

**THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT**

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**Certiorari - PCR
APPEAL FROM BERKELEY COUNTY
Court of Common Pleas
Robert M. Young, Sr., Circuit Court Judge**

S.C. SUPREME COURT

Appellate Case № 2019-000119

Roger A. Williams, #303509 Petitioner,

vs.

The State Respondent.

**APPENDIX
VOLUME I**

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STATE OF SOUTH CAROLINA)	
)	COURT OF GENERAL SESSIONS
COUNTY OF BERKELEY)	
State of South Carolina,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 10-GS-08-1519
)	
Roger Williams,)	
)	
Defendant.)	

TRANSCRIPT OF JURY TRIAL

The within jury trial was held in above-captioned action on October 8 through October 11, 2012, before The Honorable R. Markley Dennis, Jr., in Courtroom E of the Berkeley County Court of General Sessions, 300 California Avenue, Moncks Corner, South Carolina; attended by Counsel, as follows:

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State of South Carolina v. Roger A. Williams
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9

1 DEFENDANT: Yes, sir.

2 THE COURT: Thank you so much, sir.

3 Appreciate that, sorry to interrupt your
4 reading.

5 (RECESS, WAITING FOR JURY)

6 THE COURT: Are we just going forward
7 on the one indictment?

8 SOLICITOR WILLIAMS: Yes, sir, the
9 unlawful conduct. They are just so similar that
10 we are just going forward on one.

11 THE COURT: Thank you.

12 (JURY PANEL IN @ 2:10 P.M.)

13 THE COURT: Good afternoon, Ladies
14 and Gentlemen. My name is Markley Dennis. I
15 am a circuit court judge. My home is here in
16 Berkeley. I have been assigned this week to
17 conduct a term of General Sessions court.
18 You've been selected to help us resolve a
19 dispute that we need yours and my participa-
20 tion.

21 We are going to pick a jury after we
22 qualify you. That will take a few minutes and
23 then we will select the jury. For most of you,
24 uh, I'd love to have all of you participate but
25 we will only need about fourteen of the group.

1 So for those of you who are maybe
2 thinking, 'well, I really don't want to do this
3 this week', you can only be forced to serve in
4 a circuit court once every three years, unless
5 you choose to do otherwise. Whether you are
6 actually selected or not, if you're available
7 to be selected, you will earn that exemption by
8 your presence here today. We will know, as I
9 said, before you leave here who will be
10 remaining. So it's a pretty good week to earn
11 that exemption, if you will, because most of
12 you will be leaving when we complete the
13 process.

14 I will, at the end of the qualifica-
15 tion, if any of you want to possibly talk to me
16 about postponing your service, I will certainly
17 discuss that with you. But it will be just
18 merely postponing it and I can't promise that
19 the next time you come that you will have
20 somewhat of a luxury in the sense that you have
21 already lost a day by having to come, as far as
22 I look at it. So that sacrifice has been made.
23 For most of you, you will earn the exemption,
24 so we will talk more about that.

25 I look forward to working with you. I

1 really will tell you that this is the courtroom
2 where I started my career in 1973. I just --
3 and I was fortunate enough and privileged
4 enough to have the pleasure of practicing law
5 for twenty-one years before I took this job.
6 I just thought I admired the jury system as a
7 lawyer. I've come to admire it even more the
8 last eighteen or nineteen years. The reason
9 for that, quite honestly, is sitting in this
10 room, the opportunity to work with folks like
11 you over the last -- almost nineteen years, all
12 over the state. It really makes me proud to be
13 a part of this country or this state, because
14 it's really something that separates us from
15 the rest of the world; that is, how we resolve
16 disputes by having you come.

17 I am sure that some of you came --
18 maybe some of you came really glad to come.
19 But some of you probably came thinking, 'Gosh,
20 is there something that I can do to get out of
21 it?' I understand those feelings. And I think
22 the bookends really form it, because we all
23 probably fit somewhere inbetween there. That's
24 the beauty of the system, as far as I am
25 concerned. We can talk more about that a

1 little bit later.

