth?

21 THE DEFENDANT: Yes.

22 THE COURT: All right, Mr. Ramsey, at this time
23 I'm going to explain to you certain of your rights. If
24 you do not understand anything I say, please let me know.
25 If you want me to explain anything in more detail, please

1 let me know. Do you understand?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: All right. We have now reached this
4 stage of the trial where you may present your defense.
5 You have the right to claim the protections given to you
6 by the Fifth Amendment to the Constitution of the United
7 States. This amendment states in part no person shall be
8 compelled in any criminal case to be witness against
9 himself. This means that you cannot be required to
10 testify in this case. You have the right to testify on
11 your own behalf. However, no one can make you testify.
12 This is a personal right and no one can waive this right
13 except you. If you decide to testify, you will be subject
14 to the same rules that govern other witnesses. And you
15 may be examined and cross examined on any relevant issue
16 in this case. In addition, if you have any convictions
17 involving dishonesty or false statement or for crimes
18 punishable by imprisonment for more than one year and this
19 court determines that the probative value of admitting
20 this evidence outweighs its prejudicial effect to you, the
21 Solicitor will be able to introduce your record to attack
22 your credibility.

23 If you decide to testify, this decision on your
24 part must be freely, voluntarily and intelligently made
25 with knowledge of the protections given to you by the

1 Fifth Amendment and the consequences of your decision to
2 testify. If you decide not to testify, I will instruct
3 the jurors that they cannot give the fact that you do not
4 testify any consideration whatsoever. And that there is
5 to be absolutely no prejudice to you because you did not
6 testify. It is left entirely up to you whether or not you
7 testify. You may talk with your attorney, your family or
8 friends or anyone else, but the final decision will be
9 left entirely up to you. Do you understand what I've
10 explain to you?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you have any questions what about
13 I have explain to you?

14 THE DEFENDANT: No, sir.

15 THE COURT: All right. Have you discussed this
16 with your attorney whether you should or should not
17 testify?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: All right. Do you want a couple
20 minutes to talk to him before we get going?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: We'll take a five minute break. I
23 want you to discuss this as much as possible and we will
24 come right back and we'll make a decision. All right.
25 Take all the time you need, just let us know.

1 (WHEREUPON, a break was taken.)

2 THE COURT: All right, Mr. Ramsey, have you made
3 your decision? It's your decision. What do you decide?

4 THE DEFENDANT: No, sir, I will not testify.

5 THE COURT: All right. You're going to put up
6 any other defense?

7 MR. NEWTON: No, Your Honor.

8 THE COURT: All right, bring them out.

9 (WHEREUPON, the jury came into open court.)

10 THE COURT: All right, Mr. Newton.

11 MR. NEWTON: Your Honor, the defense also rest.

12 THE COURT: All right. Ladies and gentlemen of
13 the jury, that would conclude this portion of the trial.
14 We have some matters that we need to take up before we can
15 move on to the next phase, but I rather not just keep you
16 all here. Obviously, I don't want to give you all the
17 case for deliberation later on this evening, so I'm going
18 to allow you all to go ahead and go home now give you a
19 little bit of break and early happy hour. And I'll ask
20 that you just be back here tomorrow morning around 9:30.
21 Just for planning purposes, tomorrow morning will probably
22 take about an hour and a half for us to get through the
23 things that we need to get through the remaining portions
24 of the trial and then I will allow you all to begin
25 deliberation. We'll make a decision tomorrow morning

1 about whether we're going to order you all lunch, so you
2 all can continue your deliberations or whether we're going
3 to take a break. So just for your planning purposes for
4 tomorrow, we should give you the case around 11:30, okay.
5 All right. You all have a wonderful rest of your evening.
6 Please don't discuss the case, look up anything, do
7 anything, just be back here tomorrow morning at 9:30. All
8 right.

9 (WHEREUPON, the jury excused for the day.)

10 THE COURT: All right. So let's go ahead and do
11 this, I'm going to go through the charge conference now.
12 I'm going to explain to you what I'm going to charge
13 tomorrow, but this is going to get e-mailed to you
14 overnight so you can take a look at it if you have any
15 objection to anything just let me know first thing in the
16 morning, but it's pretty standard. It's basically just
17 the charge that they give us. So the first one is
18 presumption of innocence. Obviously, everybody knows what
19 that one is. I'm going to charge reasonable doubt, then
20 duties of the jury and the trial judge, direct and
21 circumstantial evidence, credibility of witnesses, failure
22 of defendant to testify, intent, and second degree
23 criminal sexual conduct with a minor basically we just
24 took the statute and they give us a charge for it.

25 It says the defendant is charged with second

1 degree criminal sexual conduct with a minor. The State
2 must prove beyond a reasonable doubt that the defendant
3 engaged in a sexual battery with the victim. A sexual
4 battery is sexual intercourse, cunnilingus, fellatio, anal
5 intercourse or any intrusion however slight or any part of
6 a person's body or of any object into the genital or anal
7 openings of another person's body except when the
8 intrusion is accomplished for medically recognized
9 treatment or diagnostic purposes. The State must then
10 prove beyond a reasonable doubt that the victim was at
11 least 11 years old but not more than 14 years old at the
12 time of the sexual battery, consent, willingness,
13 indifference or ignorance on the part of the minor, if
14 any, as to what was taking place does not in any way
15 affect the charge of criminal sexual conduct with a minor
16 because an unmarried woman under the age of 14 cannot
17 legally consent to sexual intercourse. It's the statute.

18 MR. BELL: Your Honor, did I hear intent?

19 THE COURT: Uh-huh, let me go back. In order to
20 establish criminal liability, criminal intent is required.
21 For example, the mental state required to be proven by the
22 State for a particular crime might be purpose, intent,
23 knowledge, recklessness or criminal negligence. Criminal
24 intent must be proven by the State beyond a reasonable
25 doubt. Criminal intent is always a matter that must be

1 determined by the jury from the circumstances surrounding
2 the situation. There's no way to prove intent with a
3 mathematical certainty. There's no way medical science
4 can dissect a person's brain and determine what the person
5 had in mind, so the law says that criminal intent may be
6 inferred from the circumstances shown to have existed.
7 This is how you make a determination of whether or not the
8 element requiring intent was present. It is not necessary
9 to establish intent by direct and positive evidence, but
10 intent may be establish by interference in the same way as
11 any other fact by taking into consideration that acts of
12 the parties and all of the facts and circumstances of the
13 case. Is this a specific intent crime?

14 MR. BELL: No. No, it's not.

15 THE COURT: Right because it's -- it would not
16 be a specific intent crime, would it?

17 MR. BELL: Yes, sir.

18 THE COURT: I'll take a look at that one, so
19 that we may need to take that one out. All right. We'll
20 take a look and anything else as to the charge as apart
21 from me taking a look at that one overnight?

22 MR. NEWTON: No.

23 THE COURT: All right. We'll see you all
24 tomorrow morning at 9:30. Have a wonderful rest of your
25 evening. I'll keep the defendant in custody overnight.

1 All right, so I'm going to revoke his bond just to make
2 sure he comes tomorrow morning. He can wear those same
3 clothes if you all like. If you like to get him like
4 another shirt or something, I'm okay with that, that's not
5 a problem, but however, they want to do it, okay.

6 MR. BELL: Thank you, your Honor.

7 (WHEREUPON, the proceedings were concluded for
8 the day to be reconvened on June 24, 2021.)

9 THE COURT: All right. So our standard jury
10 charge that we pulled it says State vs. Rayfield 369 South
11 Carolina 106 case. It says a trial judge is not required
12 to charge that the testimony of the victim in a CSC need
13 not be corroborated, but when the charge is given, it is
14 not reversible error when the instruction is not unduly
15 emphasized, so I take that to mean that it's not critical
16 that be it charged, but it's at the discretion of the
17 trial judge. And so I'll charge it add that sentencing to
18 the CSC second, okay.

19 MR. BELL: Thank you, Judge.

20 (WHEREUPON, a pause in the proceedings.)

21 THE COURT: Is everybody ready to go?

22 MR. BELL: Yes, your Honor.

23 MR. NEWTON: Yes, sir.

24 THE COURT: All right. So it's -- you open and
25 then you get to go, and then you know you have a rebuttal,

1 okay.

2 MR. BELL: Yes, your Honor.

3 THE COURT: All right, bring them out.

4 MR. NEWTON: I'm sorry. Judge, I have the last
5 argument here.

6 THE COURT: Oh, that's right you didn't put up a
7 defense, that's where you got me. All right. So you can
8 open on the law if you want to. If not, you're stuck.

9 MR. BELL: Yes, sir.

10 MR. NEWTON: You had me frightened there for a
11 minute.

12 THE COURT: They didn't put a defense yesterday
13 and that's why I was like, oh wait, because we had a big
14 argument. Bring them out.

15 (WHEREUPON, the jury came into open court.)

16 THE COURT: All right, good morning. I hope you
17 all had a good evening and enjoyed a little bit of your
18 time off yesterday afternoon. At this point in time as I
19 indicated in the beginning, the attorneys who gave
20 statements, again, called opening statements whereby they
21 would lay out what they believe that the evidence is going
22 to show in this case. Now, that they're going to make
23 what's called a closing argument. A closing argument is
24 not to be considered evidence by yourself. It's simply an
25 argument as to what they now believe the evidence has

1 shown. All right.

2 MR. BELL: Your Honor, can I wait for the victim
3 to get here.

4 THE COURT: Sure, we'll take two minutes to wait
5 for the victim to get here.

6 MR. BELL: Thank you, your Honor.

7 THE COURT: Yes, sir.

8 (WHEREUPON, a pause in the proceedings.)