2 The first thing you have to do --
3 you've gone through and you've appeared,
4 and Mrs. Tucker and Ms. Hill, have gotten
5 information -- but you're (clerk) going to
6 call the roll and get certain information now?

7 CLERK, OLLIE TUCKER: Yes, sir.

8 THE COURT: And when she has
9 finished that, then I will be back to speak
10 with you. But I know that I speak for,
11 certainly, Mrs. Brown, our Clerk of Court.
12 Thank you for coming, I thank you for your
13 participation in the process, and I will talk
14 with you more in just a moment.

15 Mrs. Tucker, I'll turn it over to you
16 now to call the roll. Thank you.

17 (ROLL CALL)

18 THE COURT: Thank you, Ms. Tucker.
19 Ladies and Gentlemen, there are a number of
20 questions that I have to ask you now to qualify
21 you. But before I ask them, I need to
22 ascertain whether each of you do solemnly swear
23 or affirm that your responses to my questions
24 will be the truth. If they will, please
25 indicate by saying, 'I will.'

1 (AFFIRMATIVE RESPONSES)

2 THE COURT: Is there any member of
3 the panel unable to make that commitment for
4 any reason, please stand. (No response).
5 Thank you very much.

6 Before we do the qualifications, there
7 still remain a few exemptions. In '73 one of
8 the differences, a lot of you wouldn't have
9 been here in 1973 because you were exempted
10 from jury service. Over the years the
11 exemptions have dwindled. And, frankly, --
12 not that I think the juries were bad in the
13 '70s, -- I just think today that they are more
14 representative of what was intended. It was
15 intended that our jury system be a cross
16 section of our communities. That's what you
17 are you, you heard it as well as I did.

18 You didn't have to announce -- and we
19 have gotten away from that because now we're
20 getting computerized, and that's wonderful. I
21 know some people with I.T. -- I am somewhat
22 computer literate, enough to turn it on and
23 function, but that's about the extent of it.
24 But it helps us a lot. One of the things that
25 we don't have to do is announce our ages

1 anymore, but I have your age and there was a
2 cross section of ages here.

3 There are -- the first exemption deals
4 with that and there is one of you that has
5 graduated in that department. I'm about to
6 enter it in a couple of months. I used to
7 think -- back in '73, I thought that was old,
8 but it's not. I've found out that it just
9 means that you've been blessed and fortunate
10 enough to be on the earth a little bit longer
11 than others, and there's a benefit to that. If
12 you've reached your 65th birthday you've earned
13 an exemption if you wish to claim it. There
14 are some that were getting close but only one
15 that I noticed -- because I have your ages on
16 the sheets, not by what I saw from anybody.
17 None of you look that old. But if that person
18 wishes to claim that exemption, please stand.
19 (No response). Thank you, I look forward to
20 working with you. I appreciate your willing-
21 ness to participate. I have often said -- I
22 think -- I understand the reason for the
23 exemption but I am glad that you choose.
24 Because the one thing -- when I was younger, I
25 thought that it was to just be wise but I've

1 finally realized that wisdom comes from living,
2 comes from experience. That's how we become
3 wiser, I think. So when we excuse sixty-five
4 year olds who claim it, I am not sure we're
5 doing ourselves a service. But it is yours.
6 I appreciate your willingness to participate.

7 The next one, I didn't hear any of
8 these but if there are any members of the panel
9 that are employees or officers with the
10 Department of Corrections, you have an
11 exemption. Are there any? (No response).
12 Thank you. There are none.

13 Are there any members of the jury
14 panel that have the care, custody and control
15 of a child or children under the age of seven
16 years and you either do not work outside the
17 home or your working arrangements are such that
18 you basically alternate with being a caregiver,
19 so that one of you is present with the children
20 at all times. If serving on the jury would
21 conflict with your responsibilities in that
22 area, if you wish to claim that exemption,
23 please stand. Yes, sir?

24 JUROR NUMBER 70: Yes, sir, I am a
25 Charleston firefighter and my wife is a police

1 officer. We both shift work, our daughter is
2 five.