9 THE COURT: All right, yes, sir, Mr. Bell, be
10 happy to hear from you.

11 MR. BELL: Yes, Your Honor. May it please the
12 court.

13 THE COURT: Yes, sir.

14 MR. BELL: Mr. Newton. Ladies and gentlemen of
15 the jury, I like to first say thank you. Thank you for
16 serving and thank you for listening tirelessly to the
17 evidence on yesterday. I know it was hard. You had to
18 hear a lot of tough things. And you had to hear me go
19 through this chain of custody evidence. And I told you
20 it's going to be somewhat boring, but it's important. Why
21 is it important? Because if somebody was going to accuse
22 me and just use science, DNA, I want to know if they were
23 going to accuse me of a crime, where did you get that, how
24 was that test taken, who handled it, how did they handle
25 it, do they know what they doing, did they follow the

1 rules that they had, who else touched it, where did it go
2 from there. When they test it, how did they test it, are
3 they qualified to test it, what were the results. And
4 there's no way to make that fun, make it entertaining. We
5 just had to do it. I thank you for taking that ride with
6 me.

7 The burden of proof is on the State like I told
8 you yesterday. I don't hide from the burden. We don't
9 hide from it. We welcome it. We feel like when you take
10 in all the evidence that came in, you will find that we
11 have met that burden.

12 Let's talk about the evidence we heard
13 yesterday. Let's take it one by one. Everybody heard it.
14 Start with Michael Weatherford my first witness Hartsville
15 Police Department. What did you get from him? He
16 testified he couldn't tell you what **Minor** told him because
17 that's hearsay, but he can tell you through his
18 investigation, we found out the time in which the assault
19 happened, the manner in which it happened, and how it
20 happened. What else did he testify to? He testified that
21 the evidence custodian, Erica Norton, took a buccal swab
22 from Michaelis Ramsey. The DNA he witnessed it came from
23 Michaelis Ramsey, that's important.

24 Next witness Maggie Walters. And before I talk
25 about what we got from her, it's important that we

1 understand that nor Maggie Walters nor Lisa Gainey nor
2 Minor is on trial today, not the way they live,
3 not the way the house is kept, not about who and how many
4 people they have in the house. Michaelis Ramsey is on
5 trial today.

6 Now, I go back. What do we get from Maggie
7 Walters. She testified to the time that the assault
8 happened. She can't tell what Minor said. She can tell
9 you what -- it was reported to her the time, where it
10 happened and how it happened. That's important.

11 Lisa Gainey time, place and manner. All the
12 time, place and manner all the same ever since the
13 beginning, but also what did Lisa tell you. Lisa told us
14 the condition of Michaelis Ramsey earlier that day, told
15 us that Michaelis Ramsey came into her room and attempted
16 to assault her, very important that you remember. Lisa
17 Gainey testified she was on her stomach. Michaelis Ramsey
18 came into the room kissed and licked on her butt cheek and
19 tried to ride up behind her and tried to assault her. She
20 was able thankfully to roll over and fight him off where
21 he sat in a corner she testified to and groped himself.

22 Next, was Minor And Minor
23 bravely took the stand and told you her story. She told
24 you what happened to her. She told you where it happened
25 to her. She told you what happened to her. She told you

1 she could not make out who it was. She said they had a
2 beard. She also told you that the assailant licked her
3 ear, that's important. She felt him penetrate her, her
4 rear, that's important and he had ejaculated in her butt
5 her words, that's very important.

6 Shellie Keisler. Who is Shellie Keisler? If
7 you remember, that's the expert nurse in sexual assault
8 nurse examination. And she testified that based on her
9 interview with **Minor** she was able to assess
10 where the possible injuries were and she collected swabs.
11 What swab did she collect? A left ear that's going to be
12 State's Exhibit Number 5. Anal folds State's Exhibit
13 Number 4. It's in evidence. So if it's in evidence,
14 y'all get to consider it. Rectal folds State's Exhibit
15 Number 3. And number four she took **Minor**'s buccal swab
16 and that's going to be important as well.

17 One of the most important things you take from
18 Shellie Keisler's testimony is when she did the rectal
19 swabs she testified she insert that swab until you could
20 not see any more cotton on it. It's penetrated in **Minor**
21 **██████████** to get that swab very very important.

22 Next, Shellie then took those swabs safely
23 secured them, packed them up standard operating procedure
24 and put them in the SANE kit box. What she do with it
25 next? We heard from Kristan Jefford Hartsville Police

1 Department. She comes, she picks up the swabs safely
2 takes them back to Hartsville Police Department puts them
3 in the evidence locker and locks them. Who has access to
4 it? What did Kristan tell us? Erica Norton.

5 Erica Norton takes the stand next. Erica Norton
6 takes the kit. What did she do with the kit? She takes
7 it to SLED. What did she do with it at SLED? She safely
8 locks it away. What else is Erica Norton do? Erica
9 Norton takes a swab from Michaelis Ramsey. Who witnesses
10 that swab? Mike Weatherford. That swab is then taken and
11 secured. It's taken to SLED safely put away at SLED.

12 Now, who's next? Verona Herrera. Verona
13 Herrera is the expert in serology. She's looking for the
14 DNA. She also testifies to the standard operation
15 procedure with the chain of custody, that is very
16 important. And that is State's Exhibit Number -- that is
17 the verified chain of custody and y'all will have that.
18 She testifies to every movement that any piece of evidence
19 when it's in SLED's possession where it goes. They have
20 to document that. They have to document that for cases
21 like this. It's important to know who all is touching the
22 evidence to uphold the integrity of the evidence.

23 Verona also testifies to where DNA is found and
24 also particularly where semen is found. Remember she
25 tells you that semen was found in the anal fold. Even

1 though semen was not found anywhere else. A lot of items
2 were still forwarded to the DNA for the DNA analyst to
3 check for DNA.

4 Next, we heard from Kimberly Spainhour forensic
5 technician. Why is her testimony important? Her
6 testimony is important because she went line item by line
7 item every piece of evidence telling you that you heard
8 testimony from anyone who did anything with this evidence,
9 any piece of evidence you heard anybody who actually did
10 something with it, versus who moved it from here to here,
11 that's very important.

12 And lastly Donna Money who was our DNA analyst
13 and she testified to what her results found. Now, I'm
14 going to tell you those forensic scientist at SLED are
15 very smart. They are very very smart. And I know that
16 testimony is crucial, but I was trying to think of a way
17 to break it down as much as I can to make sure you
18 understand it, okay. So what Donna testified to and I
19 submit to you that the ear swabs based on her scale, you
20 will have that. You will have the big post back there
21 that you saw yesterday. Based on that scale, they're not
22 going to say it's definitely him. I know the defense is
23 going to say that, but they're going to say science --
24 their science show very strongly support according their
25 work.

1 So based on her wording, the ear swabs going to
2 show that very strong supports that **Minor** Michaelis
3 Ramsey and two others contributed to the mixture which
4 would have been the mixture would have been the swab. So
5 it's four people on the swab, it very strongly supports
6 that it is Michaelis Ramsey contributed to that mixture
7 versus **Minor** and just three others. And Donna testified
8 to being the ear external DNA picked up anywhere hugging.
9 If she was laying in a car at some point, head down a way
10 to see the SANE nurse. She was upset. There's DNA in the
11 seat, that pick up on her ear. Michaelis Ramsey's DNA
12 very strong supports that it was on her ear to the tune of
13 756 septillion times. And you'll see that. That's 23
14 zeros, 23 zeros. 756 trillion times more likely that he
15 contributed to the mixture than it being three
16 unidentified individuals. There's only 7.6 billion people
17 in the world. That's 60 versus 23 zeros.

18 Moving along. Now, anal swabs and rectal swabs
19 I thought I'll do a visual. And I was thinking when I was
20 talking with **Minor** yesterday and as you heard the defense
21 got out, she's in foster care. And so we're waiting on
22 her social worker to come back and pick her up. So we're
23 sitting around talking and **Minor** is eating up all my candy
24 and so I said why not come up with an idea of food because
25 I like to eat, that might make sense. And she told me --

1 all right. So I had to refer back to my notes. I'm not a
2 forensic scientist, but this is how I broke it down. All
3 right. The anal swabs based on the DNA report, we submit
4 to you that the results was a very strong support when you
5 take the mixture of an anal swab, that's the day of the
6 assault and you subtract [Minor]'s DNA, that Michaelis
7 Ramsey's DNA is the other DNA profile that's present
8 rather than anybody else. The mixture that was taken and
9 swabbed by the anal swab on the day by the SANE kit by the
10 nurse, take it subtract [Minor] the plain. And all these
11 are unique to one person, okay. There's no other -- this
12 is going to represent Michaelis Ramsey, but this is just
13 him nobody else. It's unique to him. This is unique to
14 [Minor] This is unique to this case. The mixture subtract
15 [Minor] Michaelis Ramsey to the tune of 2.1 octillion times
16 more likely, that it's Michaelis Ramsey when it's all said
17 and done. It's Michaelis Ramsey versus somebody else.
18 What is two 2.1 octillion 27 zeros. The world population
19 7.6 billion six zeros.

20 Moving right along. Rectal swab. The rectal
21 swab that actually went inside [Minor] very
22 strongly supports we submit that it's more likely that
23 [Minor] and Michaelis contributed to the mixture than [Minor]
24 and somebody else, the mixture [Minor] and Michaelis Ramsey.
25 Again, 7.7 septillion times more likely that it's this

1 combo versus this and somebody else. What does that look
2 like in terms of zeros? 7.7 septillion 24 zeros. Again,
3 7.6 billion people in the world, that's 60.

4 That, ladies and gentlemen of the jury, is what
5 we submit is the evidence in this case. And I had to lay
6 that kind of frame work so get to the DNA report and you
7 will have all that. You -- the judge will tell you you
8 will be able to judge -- take credit the evidence and put
9 the weight to the evidence.

10 Ladies and gentlemen of the jury, I submit to
11 you I wasn't there, you wasn't there, but this is what I
12 think happened once you take all this evidence. You want
13 to think about what happened on that night. What happened
14 on that night is Michaelis Ramsey was drunk. He was drunk
15 and he was looking to have sex with somebody. And so
16 where did he go first, he went to Lisa Gainey. He went to
17 Lisa Gainey who was at the time she testified was 15 weeks
18 pregnant with a baby laying in the bed beside her. And
19 when she was able to fight him off, he went to someone he
20 thought that couldn't fight him off and that was **Minor**

21 **██████████** That is what happened in this case I submit to
22 you.

23 And the evidence shows and I don't know what the
24 defense is going to do. They're going to do their job.
25 His DNA has no place in her rectum. It has no place there

1 that ain't for no toilet seat. Inside her rectum, had no
2 business there. What the serologist tell you? Positive
3 for semen in her anal folds. 2.1 octillion times more
4 likely that it's him. His semen in her anal folds. I'm
5 not going to play with you and tell you.

6 Ladies and gentlemen of the jury, I thank you
7 for your time. I thank you for your willingness to serve.
8 I will leave you with this. Patti Parker sitting second
9 chair with me. She help me so much with this. This is my
10 first time trying a criminal sexual conduct and I asked
11 her before I met with **Minor** reading over this file as
12 **Minor** told you that the assailant had a beard. So I was
13 worried because you know Covid, I grew my Covid beard. I
14 don't want to cut it off, but I was thinking I was going
15 to meet with her I said, you know, I might not want to
16 talk with her with this beard because that might be too
17 much for her, that might be a little much. It might be
18 triggering, but when I met with **Minor** she didn't need me
19 to cut my beard. She needed me to tell her story. She
20 needed me to tell her story. I've done that. I think the
21 State has met their burden and now it's time for you to
22 do yours. You weigh that evidence and like I said in my
23 opening, you swing your sword. Thank you.

24 THE COURT: Mr. Newton.

25 MR. NEWTON: Thank you, your Honor.

1 THE COURT: Yes, sir.

2 MR. NEWTON: Ladies and gentlemen of the jury, I
3 also thank you for paying attention in this trial. It's
4 extremely important when a person is accused of any crime
5 that they have a fair trial. All points are considered.
6 As I said in my opening statement, the defense does not
7 have to prove anything at all in any criminal trial ever.
8 It's always and totally on the part of the State to prove
9 the guilt of the accused beyond any reasonable doubt.
10 That's just, again, that's a very strong burden and it's
11 strong for a good reason. It is that way and it should be
12 that way. Only if you're absolutely convinced, if you
13 were firmly convinced of my client's guilt after long
14 consideration and deliberation going over all the evidence
15 from all he angles only at that point should you find him
16 guilty. If you have a doubt, genuine doubt, a reasonable
17 doubt as to his guilt, you have a duty to find him not
18 guilty. That is your responsibility. Your duty.

19 Now, the State has in its closing argument
20 Mr. Bell, my friend, we are friends. I reminded of that
21 old Bugs Bunny cartoon sometime where you know they check
22 in in the morning the sheep dog and the wolf shake hands
23 and they go fight. And then they shake hands and that's
24 how we work, but this is what we do. Mr. Bell emphasized
25 in his closing statement the big numbers. You heard some

1 big numbers septillion.

2 Now, big numbers can be very deceiving and
3 misleading. I'm going to give you an example of how.
4 First, I want to start from my quote from Mark Twain.
5 Mark Twain said very famously, very famous quote there are
6 three types of lies and he name the three types going from
7 less serious to more serious. The three types of lies
8 according to Mr. Twain are one lies, two damn lies and
9 three statistics. Field of statistics works with numbers
10 all the time. You may be familiar with it. Somebody
11 conjuring up numbers and coming up with odds and saying
12 well statistics proves this or statistics prove that as
13 Mr. Twain would say, don't necessarily go along with it
14 and it could be just a misleading lie. You hear a number
15 like that and say my God the odds are so great, it must be
16 true.

17 Let's think about real world of example say
18 somebody had tried to calculate the odds two months ago
19 that everybody who is currently present and in this
20 courtroom right now would be here right now this moment in
21 time. Two month ago, somebody calculated the odds about
22 that. The odds would be astronomical about that happening
23 and yet here we are unlikely things happen all the time.
24 Every minute, everybody second of every day.

25 Think about it, two months ago this trial was

1 not on the schedule to be tried this week. The judge here
2 was not signed to be here this week. The prosecutor was
3 not assign to be in this court at this moment in time. I
4 was not assign to be here in this moment in time. None of
5 you had even been sent jury notices. Jury notices had not
6 even been sent out. How many people live in Darlington
7 County? I think, it's what 60,000 or so altogether. How
8 many people of those 60,000 or so are eligible voters or
9 eligible jurors. I don't know the answer maybe half,
10 maybe 30, but let's just say 10,000 because that's an easy
11 number to work with. Let's say out of the 60,000 or so
12 people in Darlington County 10,000 of those are eligible
13 to be jurors in a Darlington County general sessions case
14 same as you.

15 What that means is and not to single out anybody
16 in particular but to say the gentleman on the end here,
17 the odds of you, sir, being here at this moment in time
18 serving on a jury were one and 10,000 if they were
19 calculated two months ago. Somebody just tried to
20 calculate the odds of you being here today as a juror, one
21 and 10,000, just you alone. And the same holds for every
22 one of you individually. The odds rapidly build up when
23 you say the odds of you being here and also you at the
24 same time together one in 10,000 times one and 10,000, so
25 they were one and eight zeros.

1 Let me get out the board so I don't I don't lose
2 myself. Pardon the math, but it is crucial especially
3 since the State has stressed so much on these large
4 numbers that you've heard. Can everybody see that? And,
5 again, this is just basic odds calculation. Some of y'all
6 may be familiar with how to do it. A simple example would
7 be a dice. The six sided die say the odds of rolling a
8 six. On a roll one die, one and six chance, right. Odds
9 of rolling a six is one and six chance. You have two dice
10 what are the odds of rolling two dice and coming up with
11 two sixes. Okay, first we start a one and six, that's one
12 die, but to get two sixes, that's times another one and
13 six. And I need to pen, that's not dying. If I could
14 borrow a pen, thank you. One and 36 chance -- forgetting
15 two sixes on that two dice. Let's we have three dice, we
16 roll three dice. What are the odds of three sixes coming
17 up, multiply that one 36 times another one and six. And
18 suddenly we're at one and 216 chance. That's how quickly
19 these numbers can add up and yet people roll three sixes
20 all the time on three dices. Clearly possibly happens in
21 reality. All right, that's how it's done, but, again, one
22 in 10,000 chance. And, again, the odds are actually
23 greater at -- I'm sure there more than 10,000 eligible
24 jurors in Darlington County, but let's just go with 10,000
25 because ten's an easy number to work with.

1 The odds of you being here one in 10,000, but --
2 and also you, but the odds of two you being here at the
3 same time and same trial at this moment in time one in
4 10,000 times one and 10,000 suddenly we're at one followed
5 by eight zeros one, two, three, four six, seven and eight.
6 I believe that is 100 million. The odds you two being
7 here right here this moment in time if calculated two
8 months ago would be one and a 100 million chance.

9 Now, would you have bet on that two months ago,
10 I would not have. Let's add the third person, ma'am.
11 Also individually one and 10,000 chance that you be right
12 here right now add you in all the odds of you three being
13 here together in the same trial, at the same time, we take
14 those one and hundred million multiplied by one and
15 10,000. So you take that 100 million add four more zeros
16 to it, now we're at 12 zeros. That's the thousands,
17 millions, billions, we're already at trillion. The odds
18 of you three being here at the same time today one and a
19 trillion chance and yet here we are in reality. As I
20 said, if you think about it every moment of every second
21 of every day astronomical things against the odds are
22 happening, it's reality. And you see that's just the
23 first three. First three jurors one and a trillion chance
24 and I don't have to run through it. It multiplies and
25 four zeros every time, add four zeros every time, four,

1 four. And suddenly we're well beyond the 26 zeros he was
2 talking about and yet here we are. All right. So don't
3 be deceived by big numbers. As Mark Twain said there are
4 lies, damn lies and statistics.

5 Now, let's talk about that's -- I give credit to
6 the forensic scientist who testified. She was honest and
7 she told you point blank that those big numbers do not
8 mean that my client is guilty. She was honest she said
9 that. It's just evidence. It does not mean he's guilty.

10 Let's talk about the testimony that you heard
11 from other witnesses. There's all kinds of possibilities
12 as to what really happened. Even if nothing really
13 happened, that's a possibility too. Whenever I have a
14 case of the nature of this case, I'm terrified that when
15 the jury hear's the charge, their minds are going to close
16 and they're going to skip the finding of guilt or
17 innocence part and go straight to we want to hang him
18 because in our society today people charge with this
19 crime, they're considered monsters sex offenders. We got
20 to protect the children. I'm always concerned the jury
21 listening are going to have closed minds are going to
22 assume he's guilty and want to proceed straight to burning
23 or hanging or something. So I trust you will not do that.
24 That you will recognize that innocent people are charged.
25 Sometimes they can be charged and they are charged. It

1 happens to innocent people have even been convicted before
2 it happens. That's why it's extremely important to judge
3 every case on it's own facts. We're not talking about
4 other cases. We're not talking about statistics. We're
5 not talking about averages. We're talking about the facts
6 of this particular case and whether the State has prove
7 him guilty beyond a reasonable doubt.

8 The prosecutor told you that the witnesses were
9 consistent, that's not the testimony I heard. I heard
10 inconsistencies everywhere. They could not even agree
11 whether this Dean person was 16 or 17 year old, what time
12 he arrived at the house, who let him in the door or
13 whether he'd even been there all day. If you'll recall,
14 Maggie Walters had said that Mr. Dean didn't come over to
15 the house around two or three in the morning or something
16 one or two. And he knocked on her window. She couldn't
17 let him in because she was in a wheelchair at the time.
18 So she called and she thought Lisa Gainey let him in.
19 Lisa Gainey said she didn't let him in, it must have been
20 somebody else. And Minor [REDACTED] says nobody let him in
21 that night because he had been there -- he was already
22 there. He been there all day. So even on such a basic
23 detail from State's witnesses, you got three very
24 different versions.

25 The State would have you believe that my client,

1 grown man, adult man went into a bedroom with six or seven
2 people sleeping in it and performed a rape after climbing
3 to the top of a bunk bed with a broken ladder, that
4 somehow manage to do all this without waking anybody up.
5 It's stretches and boggles the imagination. One
6 possibility is that this -- it just didn't happen. It's
7 not a question of getting the wrong person. It's a
8 question of maybe this just didn't happen at all. I do
9 not know the motivation. I have -- not telling the truth.
10 I know people can lie and they do lie for many possible
11 reasons. There's all kinds of possibilities.