3 THE COURT: And you alternate being
4 there?

5 JUROR NUMBER 70: Yes, sir.

6 THE COURT: Your name and number,
7 sir?

8 JUROR NUMBER 70: Number 70, Albert
9 Graziani.

10 THE COURT: You are excused, sir.
11 Thank you, sir.

12 (JUROR NUMBER 70 EXCUSED)

13 THE COURT: Are there any others?
14 (No response). Thank you, there appear to be
15 none.

16 Are there any members of the jury
17 panel who have the responsibility of a person
18 of any age who because of some physical or
19 mental condition requires constant care and you
20 are the caregiver, and you need to claim the
21 exemption. If so, please stand. (No
22 response). Thank you, there appears to be
23 none.

24 I heard a couple of these. If you are
25 a student, teacher or necessary employee with

1 an institution of learning, that would be K
2 through 12, and institutions of higher
3 learning, including technical colleges, and
4 your duties or responsibilities as a student or
5 teacher or necessary employee would conflict
6 with serving on the jury, and you need to claim
7 the exemption, please stand. Yes?

8 JUROR NUMBER I am a full-time
9 student?

10 THE COURT: Where are you a student?

11 JUROR NUMBER Trident Tech.

12 THE COURT: And you don't want to
13 have a nice departure from school for a week?

14 JUROR NUMBER No.

15 THE COURT: Good luck to you, sir.
16 You name and number, sir?

17 JUROR NUMBER 30: Mave Jefferson
18 Cayabyab, Number 30.

19 THE COURT: You are free to leave.
20 Good luck in your academic pursuit.

21 (JUROR NUMBER 30 EXCUSED)

22 THE COURT: Are there others? (No
23 response). Thank you, there appear to be none.

24 The next one I've mentioned, that all
25 of you who remain will earn an exemption for

1 three years. So if any member of the jury
2 panel has served in a circuit court in the
3 last three years and you wish to claim the
4 exemption, please stand. If you served on
5 a magistrate jury, municipal court jury or
6 federal jury, you gained some valuable
7 experience but you didn't earn an exemption.
8 Does that apply to any juror? (No response).
9 Thank you, there appear to be none.

10 The next one originated in this state,
11 I can't speak for other states, primarily
12 because of the agricultural involvement in this
13 state but it has expanded now to incorporate
14 other situations. If you are your business --
15 obviously in an agricultural situation it
16 applies specifically to you. But if you are
17 your business -- in other words, if you are
18 here, your business can't function. You have
19 to close the door. If that applies to any
20 juror and you need to claim that exemption,
21 please stand.

22 JUROR NUMBER 108: There is me and
23 one person is a partner. He catches every-
24 thing, I sell it.

25 THE COURT: I understand that but

1 he's a partner, that's the kicker.

2 JUROR NUMBER 108: The problem is,
3 he's on the water all day.

4 THE COURT: Sir, I will be happy to
5 talk with you about postponing it, but that
6 doesn't meet that exemption, in my opinion.

7 COURT REPORTER: His name and
8 number, Your Honor?

9 THE COURT: Your name and number,
10 please?

11 JUROR NUMBER 108: 108, David
12 Lawler.

13 THE COURT: Yes, sir.

14 JUROR NUMBER 58: Insurance agent.

15 THE COURT: You have no one?

16 JUROR NUMBER 58: No, I have no
17 employees.

18 THE COURT: You're it?

19 JUROR NUMBER 58: Yes, sir.

20 THE COURT: Your name and number?

21 JUROR NUMBER 58: Lyndsey Follis.

22 THE COURT: You wish to claim the
23 exemption?

24 JUROR NUMBER 58: Yeah.

25 THE COURT: You are free to leave.

1 (JUROR NUMBER 58 EXCUSED)

2 THE COURT: Are there others? (No
3 response). Thank you, there appear to be none.
4 I will be happy to talk with you about it
5 later.

6 JUROR NUMBER 108: Yes, sir.

7 THE COURT: The next one, Ladies and
8 Gentlemen, unlike the previous ones, if any of
9 these apply to you, it is imperative that you
10 share the response because these deal with your
11 qualifications to serve and they are not an
12 option, so to speak, as the exemptions were.