12 Another possibility is the person not even
13 intentionally lying that they actual do believe something
14 happened when it really didn't, that is another
15 possibility. But to have you to claim that my client
16 grown adult man went into a room with six or seven
17 sleeping people in it and none of them noticed a rape of a
18 13-year-old kid, nobody was aware of it happening, that's
19 just unbelievable. There's reasonable doubt right there.
20 I asked **Minor** if you recall if she ever slept on top of
21 the bunk bed and she said, well, she often did, but
22 actually the mattress under was hers. And sometimes other
23 children slept on the top of the bunk bed and I said, but
24 no adults would sleep there right and she said no. And I
25 said it wouldn't even support their weight, right. And

1 she said that's right. So how is this grown man going to
2 crawl up a broken ladder to the top of a bunk bed, rape a
3 child up there and not only nobody noticed, but the bunk
4 bed doesn't collapse in the process. It's just not
5 believable. There's plenty of reasonable doubt about
6 that.

7 The prosecutor pointed out well the State --
8 some of the State's witnesses testified that my client was
9 very drunk and they said he had drank a very large
10 quantity of alcohol. I have experience with drinking
11 alcohol and I for better for worse be very drunk at times.
12 And I will tell you one thing I have never been when very
13 drunk is quiet or still or sneaky. It's quite the
14 opposite. I'm instead very loud and boisterous and
15 stumbling and bumping into everything. It's just simply
16 not believable this man was supposedly so drunk, was able
17 to climb up the broken ladder and rape a 13-year-old child
18 on the top of a bunk bed and nobody even noticed, that
19 just didn't happen, okay. It didn't.

20 Now, again, I'm not trying to disparage the
21 character of anybody, I mean, but you heard from the
22 testimony about seeing ghosts, seeing a little boy not a
23 hazy figure, not some ghostly barely visible figure, but
24 something that looks like a real solid little boy. You
25 heard **Minor** say she sees such thing and, again,

1 I'm not condemning her for that at all. But I do submit
2 it's grounds to question what else she says she thought or
3 felt or observed. It certainly is there's reasonable
4 doubt right there.

5 Now, again, the DNA expert was honest enough and
6 I do appreciate that to admit that people shed DNA all the
7 time, everywhere. If you remember, I was asking her the
8 questions and said I put my hand right here and rub it.
9 And then Scott would later put his hands, my DNA would be
10 on him. And if he touches his forehead, yes, my DNA would
11 be on his forehead. And if you were to touch that the
12 wall, then my DNA would be on the wall where he touched
13 it. The truth is DNA spread all the time. And to collect
14 it, you can really only do it reliably. They're very
15 limited circumstance.

16 Think about the living conditions of this house,
17 we had at least ten people living there at least ten maybe
18 more in a small apartment. What are they doing? They're
19 sharing the same bathroom. They're sharing the same sink,
20 sharing the same facility. DNA is all over the place, all
21 over the house. There's the one example where they found
22 the DNA of two other people behind their ears supposedly.
23 Well, the State maintaining that three different other
24 people licked her ears. I haven't heard that claim, but
25 there is their DNA. Why aren't they charged? What that

1 shows is their DNA can be on her and they're not guilty of
2 anything and just checked and picked it up some how. I
3 mean, people sometimes touch their hands to different
4 places of their body, children do. So that's combine with
5 what Mr. Twain pointed out the big numbers think about the
6 odds. And the fact that the DNA shedding can be picked
7 basically up anywhere. There goes that part of the
8 State's case reasonable doubt. And as far as the
9 testimony, well you heard her testimony. I submit it's
10 just not believable, that she perhaps imagined something
11 or even happened. It's not a question of nobody.
12 Question of it didn't happen. Bear with me one second
13 please.

14 As soon as I sit down, I always think of
15 something I meant to say but forgot, so let me make sure
16 I'm not forgetting anything. Oh, the prosecutor said
17 something about the rectal swab, well, yeah, but, it
18 doesn't start in the body. It's pressed from outside in.
19 Doesn't spontaneously appear magically inside the child.
20 It be brushing whatever's on the surface in along with it.

21 The semen that was supposedly found the person
22 who testified to that also testified that other things
23 share semen components and can be identified as semen.
24 It's hard to tell them apart. Other things she said just
25 certain types of cells, so even that's not conclusive.

1 Regarding experts in general, ladies and
2 gentlemen, maybe when y'all were growing up y'all heard
3 about fingerprints. I certainly did. For over a 100
4 years, experts would come into a courtroom just like this
5 and swear that no two people had the same fingerprints.
6 So if a person's fingerprints are found at a crime scene,
7 it was 100 percent proof that that person was guilty.
8 After 100 years of swearing that as experts low and
9 behold, it turns out that's not true at all, too bad for
10 all those people who got convicted on that. All those
11 experts swearing, that just wasn't true. So I said any
12 time you have an expert swearing to something please take
13 that with a grain of salt. They are certainly not Gods
14 and theories that they believe in are certainly being
15 disproved all the time. Some other things **Minor**
16 mentioned, she's a wild sleeper remember. She tosses and
17 turns a lot there in the bed messing up her clothes,
18 tossing and turning, it could be relevant.

19 In reference to the one final thing, one final
20 thing and I will be quiet is the beard, that was -- we
21 didn't hear what kind of beard and how much of a beard she
22 supposedly felt anything like that. I submitted once
23 again and this is coming out of the mouth of somebody who
24 sees things that aren't there, so that's reasonable doubt.
25 Thank you very much.

1 THE COURT: All right. Ladies and gentlemen of
2 the jury, at this time it's my duty and obligation to
3 charge you on the law. The defendant has pled not guilty
4 to this indictment and that plea puts the burden on the
5 State to prove the defendant guilty. A person charged
6 with committing a criminal offense in South Carolina is
7 never required to prove himself innocent. I charge you
8 that it is an important rule of law that the defendant in
9 a criminal trial no matter what the seriousness of the
10 charge may be will always be presumed to be innocent of
11 the crime for which the indictment was issued unless guilt
12 has been proven by evidence satisfying you of that guilt
13 beyond a reasonable doubt.

14 This presumption of innocence does not end when
15 you begin your deliberations, but it accompanies the
16 defendant throughout the trial until you reach a verdict
17 of guilt based on evidence satisfying you of that guilt
18 beyond a reasonable doubt. The presumption of innocence
19 is like a robe of righteousness placed about the shoulders
20 of the defendant, which remains with the defendant until
21 it has been stripped from the defendant by evidence
22 satisfying you of the defendant's guilt beyond a
23 reasonable doubt. The presumption of innocence is not
24 merely a legal theory, it is not just a legal phrase. It
25 is a substantial right to which every defendant is

1 entitled unless, you, the jury are satisfied from the
2 evidence of the defendant's guilt beyond a reasonable
3 doubt.

4 What is a reasonable doubt in the law. A
5 reasonable doubt is the kind of doubt that would cause a
6 reasonable person to hesitate to act. I also remind you
7 that during this trial, you and I have certain duties to
8 perform. As the trial judge, it is my responsibility to
9 preside over the trial of this case. And I also have the
10 duty to rule on the admissibility of the evidence offered
11 during this trial. You are to consider only the competent
12 evidence before you. If there was any testimony ordered
13 stricken from the record in this case during this trial,
14 you must disregard that testimony. You are consider only
15 the testimony which has been presented from this witness
16 stand, any exhibits which have been made apart of the
17 record in this case and any stipulations of counsel.

18 I have the additional duty to charge you the law
19 applicable to this case. As the presiding judge, I am the
20 sole judge of the law of this case. And it is your duty
21 as jurors to accept and apply the law as I now state it to
22 you. If you already have any idea as to what the law is
23 or what the law ought to be and it does not agree with
24 what I now tell you the law is, you must abandon this idea
25 because you are sworn to accept the law and apply the law

1 exactly as I state it to you.

2 In every case tried in this court before a jury,
3 the jury becomes the sole and exclusive judge of the facts
4 in a case. A trial judge cannot intimate, state, comment
5 on or make any statement to a trial jury about the facts
6 in the case. Since, you, the jury, are the sole judge of
7 the facts in this case, you are not to infer from what I
8 have said during the progress of this trial in ruling upon
9 the admissibility of evidence or otherwise or anything
10 that I say now during the course of this instruction to
11 you, that I have any opinion about the facts in this case.
12 The law does not allow me to have an opinion about the
13 facts of this case. This is a matter solely for you, the
14 jury, to determine as jurors. It is your duty to
15 determine the effect, value, weight and truth of the
16 evidence presented during this trial.

17 Now, there are two types of evidence which are
18 generally presented during a trial direct evidence and
19 circumstantial evidence. And direct evidence is the
20 testimony of a person who claims to have actual knowledge
21 of a fact such as an eyewitness. Circumstantial evidence
22 is proof of a chain of facts and circumstances indicating
23 the existence of a fact. The law makes absolutely no
24 distinction between the weight or value to be given to
25 either direct or circumstantial evidence. Nor is a

1 greater degree of certainty required of circumstantial
2 evidence than of direct evidence.

3 You should weigh all of the evidence in the
4 case. After weighing all the evidence if you are not
5 convinced of the guilt of the defendant beyond a
6 reasonable doubt, you must find the defendant not guilty.
7 However, to the extent the State relies on circumstantial
8 evidence, all of the circumstances must be consistent with
9 each other. And when taken together point conclusively
10 to the guilt of the accused beyond a reasonable doubt. If
11 these circumstances merely portray the defendant's
12 behavior as suspicious, the proof has failed.

13 The State has the burden of proving the
14 defendant guilty beyond a reasonable doubt and this burden
15 rests with the State regardless of whether the State
16 relies on direct evidence, circumstantial evidence or some
17 combination of the two.

18 I also charge you that you must determine the
19 credibility of witnesses who have testified in this case.
20 Credibility simply means believability. It becomes your
21 duty as jurors to analyze and to evaluate the evidence and
22 to determine which evidence convinces you of its truth.
23 In determining the believability of witnesses who have
24 testified in this case, you may believe one witness over
25 several witnesses or several witnesses over one witness.

1 You may believe apart of the testimony of a witness and
2 reject the remaining part of the testimony of that same
3 witness. You may believe the testimony of a witness in
4 its entirety or you may reject the testimony of that same
5 witness. You may believe the testimony of a witness in
6 its entirety or you may reject the testimony of a witness
7 in its entirety. You may consider whether any witness has
8 exhibited to you any interest, bias, prejudice or other
9 motive in this case. You may also consider the appearance
10 and manner of a witness while on the witness stand.

11 The defendant in this case is charge with second
12 degree criminal sexual conduct with a minor. The State
13 must prove beyond a reasonable doubt that the defendant
14 engaged in a sexual battery with the victim. A sexual
15 battery is sexual intercourse, cunnilingus, fellatio,
16 anal intercourse or any intrusion however slight or any
17 part of a person's body or if any object into the genital
18 or anal openings of another person's body except when the
19 intrusion is accomplished for medically recognized
20 treatment or diagnostic purposes.

21 The State must then prove beyond a reasonable
22 doubt that the victim was at least 11 years of age, but
23 not more than 14 years of age at the time of the sexual
24 battery. Consent, willingness, indifference or ignorance
25 on the part of the minor, if any, as to what was taking

1 place does not in any way affect the charge of criminal
2 sexual conduct with a minor because an unmarried woman
3 under the age of 14 cannot legally consent to sexual
4 intercourse. And also I charge you that the testimony of
5 the victim need to be corroborated in prosecutions of
6 criminal sexual conduct.

7 I also instruct you and emphasize that the fact
8 that the defendant did not testify is not a factor to be
9 considered by you in any way in your deliberation and in
10 your consideration on the question of the guilt or the
11 innocence of the defendant. It must not be considered by
12 you in any manner whatsoever. A defendant has the
13 constitutional right to remain silent. And the assertion
14 of this right must not be considered by you in your
15 deliberations. I repeat under your oath you are to draw
16 no conclusion whatsoever from the fact that the defendant
17 in this case did not testify. The fact that this
18 defendant did not testify should not even be discussed in
19 the jury room. The burden of proof as I have stated to
20 you is on the State. The defendant is not required to
21 prove himself innocent. The burden of proof remains on
22 the State to prove guilt beyond a reasonable doubt.

23 Now, madam forelady, as I indicated when the
24 trial begin that I would instruct you on your duties a
25 little bit later. And now I charge you that in a couple

1 moments I'm going to ask you all to retire back to the
2 deliberation room, but I ask you that don't begin
3 deliberating until we have sent back all the evidence. We
4 need to go over all of the evidence to make sure that you
5 receive everything that was entered into this trial. But
6 once you begin your deliberations, madam forelady, I would
7 instruct you that this is an unanimous decision, okay.
8 What I mean by that is all 12 of you must agree on a
9 decision, all right. And in doing so if someone needs to
10 take a break or use the phone or use the restroom, I would
11 ask that you stop the deliberations because it needs to be
12 everyone's decision together, okay.

13 All right. If there any questions that need to
14 be answered by myself, as I stated to you previously
15 simply reduce those to writing, give them to the bailiff.
16 They'll give them to me. I will discuss those questions
17 with the attorneys and I will answer every single question
18 that you ask, okay, so you understand that.

19 This is the verdict form. It's your job to fill
20 out the verdict form at the appropriate time. It says
21 The State of South Carolina vs. Michaelis Ramsey
22 indictment 2019-GS-16-1010. As to the charge of criminal
23 sexual conduct with a minor in the second degree victim 11
24 to 14 years of age. We, the jury, unanimously find the
25 defendant not guilty or guilty. Sign madam foreperson,

1 June and date it for today, all right. Do you understand
2 your obligations as the forelady?

3 FOREPERSON: Yes, sir.

4 THE COURT: All right. When you reach a
5 decision, if you'll simply knock on the door and give the
6 verdict form to the bailiff, we'll review it and bring you
7 back out, all right. So at this time please go back to
8 the jury room. Please don't begin any of the
9 deliberations just -- real quickly also don't worry about
10 lunch. We have it all handled and taken care of. I just
11 want you to take your time. And during your
12 deliberations, so, again, don't worry about that. We'll
13 send everything back in a couple minutes.

14 (WHEREUPON, the jury retire to the jury room.)

15 THE COURT: All right. Any issue as to the
16 charge from the State?

17 MR. BELL: None, your Honor.

18 THE COURT: From the defense?

19 MR. NEWTON: No, sir.

20 THE COURT: Will you all come up and make sure
21 that all the evidence is ready to go.

22 MR. BELL: Yes, sir.

23 THE COURT: Tell them they can begin, don't
24 forget to bring the alternate.

25 THE CLERK: Yes, sir.

1 THE COURT: Shakera Jackson is her name.

2 THE CLERK: Yes, sir.

3 THE COURT: All right. Ms. Jackson, you are our
4 loan alternate that's left and I have ordered them to go
5 ahead and begin the deliberations. And so at this point
6 in time you are excused, okay. So real quickly I want to
7 talk to you, so I'll just come back there and talk to you
8 and -- what else was I going to tell you. Oh, he has a
9 food voucher for you too, so you can get your lunch. All
10 right. For the record, they begin deliberation at 11:09.

11 (WHEREUPON, the jury began deliberations at
12 11:09 a.m.)

13 THE COURT: All right. Anything before we bring
14 out the jury as to the State?

15 MR. BELL: No, Your Honor.

16 THE COURT: As to the defense?

17 MR. NEWTON: No, Your Honor.

18 THE COURT: All right, if you'll bring them out.

19 (WHEREUPON, the jury came into court at 11:30
20 with a verdict.)

21 THE COURT: All right. Madam forelady, it's my
22 understanding that you all have a verdict?

23 FOREPERSON: Yes, sir.

24 THE COURT: All right. Is that your signature?

25 FOREPERSON: Yes, sir.

1 THE CLERK: Your Honor, this is case number
2 2019-GS-16-1010 The State of South Carolina vs. Michaelis
3 Schuyler Ramsey the verdict as to the charge of criminal
4 sexual conduct with a minor in the second degree victim 11
5 to 14 years of age: We, the jury, unanimously find the
6 defendant guilty. Signed foreperson Julisa Daniels
7 June 24th 2021. Is this your verdict would you so signify
8 by raising your right hand please? All 12 jurors
9 signified that they agree.

10 THE COURT: All right. Thank you very much,
11 ladies and gentlemen of the jury. We appreciate your
12 commitment to this case and your kind attention. You all
13 can be seat. All right, what would you like to tell me or
14 anything as to the sentencing from the State?

15 MR. BELL: Yes, Your Honor, regarding
16 sentencing, I don't know if -- I'll be speaking on their
17 behalf. Your Honor, first I'll start with in regards to
18 criminal record. Mr. Ramsey had a possession of crack
19 cocaine first offense in 2004, which he received three
20 years suspended to two years probation, had a violation --
21 probation violation in 2008, which because of that
22 violation he had to serve 18 months on a revocation.

23 Your Honor, you heard the facts on this case. I
24 will like to point out your Honor that because of COVID
25 and everything, I know the event happened 2019. Because

1 of COVID SLED was backed up with getting this analysis
2 back because of COVID we was out of court for a year. But
3 when I did get the SLED results back, Mike Weatherford
4 with the Hartsville Police Department got them to me. I
5 was waiting on them because we was looking forward to
6 trying this case. And the reason why your Honor is I want
7 to say 2018 or 2019 I just came back from being in the
8 Chesterfield's solicitor's office, so I sat right over
9 there while another case for Mr. Ramsey was being tried.
10 I know that's not the reason why we're here today, but I
11 want you to get a full picture of this defendant. He was
12 on trial for attempting criminal sexual conduct with a
13 minor. The attorney general's office tried that case. It
14 was in a City of Hartsville case, that jury found him not
15 guilty and I do not blame the jury. The evidence was that
16 there, but it was the same kind of MO your Honor. Based
17 on the facts that was presented in that case, he was
18 sleeping over at a friend's house. The little girl in her
19 room, room with multiple people in that room, multiple
20 children. The mother in another room. The male of the
21 house wasn't there, but he was letting his friend, who was
22 suppose to be Michaelis Ramsey, sleep at that house.

23 Michaelis Ramsey suppose to be on the couch. So
24 at some point in the night, Michaelis Ramsey being drunk
25 goes in that room where that child is. I think she was

1 nine or ten and attempt to assault her. She was able to
2 get away. She then runs into the mother's room, she can't
3 recognize who it is. The testimony that came out was he
4 stumbles back. They can't identify who it is. There's no
5 DNA or anything because there was no actual assault. So
6 they were trying to prove assault with intent to commit a
7 CSC with no real evidence. The jury acquit him, fine.

8 Not even within a year, this event occurs. I
9 think that is very much so important, your Honor, but what
10 was different on this event was an actual assault occurred
11 and we had DNA, so I was waiting. All I could wait for
12 was these results to come back. When we did get the
13 results back, I convey an offer to defense counsel, that's
14 April 22nd, 23rd. The original offer was a recommendation
15 of ten years.

16 Now, the State never had any issue or felt like
17 there was any issue as to whether or not I was going to be
18 able to get an conviction out of this case. The State
19 took into account his criminal record with a
20 recommendation. The State also took into account to keep
21 Miss Minor from having to go through this and
22 have to testify, to have to relive this and so we made
23 that offer. We tendered that offer.