13 The first one, I have a fairly good
14 idea that you all have these but I have ask
15 that because the law requires me to. These are
16 not questions that I sat and wrote down. These
17 are statutory, provided by our legislature as
18 to who is qualified and who is not.

19 But if any member of the jury panel
20 does not have a Highway Department
21 identification card, or a voter's registration
22 certificate, or a driver's license -- you don't
23 have to have all three of them, you don't have
24 to have it with you today. If that applies to
25 any juror, please stand. (No response). I

1 didn't think that it would because that's how
2 we got your name to send you the invitation.
3 The fact that you are here, I kinda had an idea
4 that you had one.

5 The next one, I didn't notice any of
6 these, but are there any members of the jury
7 panel that have not reached their eighteenth
8 birthday? If so, please stand. (No response).
9 Thank you, there are none. Oh, -- excuse me?
10 Let me digress a minute and say that some
11 judges don't sit when the jury roll call is
12 done. I wouldn't miss it for anything in the
13 world. Invariably somebody will say something
14 that is just priceless. I love it. It just
15 really does -- it helps me. I hope that it
16 helps everybody else, too. Because, you know,
17 it's serious enough and there's time for that.
18 We will certainly do that but, Lord, let's
19 don't forget our sense of humor in how to deal
20 with each other. I just want to thank you all
21 for that. By the way, you just sort of set the
22 mood. Thank you so much.

23 Are there any members of the jury
24 panel that are clerks of court, deputy clerks
25 of court, constables, sheriffs, probate judges,

1 county commissioners or any person employed
2 within the walls of any courthouse? If so,
3 please stand. Thank you, there appear to be
4 none.

5 Are there any members of the jury
6 panel that hold a law enforcement commission --
7 that could be with or without pay. In other
8 words, you are empowered to arrest someone
9 generally. If so, please stand.

10 JUROR NUMBER 126: Does that consider
11 a security guard as ---

12 THE COURT: No, I know you were
13 thinking about that. I understand that you
14 have arrest powers but it deals specifically
15 with the area that you have supervision over --
16 over which you have supervision.

17 JUROR NUMBER 126: Right.

18 THE COURT: Thank you, sir.
19 Appreciate your inquiry as to that as well.
20 There are none.

21 Are there any members of the jury
22 panel who are not now citizens of Berkeley
23 County? If so, please stand. Residents and
24 citizens of Berkeley County? (No response).
25 Thank you, there are none.

1 Are there any members of the jury
2 panel that are not citizens of the United
3 States? If so, please stand. (No response).
4 Thank you, there appear to be none.

5 The next questions, Ladies and
6 Gentlemen, I will give you an opportunity in
7 just a few moments to come forward and share
8 the response with the court and with my court
9 reporter. But it is important that you respond
10 if any of these apply to you:

11 If you have been convicted in a court
12 of record, state or federal court, of a crime
13 that carried punishment of more than one year.
14 You would not have actually had to receive the
15 sentence of more than a year, only the
16 potential for that, and you haven't had your
17 civil rights restored by pardon or amnesty, you
18 will not be able to serve. It does not matter
19 how long ago that may have occurred. If it has
20 occurred in your lifetime and you haven't taken
21 some affirmative step to have it removed, it
22 would prevent you from serving. So if you have
23 any questions about that, in just a moment come
24 forward and I will be happy to discuss that
25 with you.

1 Is there any member of the jury panel
2 who is unable to read, write, speak or under-
3 stand the English language? I need to talk
4 with you about that, as well, in just a moment.

5 If there are members of the jury panel
6 that have some mental or physical infirmity
7 that they believe would affect their ability
8 to be a juror, I will discuss that with you.

9 And if there are members of the panel
10 that do not have the equivalent of a sixth
11 grade education, I will need to talk with you
12 about that also.

13 Also, at this point, if there are
14 persons that need to postpone their jury
15 service because of some compelling personal or
16 business reason, I will be happy to talk with
17 you about that at this time.

18 If there are jurors now that need to
19 discuss matters with the court, if you will
20 form a line, we will take you one at a time.