24 On May 27th, that offer was revoked and I'm sure
25 Mr. Newton did his job in conveying that offer to Mr.

1 Ramsey. I'm saying all this to say the type of individual
2 that I feel like Mr. Michaelis Ramsey is, he is not
3 remorseful. He is not sorry. He did not want to be held
4 accountable and he also I will submit to you, Judge, he
5 knew, he preyed on Minor He understood the
6 situation that Maggie Walters was living in in Section 8
7 housing, multiple people in the home. I've talked with
8 Maggie. Maggie told me -- one of the first things I want
9 to know because I'm a citizen of Hartsville I asked her,
10 you don't know about Michaelis Ramsey. You didn't know
11 about that. She says when Michaelis came to her asking if
12 he could stay there, she didn't know anything it. She
13 says I don't know if it be a good idea. She says his
14 response was you, oh, you probably heard about what
15 happened, but I was accused of something, but they didn't
16 have any evidence. He sat in there for two months and he
17 plotted and he planned. And when he saw the opportunity,
18 he pounced and unfortunately that was on Minor

19 So your Honor I submit to you the State has done
20 their job. The jury has as well. On lastly, I'll leave
21 with this, Judge. As I was working with Minor I
22 had to work with her to get her ready for this day. I
23 think we met three or four times. I walked her over to
24 that witness stand to try to get her ready, get her ready
25 for court. And she looked down at the Bible and she said

1 Mr. Bell I don't know if -- I can't swear on that because
2 I don't believe in God. And I said to her I said you
3 don't have to swear on it, you can affirm. She said okay.
4 So when I met back with Maggie, I said, Maggie, she
5 doesn't believe in God. And, Ms. Walters, is a believer
6 and she says, Mr. Bell, I know, but when this event
7 occurred, **Minor** said to her if there was a God, that God
8 won't let this happen to me.

9 So I'm asking you, Judge, State's done their
10 job, the jury has done theirs. And Mr. Ramsey he had a
11 right to a trial. He ask for that trial. The State also
12 has the ability to ask for the maximum amount of sentence
13 that he can receive. If there's ever a message need to be
14 sent, send it to Michaelis Ramsey. They need to hear it
15 all the way to the detention center. When you commit a
16 crime, you can ask for that trial, but by all means, you
17 can be held to the fullest extent of the law. And if
18 there's ever a time that needs to be done, this is the
19 time, your Honor. That's all from the State.

20 THE COURT: All right. Anything else from
21 anyone from the State?

22 MR. BELL: No, sir.

23 THE COURT: All right. Mr. Newton, what would
24 you like to tell me, sir?

25 MR. NEWTON: Your Honor, you've heard the trial

1 no further comment.

2 THE COURT: All right. Any thing from you, Mr.
3 Ramsey?

4 THE DEFENDANT: When it comes to my character, I
5 disagree with Mr. Bell. He saying I preyed on that
6 situation. I never -- I'm not that type of a person. I
7 may have alcohol issues. I'm not a monster out here
8 trying to get people.

9 THE COURT: All right. We're just making sure
10 it carries 20, correct?

11 MR. BELL: Yes, sir.

12 THE COURT: All right. Mr. Ramsey, if you'll
13 stand. All right. You've been convicted of criminal
14 sexual conduct in the second degree on indictment number
15 2019-GS-16-1010. The jury has rendered a verdict of
16 guilty. I submit you to the state department of
17 corrections for a term of 18 years. Good luck to you,
18 sir.

19 All right. Ladies and gentlemen of the jury,
20 that concludes the trial. I want to thank you all so very
21 much. Again, lunch is all on our fine clerk here Mr.
22 Suggs. And so if you want to enjoy your dinner or lunch,
23 feel free to go over there and hope you have a wonderful
24 rest of your day. I can't thank you enough for all of
25 your hard work in this case. All right. You all enjoy

1 the rest of your day.

2 END OF REQUESTED TRANSCRIPT

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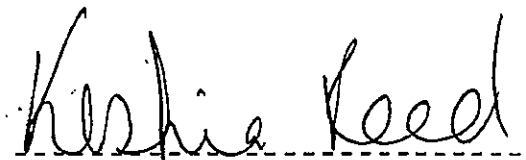
25

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

I, Keshia Reed, Court Reporter in and for the State of South Carolina At Large, do hereby certify that the above-entitled cause was heard as hereinafter set out; that I was authorized to and did transcribe the said proceedings; and that the foregoing and annexed paged, numbered 1 through 209, inclusive, constitute a true and accurate transcription of my stenographic report of the said cause taken during the said hearing. In the Court of General Sessions for Darlington County, South Carolina, on the 21st and 23-24 day of June, 2021.

I do further certify that I am neither of kin, counsel nor interest to any party hereto. In witness whereof, I have hereunto affixed my signature this 26th day of October 2021.



Keshia Reed, Court Reporter

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

HENRY D. MCMASTER
Governor



MARK A. KEEL
Chief

August 29, 2019

Kristan Jeffords
Hartsville Police Department
PO BOX 2497
Hartsville, SC 29551

SEROLOGY ANALYSIS
SLED LAB: L19-12155
Your Case No: 201905290
Incident Date: 5/26/2019
[V] Minor
[S] Michaelis Ramsey

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Mark A. Keel, Chief
South Carolina Law Enforcement Division

ITEMS OF EVIDENCE

1 Sexual Assault Evidence Collection Kit from Minor

1.1 Underwear

RESULTS:

- Examination for a component of semen (acid phosphatase) was negative.

1.1.1 Cutting from crotch of underwear

RESULTS:

- Presumptive testing for saliva was negative.
- Item forwarded to the DNA Section.



1.1.2 Hair from underwear

RESULTS:

- No analysis performed.

1.2 Vaginal swabs

RESULTS:

- Examinations for components of semen (p30 and spermatozoa) were negative. No semen identified.
- Item forwarded to the DNA Section.

1.3 Rectal swabs

RESULTS:

- Examinations for components of semen (p30 and spermatozoa) were negative. No semen identified.
- Item forwarded to the DNA Section.

1.4 Suspected body fluid swabs - anal folds

RESULTS:

- Examinations for components of semen (p30 and spermatozoa) were positive. Semen identified.
- Item forwarded to the DNA Section.

1.5 Suspected saliva swabs - left ear

RESULTS:

- Presumptive testing for saliva was negative.
- Item forwarded to the DNA Section.



1.6 Pubic hair combings

RESULTS:

- No analysis performed.

1.7 Victim buccal swabs

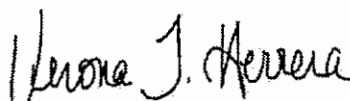
RESULTS:

- Item forwarded to the DNA Section.

Note: Any remaining evidence and/or packaging will be returned to the requesting agency.

This report contains the conclusions, opinions and interpretations of the analyst whose signature appears below.

Technical records supporting the conclusions in this report are available upon request. Afford sufficient time for production.



Verona T. Herrera
Forensic Serologist



SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Prepared for Release

By Sharon Hunt at 1:49 pm, Jun 21, 2021

Chain Of Custody

L19-12155

Item 1: One(1) sealed heat sealed pouch containing CSC kit described as sealed Sexual Assault Evidence Collection Kit

Submissions

Submitted by

Erica Norton of the Hartsville Police Department into Evidence Submission Lockers.

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
7/9/19	16:17		Forensic Technician	Charlotte Pitts
7/9/19	16:47		Evidence Room (150)	DNA Intake Shelf 78
7/24/19	14:21		Forensic Technician	Doris Yarbrough
7/24/19	14:23		Forensic Technician	Verona T. Herrera
7/30/19	10:54	B	Forensic Technician	Verona T. Herrera
8/6/19	11:10	B	Forensic Technician	Jackie M. Davis
8/6/19	11:10	B	Evidence Room (150)	DNA Intake Shelf 48
1/29/21	12:30	B	Forensic Technician	Vera Martinez
1/29/21	12:31	B	Forensic Technician	Kimberly Spainhour
2/4/21	9:04	B	Forensic Scientist	Donna M. Money
3/5/21	14:48	B	DNA Department	DNA Return
3/22/21	14:12	B	Forensic Technician	Julia M Begeman
3/23/21	13:38	B	Forensic Technician	Vera Martinez
3/23/21	14:03	B	Evidence Room (150)	Agency Return Shelf

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L19-12155

4/8/21	9:30	B	Forensic Technician	Vera Martinez
4/8/21	9:36	B	Evidence Disposition	Returned to Agency in person

Returned to Hartsville PD-- Erica Norton

Item 1.1: One(1) sealed white paper bag containing Underwear described as Underwear

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
7/30/19	10:53		Forensic Technician	Verona T. Herrera
7/30/19	10:54	B	Forensic Technician	Verona T. Herrera
8/6/19	11:10	B	Forensic Technician	Jackie M. Davis
8/6/19	11:10	B	Evidence Room (150)	DNA Intake Shelf 48
1/29/21	12:30	B	Forensic Technician	Vera Martinez
1/29/21	12:31	B	Forensic Technician	Kimberly Spainhour
2/4/21	9:04	B	Forensic Scientist	Donna M. Money
3/5/21	14:48	B	DNA Department	DNA Return
3/22/21	14:12	B	Forensic Technician	Julia M Begeman
3/23/21	13:38	B	Forensic Technician	Vera Martinez
3/23/21	14:03	B	Evidence Room (150)	Agency Return Shelf
4/8/21	9:30	B	Forensic Technician	Vera Martinez

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L19-12155

4/8/21 9:36 B Evidence Disposition Returned to Agency in person

Returned to Hartsville PD - Erica Norton

Item 1.1.1: One(1) sealed white paper bag containing Cutting(s) described as Cutting from crotch of underwear

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
7/30/19	11:02	B	Forensic Technician	Verona T. Herrera
8/6/19	11:10	B	Forensic Technician	Jackie M. Davis
8/6/19	11:10	B	Evidence Room (150)	DNA Intake Shelf 48
1/29/21	12:30	B	Forensic Technician	Vera Martinez
1/29/21	12:31	B	Forensic Technician	Kimberly Spainhour
2/4/21	9:04	B	Forensic Scientist	Donna M. Money
3/5/21	14:48	B	DNA Department	DNA Return
3/22/21	14:12	B	Forensic Technician	Julia M Begeman
3/23/21	13:38	B	Forensic Technician	Vera Martinez
3/23/21	14:03	B	Evidence Room (150)	Agency Return Shelf
4/8/21	9:30	B	Forensic Technician	Vera Martinez
4/8/21	9:36	B	Evidence Disposition	Returned to Agency in person

Returned to Hartsville PD - Erica Norton

Item 1.1.2: One(1) sealed white paper bag containing Debris described as Hair from underwear