21 BAILIFF: Number 9, Theodore
22 Bishop.

23 SIDEBAR:

24 THE COURT: Good morning, Mr.
25 Bishop.

1 JUROR NUMBER 9: It's my work. I am
2 employed by Charleston Pilots as a pilot boat
3 operator. I work a week and off a week, I go
4 back to work on the 10th, as you can see in my
5 letter. I am employed for a week and then
6 after that I will be attending class to upgrade
7 my license, for two weeks in Virginia.

8 THE COURT: All right. Mr. Smith
9 (sic) need to be transferred. When will be
10 a term when you will be finished with your
11 school?

12 JUROR NUMBER 9: Bishop.

13 THE COURT: Mr. Bishop. I'm sorry.

14 JUROR NUMBER 9: Going to be the end
15 of October, I think along about the 26th.

16 THE COURT: So after November?

17 JUROR NUMBER 9: Yes, sir.

18 (SIDEBAR CONCLUDED)

19 (JUROR NUMBER 9 TRANSFERRED)

20 THE COURT: Mr. Bishop will be
21 transferred to December 3rd.

22 JUROR NUMBER 9: So then do I come
23 back?

24 THE COURT: They will send you
25 another notice, Mr. Bishop. Thank you.

1 Number 9 is transferred.

2 BAILIFF: Number 108, David
3 Lawler.

4 SIDEBAR:

5 THE COURT: Yes, sir? Your
6 situation is?

7 JUROR NUMBER 108: Well, me and my
8 partner -- I am a commercial fisherman. I run
9 the store and he runs the pots. He is on the
10 water until like 2:00 or 3:00 in the afternoon.
11 I do all the selling on land.

12 THE COURT: So he doesn't work in
13 the store?

14 JUROR NUMBER 108: No, sir, he
15 catches everything, I sell everything. I do
16 all landside and he just does all the catching.

17 THE COURT: So you staff the store,
18 you alone?

19 JUROR NUMBER 108: Yes, sir. I
20 mean, he is doing it right now, today, due to
21 the situation, for one day, but we couldn't do
22 that for the whole week.

23 (SIDEBAR CONCLUDED)

24 THE COURT: All right. Number 108,
25 I am going to find that he meets the exemption.

1 He is the sole owner of the store. So you are
2 excused, sir.

3 JUROR NUMBER 108: Thank you.

4 (JUROR NUMBER 108 EXCUSED)

5 THE COURT: All right.

6 BAILIFF: Number 131, Annette

7 Murphy.

8 SIDEBAR:

9 THE COURT: Hi, Ms. Murphy. Come on
10 forward?

11 JUROR NUMBER 131: I don't know if
12 this ---

13 THE COURT: 131?

14 JUROR NUMBER 131: Yes. My
15 husband is retired and his retirement is almost
16 nothing. I am the sole employed person.

17 THE COURT: I understand.

18 JUROR NUMBER 131: It would be a
19 real financial hardship. I was wondering if I
20 could get it postponed.

21 THE COURT: Is this your first time
22 here?

23 JUROR NUMBER 131: No, I have served
24 before.

25 THE COURT: No, no. Have you been

1 transferred previously, this year?

2 JUROR NUMBER 131: No.

3 THE COURT: Are you sure you don't
4 want to go through the selection? Because if
5 you finish, you're done.

6 JUROR NUMBER 131: I know. If I
7 could get my car paid off, get it postponed and
8 my car paid off, it wouldn't matter if I missed
9 a week's work.

10 THE COURT: Okay.

11 (SIDEBAR CONCLUDED)

12 THE COURT: Number 131 will be
13 transferred probably to -- do you want to do
14 December 3rd?

15 CLERK: December 17th.

16 THE COURT: December 17th. That will
17 be your term now.

18 JUROR NUMBER 131: Yes, sir.

19 (JUROR NUMBER 131 TRANSFERRED)

20 BAILIFF: Number 80, Thomas
21 Harvey.

22 SIDEBAR:

23 THE COURT: Mr. Harvey, ---

24 JUROR NUMBER 80: How are you?

25 THE COURT: I'm well.

1 JUROR NUMBER 80: I'm looking for --
2 am involved in a new data center and if I could
3 delay it for, say, sixty days?

4 THE COURT: December 17th.

5 JUROR NUMBER 80: Thank you.

6 (SIDEBAR CONCLUDED)

7 THE COURT: Another one for the 17th
8 for business reasons. Number 80. Thank you,
9 sir. That will be your term. Thank you so
10 much.