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

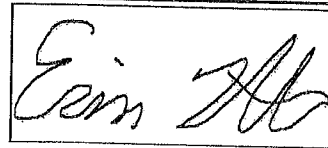


Chain Of Custody

L19-12155

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
7/30/19	11:15	B	Forensic Technician	Verona T. Herrera
8/6/19	11:10	B	Forensic Technician	Jackie M. Davis
8/6/19	11:10	B	Evidence Room (150)	DNA Intake Shelf 48
1/29/21	12:30	B	Forensic Technician	Vera Martinez
1/29/21	12:31	B	Forensic Technician	Kimberly Spainhour
2/4/21	9:04	B	Forensic Scientist	Donna M. Money
3/5/21	14:48	B	DNA Department	DNA Return
3/22/21	14:12	B	Forensic Technician	Julia M Begeman
3/23/21	13:38	B	Forensic Technician	Vera Martinez
3/23/21	14:03	B	Evidence Room (150)	Agency Return Shelf
4/8/21	9:30	B	Forensic Technician	Vera Martinez
4/8/21	9:36	B	Evidence Disposition	Returned to Agency in person
Returned to Hartsville PD - Erica Norton				

Item 1.1.2.1: One(1) sealed white paper bag containing Debris described as Hair

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
2/1/21	11:18	B	Forensic Technician	Kimberly Spainhour
2/3/21	14:20		Examiner Disposition	Consumed In Analysis

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L19-12155

Item 1.2: One(1) sealed white envelope containing Vaginal swab(s) described as Vaginal swabs

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
7/30/19	10:53		Forensic Technician	Verona T. Herrera
7/30/19	10:54	B	Forensic Technician	Verona T. Herrera
8/6/19	11:10	B	Forensic Technician	Jackie M. Davis
8/6/19	11:10	B	Evidence Room (150)	DNA Intake Shelf 48
1/29/21	12:30	B	Forensic Technician	Vera Martinez
1/29/21	12:31	B	Forensic Technician	Kimberly Spainhour
2/4/21	9:04	B	Forensic Scientist	Donna M. Money
3/5/21	14:48	B	DNA Department	DNA Return
3/22/21	14:12	B	Forensic Technician	Julia M Begeman
3/23/21	13:38	B	Forensic Technician	Vera Martinez
3/23/21	14:03	B	Evidence Room (150)	Agency Return Shelf
4/8/21	9:30	B	Forensic Technician	Vera Martinez
4/8/21	9:36	B	Evidence Disposition	Returned to Agency in person

Returned to Hartsville PD - Erica Norton

Item 1.3: One(1) sealed white envelope containing Rectal swab(s) described as Rectal swabs

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
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SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L19-12155

7/30/19	10:53		Forensic Technician	Verona T. Herrera
7/30/19	10:54	B	Forensic Technician	Verona T. Herrera
8/6/19	11:10	B	Forensic Technician	Jackie M. Davis
8/6/19	11:10	B	Evidence Room (150)	DNA Intake Shelf 48
1/29/21	12:30	B	Forensic Technician	Vera Martinez
1/29/21	12:31	B	Forensic Technician	Kimberly Spainhour
2/4/21	9:04	B	Forensic Scientist	Donna M. Money
3/5/21	14:48	B	DNA Department	DNA Return
3/22/21	14:12	B	Forensic Technician	Julia M Begeman
3/23/21	13:38	B	Forensic Technician	Vera Martinez
3/23/21	14:03	B	Evidence Room (150)	Agency Return Shelf
4/8/21	9:30	B	Forensic Technician	Vera Martinez
4/8/21	9:36	B	Evidence Disposition	Returned to Agency in person
Returned to Hartsville PD - Erica Norton				

Item 1.4: One(1) sealed envelope containing Suspected Body Fluid described as Suspected body fluid swabs - anal folds

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
7/30/19	10:53		Forensic Technician	Verona T. Herrera
7/30/19	10:54	B	Forensic Technician	Verona T. Herrera

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L19-12155

8/6/19	11:10	B	Forensic Technician	Jackie M. Davis
8/6/19	11:10	B	Evidence Room (150)	DNA Intake Shelf 48
1/29/21	12:30	B	Forensic Technician	Vera Martinez
1/29/21	12:31	B	Forensic Technician	Kimberly Spainhour
2/4/21	9:04	B	Forensic Scientist	Donna M. Money
3/5/21	14:48	B	DNA Department	DNA Return
3/22/21	14:12	B	Forensic Technician	Julia M Begeman
3/23/21	13:38	B	Forensic Technician	Vera Martinez
3/23/21	14:03	B	Evidence Room (150)	Agency Return Shelf
4/8/21	9:30	B	Forensic Technician	Vera Martinez
4/8/21	9:36	B	Evidence Disposition	Returned to Agency in person
Returned to Hartsville PD - Erica Norton				

Item 1:5: One(1) sealed envelope containing Suspected Saliva described as Suspected saliva swabs - left ear

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
7/30/19	10:54		Forensic Technician	Verona T. Herrera
7/30/19	10:54	B	Forensic Technician	Verona T. Herrera
8/6/19	11:10	B	Forensic Technician	Jackie M. Davis
8/6/19	11:10	B	Evidence Room (150)	DNA Intake Shelf 48

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L19-12155

1/29/21	12:30	B	Forensic Technician	Vera Martinez
1/29/21	12:31	B	Forensic Technician	Kimberly Spainhour
2/4/21	9:04	B	Forensic Scientist	Donna M. Money
3/5/21	14:48	B	DNA Department	DNA Return
3/22/21	14:12	B	Forensic Technician	Julia M Begeman
3/23/21	13:38	B	Forensic Technician	Vera Martinez
3/23/21	14:03	B	Evidence Room (150)	Agency Return Shelf
4/8/21	9:30	B	Forensic Technician	Vera Martinez
4/8/21	9:36	B	Evidence Disposition	Returned to Agency in person
Returned to Hartsville PD - Erica Norton				

Item 1.6: One(1) sealed white paper bag containing Pubic hair combings described as Pubic hair combings

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
7/30/19	10:54		Forensic Technician	Verona T. Herrera
7/30/19	10:54	B	Forensic Technician	Verona T. Herrera
8/6/19	11:10	B	Forensic Technician	Jackie M. Davis
8/6/19	11:10	B	Evidence Room (150)	DNA Intake Shelf 48
1/29/21	12:30	B	Forensic Technician	Vera Martinez
1/29/21	12:31	B	Forensic Technician	Kimberly Spainhour

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L19-12155

2/4/21	9:04	B	Forensic Scientist	Donna M. Money
3/5/21	14:48	B	DNA Department	DNA Return
3/22/21	14:12	B	Forensic Technician	Julia M Begeman
3/23/21	13:38	B	Forensic Technician	Vera Martinez
3/23/21	14:03	B	Evidence Room (150)	Agency Return Shelf
4/8/21	9:30	B	Forensic Technician	Vera Martinez
4/8/21	9:36	B	Evidence Disposition	Returned to Agency in person
Returned to Hartsville PD - Erica Norton				

Erica Norton

Item 1.6.1: One(1) sealed white paper bag containing Pubic hair combings described as Hair

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
2/1/21	11:18	B	Forensic Technician	Kimberly Spainhour
2/4/21	9:04	B	Forensic Scientist	Donna M. Money
3/5/21	14:48	B	DNA Department	DNA Return
3/22/21	14:12	B	Forensic Technician	Julia M Begeman
3/23/21	13:38	B	Forensic Technician	Vera Martinez
3/23/21	14:03	B	Evidence Room (150)	Agency Return Shelf
4/8/21	9:30	B	Forensic Technician	Vera Martinez

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L19-12155

4/8/21 9:36 B Evidence Disposition Returned to Agency in person

Returned to Hartsville PD - Erica Norton

Item 1.7: One(1) sealed envelope containing Victim Buccal Swabs described as Victim buccal swabs

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
7/30/19	10:54		Forensic Technician	Verona T. Herrera
7/30/19	10:54	B	Forensic Technician	Verona T. Herrera
8/6/19	11:10	B	Forensic Technician	Jackie M. Davis
8/6/19	11:10	B	Evidence Room (150)	DNA Intake Shelf 48
1/29/21	12:30	B	Forensic Technician	Vera Martinez
1/29/21	12:31	B	Forensic Technician	Kimberly Spainhour
2/4/21	9:04	B	Forensic Scientist	Donna M. Money
3/5/21	14:48	B	DNA Department	DNA Return
3/22/21	14:12	B	Forensic Technician	Julia M Begeman
3/23/21	13:38	B	Forensic Technician	Vera Martinez
3/23/21	14:03	B	Evidence Room (150)	Agency Return Shelf
4/8/21	9:30	B	Forensic Technician	Vera Martinez
4/8/21	9:36	B	Evidence Disposition	Returned to Agency in person

Returned to Hartsville PD - Erica Norton

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L19-12155

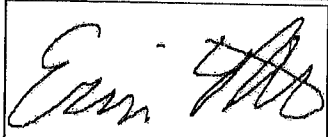
Item 2: One(1) sealed box containing Panties described as pink/green bikini bottoms with possible blood stain

Submissions

Submitted by

Erica Norton of the Hartsville Police Department into Evidence Submission Lockers.

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
7/9/19	16:17	A	Forensic Technician	Charlotte Pitts
7/9/19	16:30	A	Evidence Room (150)	Large Evidence Processing Intake Shelf 3
2/5/21	15:44	A	Forensic Technician	Bailey A. Haynes
2/5/21	15:45	A	Evidence Room (150)	Large Evidence Return Area
2/23/21	10:52	A	Forensic Technician	Bailey A. Haynes
2/23/21	10:55	A	Evidence Disposition	Returned to Agency in person
Erica Norton - Hartsville PD				

Item 3: One(1) sealed box containing Bed linens described as blue patterned comforter/bedding

Submissions

Submitted by

Erica Norton of the Hartsville Police Department into Evidence Submission Lockers.

Item Chain of Custody

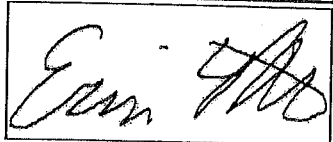
Date	Time	Container	Custody Of	Location / Person
7/9/19	16:17	A	Forensic Technician	Charlotte Pitts

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L19-12155

7/9/19	16:30	A	Evidence Room (150)	Large Evidence Processing Intake Shelf 3
2/5/21	15:44	A	Forensic Technician	Bailey A. Haynes
2/5/21	15:45	A	Evidence Room (150)	Large Evidence Return Area
2/23/21	10:52	A	Forensic Technician	Bailey A. Haynes
2/23/21	10:55	A	Evidence Disposition	Returned to Agency in person
Erica Norton - Hartsville PD				

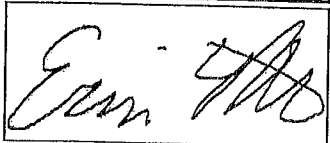
Item 4: One(1) sealed box containing Bed linens described as floral and striped pillow case

Submissions

Submitted by

Erica Norton of the Hartsville Police Department into Evidence Submission Lockers.

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
7/9/19	16:17	A	Forensic Technician	Charlotte Pitts
7/9/19	16:30	A	Evidence Room (150)	Large Evidence Processing Intake Shelf 3
2/5/21	15:44	A	Forensic Technician	Bailey A. Haynes
2/5/21	15:45	A	Evidence Room (150)	Large Evidence Return Area
2/23/21	10:52	A	Forensic Technician	Bailey A. Haynes
2/23/21	10:55	A	Evidence Disposition	Returned to Agency in person
Erica Norton - Hartsville PD				

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L19-12155

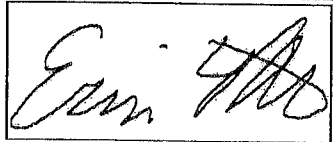
Item 5: One(1) sealed box containing Clothing described as white t-shirt

Submissions

Submitted by

Erica Norton of the Hartsville Police Department into Evidence Submission
Lockers.

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
7/9/19	16:17	A	Forensic Technician	Charlotte Pitts
7/9/19	16:30	A	Evidence Room (150)	Large Evidence Processing Intake Shelf 3
2/5/21	15:44	A	Forensic Technician	Bailey A. Haynes
2/5/21	15:45	A	Evidence Room (150)	Large Evidence Return Area
2/23/21	10:52	A	Forensic Technician	Bailey A. Haynes
2/23/21	10:55	A	Evidence Disposition	Returned to Agency in person
Erica Norton - Hartsville PD				

Item 6: One(1) sealed box containing Bed linens described as white with tan flower design sheet with blood and fluid stains

Submissions

Submitted by

Erica Norton of the Hartsville Police Department into Evidence Submission
Lockers.

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
7/9/19	16:17	A	Forensic Technician	Charlotte Pitts

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L19-12155

7/9/19	16:30	A	Evidence Room (150)	Large Evidence Processing Intake Shelf 3
2/5/21	15:44	A	Forensic Technician	Bailey A. Haynes
2/5/21	15:45	A	Evidence Room (150)	Large Evidence Return Area
2/23/21	10:52	A	Forensic Technician	Bailey A. Haynes
2/23/21	10:55	A	Evidence Disposition	Returned to Agency in person
Erica Norton - Hartsville PD				

Item 7: One(1) sealed envelope containing Buccal swab described as two buccal swabs from Michaelis Ramsey

Submissions

Submitted by

Erica Norton of the Hartsville Police Department into Evidence Submission Lockers.

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
9/19/19	12:49		Forensic Technician	Jackie M. Davis
9/19/19	15:47		Evidence Room (150)	DNA Intake Shelf 74
1/29/21	12:30		Forensic Technician	Vera Martinez
1/29/21	12:31		Forensic Technician	Kimberly Spainhour
2/4/21	9:04		Forensic Scientist	Donna M. Money
2/8/21	13:48		DNA Department	DNA Return
2/10/21	15:16		Forensic Technician	Julia M Begeman

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L19-12155

2/11/21	10:24	Forensic Technician	Olivia Cartwright
2/11/21	10:36	Evidence Room (150)	Agency Return Shelf
2/23/21	10:52	Forensic Technician	Bailey A. Haynes
2/23/21	10:55	Evidence Disposition	Returned to Agency in person
Erica Norton - Hartsville PD			

Item 8: One(1) sealed heat sealed pouch containing DNA Extracts described as SLED extracts for items 1.1.1, 1.1.2.1, 1.2, 1.3, 1.4, 1.5, and 1.6.1

Submissions

Submitted by

Erica Norton of the Hartsville Police Department into Evidence Submission Lockers.

Item Chain of Custody

Date.	Time	Container	Custody Of	Location / Person
3/5/21	14:42		Forensic Scientist	Donna M. Money
3/5/21	14:42	B	Forensic Scientist	Donna M. Money
3/5/21	14:48	B	DNA Department	DNA Return
3/22/21	14:12	B	Forensic Technician	Julia M Begeman
3/23/21	13:38	B	Forensic Technician	Vera Martinez
3/23/21	14:03	B	Evidence Room (150)	Agency Return Shelf
4/8/21	9:30	B	Forensic Technician	Vera Martinez

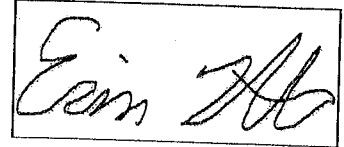
SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L19-12155

4/8/21	9:36	B	Evidence Disposition	Returned to Agency in person
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Returned to Hartsville PD - Erica Norton

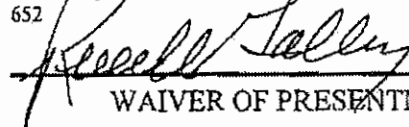
WITNESSES

Michael A Weatherford

Hartsville Police Dept

Law Enforcement Case # 2019-05-290

652



WAIVER OF PRESENTMENT

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

Defendant

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

Defendant

ARREST WARRANT NUMBER
2019A1620200400

ARRESTED ON: 2019-05-29

ACTION OF GRAND JURY

TRUE BILL

Grand Jury Foreperson

Date

AUG 9 2019

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:

2019-GS-16-1010

The State of South Carolina

County of Darlington

COURT OF GENERAL SESSIONS

Term:

August 2019

THE STATE

vs.

Michaelis Schuyler Ramsey

INDICTMENT FOR

Sex / Criminal sexual conduct with minor -
victim 11 to 14 yrs of age inclusive - Second
deg.

§16-03-0655(B)(1)

CDR Code: 0396

TRUE CERTIFIED COPY, 


CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF DARLINGTON)

Sex / Criminal sexual conduct with minor - victim 11
to 14 yrs of age inclusive - Second deg.

§16-03-0655(B)(1)

At a Court of General Sessions, convened on August 1, 2019, the Grand Jurors of Darlington County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR
SECOND DEGREE

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

That Michaelis Schuyler Ramsey did in Darlington County, State of South Carolina, on or about May 26, 2019, willfully and unlawfully commit the crime of Criminal Sexual Conduct with a Minor in the Second Degree by engaging in sexual battery with a minor who was at least fourteen (14) years or less but who was at least eleven (11) years of age, to wit: **Minor** whose is 13 year old, in violation of Section 16-3-655(B)(1) [formerly Section 16-3-655(2)], S. C. Code of Laws, 1976, as amended.

TRUE CERTIFIED COPY, 

Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

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

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

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF DARLINGTON
STATE VS.Michaelis Schuyler Ramsey

AKA:

Race: Black Sex: M Age: 34DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED] Ave.City, State, Zip: Hartsville, SC 29550DL#: [REDACTED] SID#: [REDACTED]*CDL ☐ CMV ☐ Hazmat ☐

In disposition of the said indictment comes now the Defendant who was

TO: Criminal Sexual Conduct with minor 2nd degree ☒ CONVICTED OF or ☐ PLEADSin violation of § 16-3-655 of the S.C. Code of Laws, bearing CDR Code # 0396☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC

w/minor 1st or Lewd Act)

☐ §17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST [Signature] 76652Bell, Glenn M.

SC Bar#

Defendant

Ganey, Rachel

Attorney for Defendant

SCB102248

SC Bar#

WHEREFORE, the Defendant is committed to the

for a determinate term of 18 days/months/years orand/or to pay a fine of \$ [REDACTED]; provided that upon the service of [REDACTED] days/months/years and/or paymentof \$ [REDACTED]; plus costs and assessments as applicable*; the balance is suspended with probation for [REDACTED]

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,

which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: [REDACTED]☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP [REDACTED]Total: \$ [REDACTED] plus 20% fee: \$ [REDACTED]Payment Terms: [REDACTED]☐ Set by SCDPPPS [REDACTED]Recipient: [REDACTED]*Fine: \$ [REDACTED]

§14-1-206 (Assessments 107.5 %)

§14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00§14-1-211(A)(2) (DUI Surcharge) \$100 \$ [REDACTED]§56-5-2995 (DUI Assessment) \$12 \$ [REDACTED]§56-1-286 (DUI Breath Test) \$25 \$ [REDACTED]Proviso (Public Def/Probation) \$500 \$ [REDACTED]§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00§14-1-213 (Drug Court Surcharge) \$150 \$ [REDACTED]§50-21-114(BUI Breath Test Fee) \$50 \$ [REDACTED]§56-5-2442(J) (Vehicle Assessment) \$40/ea \$ [REDACTED]3% to County (if paid in installments) \$ 3.75TOTAL \$ 128.75

Clerk of Court/Deputy Clerk

Court Reporter:

SCCA/217 (04/2018)

Presiding Judge

Judge Code:

Sentence Date:

[REDACTED] days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. [REDACTED]May serve W/E beginning [REDACTED]Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ [REDACTED] beginning [REDACTED]\$ [REDACTED] paid to Public Defender andOther: [REDACTED]

TRUE CERTIFIED COPY,

CLERK OF COURT/RMC
DARLINGTON COUNTY, SC☐ Appointed PD or appointed other counsel,
Proviso requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge

Judge Code:

Sentence Date:

27666/24/21

Apr 19 2022

SC Court of Appeals

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,



Victor R Seeger
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 19th day of April, 2022.