11 (JUROR NUMBER 80 TRANSFERRED)

12 BAILIFF: Number 65, Andrew
13 Glover.

14 SIDEBAR:

15 THE COURT: Mr. Glover, how you are
16 you, sir?

17 JUROR NUMBER 65: Pretty good. How
18 are you?

19 THE COURT: Good.

20 JUROR NUMBER 65: I am a long
21 distance truck driver and I usually have my
22 loads booked like two months in advance.

23 THE COURT: Let me ask you a
24 question. Do you work for a company or are
25 you it?

1 JUROR NUMBER 65: I'm it.

2 THE COURT: And you own your truck?

3 JUROR NUMBER 65: Right.

4 THE COURT: So when you're not
5 working your truck isn't working?

6 JUROR NUMBER 65: Right.

7 THE COURT: Do you want to claim the
8 exemption? It's up to you. Because you fit
9 that exemption.

10 JUROR NUMBER 65: Okay, (affirmative
11 nod).

12 (SIDEBAR CONCLUDED)

13 THE COURT: Sixty-five (65) is the
14 sole owner of his truck, his truck is his
15 office and if he is not working his truck --
16 his business is shut down. You're excused,
17 sir. Thank you.

18 (JUROR NUMBER 65 EXCUSED)

19 BAILIFF: Number 123, Julie
20 Mendenhall.

21 SIDEBAR:

22 DEPUTY: (Indicated for Ms.
23 Mendenhall to leave purse on exhibit table).

24 THE COURT: It's just a formality.
25 I'm not the least bit threatened.

1 JUROR NUMBER 123: I am worried
2 about something because this weekend I am going
3 out of the country and I ---

4 THE COURT: We will be finished.

5 JUROR NUMBER 123: We'll be
6 finished? Friday?

7 THE COURT: Yes, ma'am. Are you
8 leaving Friday?

9 JUROR NUMBER 123: I am supposed
10 to be in Miami on Friday. Now, I was
11 transferred to this week. I was transferred
12 previously. The dates were mixed up in my head
13 and I bought it -- it's done. I don't mind
14 serving. I just came up because I am worried
15 about Friday.

16 THE COURT: I understand that, but I
17 can't promise you that you won't be working on
18 Friday.

19 JUROR NUMBER 123: Will I be done
20 on Friday?

21 THE COURT: You'll be done on
22 Friday.

23 JUROR NUMBER 123: I will take
24 that.

25 (SIDEBAR CONCLUDED)

1 THE COURT: Number 123 will remain.

2 BAILIFF: Number 48, John Dulude.

3 SIDEBAR:

4 THE COURT: How you doing?

5 JUROR NUMBER 48: Good. I have a
6 wedding coming ---

7 THE COURT: Come forward, please.

8 JUROR NUMBER 48: --- up on this
9 weekend. I am leaving Thursday for my younger
10 son's wedding.

11 THE COURT: All right, sir.

12 JUROR NUMBER 48: I would be happy to
13 serve ---

14 THE COURT: Is this your first? You
15 haven't been previously transferred, have you?

16 JUROR NUMBER 48: I have not.

17 THE COURT: Do you want to postpone
18 it?

19 JUROR NUMBER 48: That would --
20 please.

21 (SIDEBAR CONCLUDED)

22 THE COURT: Number 48, for personal
23 reasons, will be transferred. Do you want to
24 have him on the 17th?

25 CLERK: Yes, sir.

1 THE COURT: That will be a good
2 term, too. December 17th will probably fall
3 apart. Good luck. Have a good trip.

4 (JUROR NUMBER 48 TRANSFERRED)

5 BAILIFF: 149, Lori Roebuck.

6 SIDEBAR:

7 THE COURT: Hi, Ms. Roebuck. Come
8 on forward.

9 JUROR NUMBER 149: This is all new
10 to me, but I have a trip, leaving Sunday, ---

11 THE COURT: Leaving Sunday?

12 JUROR NUMBER 149: Yeah.

13 THE COURT: You will be done.

14 JUROR NUMBER 149: Thank you.

15 (SIDEBAR CONCLUDED)

16 THE COURT: Number 149 will remain.

17 BAILIFF: 122, Arline Meehan.

18 SIDEBAR:

19 JUROR NUMBER 122: I have a
20 hearing loss in both ears.

21 THE COURT: Can you hear me now?

22 JUROR NUMBER 122: (Affirmative
23 nod).

24 THE COURT: There are speakers here
25 in the box, the witness will be sitting there.

1 If necessary, we can seat you right there --
2 if you think that will work.

3 JUROR NUMBER 122: Okay.

4 THE COURT: Do you have any headsets
5 for persons who have hearing impairment? I
6 know Deb (court reporter) has one, we've used
7 it before.

8 CLERK: Yes, sir, we do.

9 THE COURT: Okay. I am okay with
10 it, if you're okay with it.

11 JUROR NUMBER 122: I just wanted
12 to make sure.

13 THE COURT: Thank you. Your number
14 is 149?

15 COURT REPORTER: 122.

16 (SIDEBAR CONCLUDED)

17 THE COURT: Number 122 will remain.
18 Thank you.

19 BAILIFF: Number 44, John Deets.

20 SIDEBAR:

21 THE COURT: Yes, sir?

22 JUROR NUMBER 44: I have two state
23 jail felonies in the state of Texas, both over
24 a year.

25 THE COURT: And you have never --

1 have not done anything to remove them?

2 JUROR NUMBER 44: No, sir.

3 (SIDEBAR CONCLUDED)

4 THE COURT: Number 44 will be
5 excused for statutory reasons.

6 (JUROR NUMBER 44 EXCUSED)

7 THE COURT: Have a good day, sir.

8 BAILIFF: 126, Winston Miller.

9 SIDEBAR:

10 THE COURT: Mr. Miller, yes, sir?

11 JUROR NUMBER 126: My wife has
12 Parkinson and my granddaughter -- my daughter
13 is divorced and she's just moved back in with
14 us. She has a seven-year-old child. She has
15 to work, so we have to pick her up from school
16 in the afternoon. Plus, my wife, with her
17 medical condition, it's hard for her to drive
18 long distances. And I'm the only one working
19 in the building and she has no way of getting
20 around.

21 THE COURT: Are you there with her
22 all the time?

23 JUROR NUMBER 126: (Affirmative
24 nod), when I am not working.

25 THE COURT: So you work and she ---

1 JUROR NUMBER 126: Well, the
2 family, my daughter is there at night but,
3 uh, -- like my granddaughter, my daughter
4 works, ---

5 THE COURT: I understand that, but
6 if you're working then it doesn't qualify as an
7 exemption. I can postpone it so that you can
8 make arrangements but -- if that's what you
9 want to do?

10 JUROR NUMBER 126: Okay.

11 THE COURT: You want to postpone it?

12 JUROR NUMBER 126: Yes, sir.

13 THE COURT: You haven't been
14 previously transferred, have you?

15 JUROR NUMBER 126: No, sir. I've
16 served on -- not served but I was on a ---

17 THE COURT: I mean you haven't been
18 picked and said 'I want to postpone it'?

19 JUROR NUMBER 126: No.

20 (SIDEBAR CONCLUDED)

21 THE COURT: Number 126, for personal
22 reasons, needs to be transferred to December
23 17th. You will get another notice.

24 JUROR NUMBER 126: Thank you.

25 (JUROR NUMBER 126 TRANSFERRED)

1 BAILIFF: 112, Matthew Litchfield.

2 SIDEBAR:

3 JUROR NUMBER 112: How you been
4 doing, Judge?

5 THE COURT: I'm good, Mr. ---

6 JUROR NUMBER 112: My son was
7 convicted here about three years ago and I am
8 not sure how I would do on a jury.

9 THE COURT: I understand that, but
10 that doesn't disqualify you.

11 JUROR NUMBER 112: I don't mind
12 doing it, I just wanted to come and tell you.

13 THE COURT: You'll have a second
14 qualification and we will talk about that in a
15 minute. Thank you, sir.

16 (SIDEBAR CONCLUDED)

17 THE COURT: Number 112 will remain.

18 BAILIFF: 105, Wai Lau.

19 SIDEBAR:

20 THE COURT: Yes, sir, Mr. Lau.

21 JUROR NUMBER 105: I think I
22 missed it but I have a five-year-old and a
23 three-year-old and my wife and I change ---

24 THE COURT: You need to claim the
25 exception, is that correct?

1 JUROR NUMBER 105: Yes, sir.

2 THE COURT: You alternate being the
3 caregiver?

4 JUROR NUMBER 105: Yes.

5 THE COURT: You change so that one
6 of you is present at all times.

7 JUROR NUMBER 105: Yes.

8 (SIDEBAR CONCLUDED)

9 THE COURT: Number 105 has small
10 children, qualifies under the statute and is
11 claiming the exemption. You're excused. Good
12 luck, sir.

13 (JUROR NUMBER 105 EXCUSED)

14 BAILIFF: 127, Jennifer Montgomery.

15 SIDEBAR:

16 THE COURT: Hi, Ms. Montgomery.

17 JUROR NUMBER 127: Hi. More than
18 ten years ago I had some bad checks.

19 THE COURT: Okay. It does not
20 disqualify you. Thank you, Ms. McDonald (sic),
21 I appreciate it.

22 (SIDEBAR CONCLUDED)

23 THE COURT: Number 127 will remain.

24 (SIDEBAR WITH COUNSEL)

25 THE COURT: Juror Number 158, Mr.

1 Stallworth. 158? (No response). He's not
2 here. I didn't think so. Was Juror 171
3 present?

4 CLERK: No.

5 THE COURT: All right. Are there
6 any others? (No response).

7 Thank you very much, Ladies and
8 Gentlemen. I find that you're qualified to
9 serve this week and it is an honor and a
10 distinct privilege to do that.

11 I told you when we started that this
12 entire process makes me proud to be a part of
13 this state. That's not just words. I can
14 honestly tell you, it will be nineteen years in
15 March next year, that there is not a time when
16 I'm had the assignment of working with a jury
17 that I haven't felt feeling good about what we
18 do, and this process.

19 Please hear me. I know that it is not
20 perfect. I understand that. I don't think
21 that man devises anything that is perfect.
22 If I am fortunate enough to live another sixty-
23 five years, I don't think that I will find that
24 in anything. But is this system better, the
25 best? It beats the second hands down.

1 Unquestionable. Is there something better?

2 Maybe, but we haven't come up with it.

3 And the reason that I believe that it
4 is as good as it is, is because of you. I'd
5 love to think that it was something that we do
6 or something that I did as a lawyer, but in
7 reality that's part of it but it really a
8 credit to you.

9 Listen, you've already said something
10 about yourselves. You don't realize it, maybe.
11 What stopped you from standing and saying, 'I
12 have small children?' None of you here said
13 that. Why? Because it wasn't true. But you
14 didn't hear me ask, when the person said, 'I
15 have small children', "prove it." I didn't do
16 that. Why? Because they took the same oath
17 that you took. That says something about you.

18 I am sure if I asked you to raise a
19 hand how many people are really excited about
20 being here, maybe there are a couple who are.
21 But most of you probably wouldn't.

22 I'm sure that when you get your check
23 you are going to think "what a sacrifice." I
24 say that right off the bat. There is no
25 question about the fact that it is. But you

1 know what? That's what it is supposed to be.

2 I shared with you a story, and I share
3 this frequently, some of these folks have heard
4 it but I think it's worthy of repeating. About
5 -- sometime last year I was holding court in
6 Charleston. I had the privilege of working
7 with a gentleman who was -- he used the
8 milestone, he was eighty-four years old. He,
9 as one individual has done, elected to remain
10 and he ended up serving on the jury. It took
11 about two and a half days.

12 When he was being qualified, they
13 called his name -- in Charleston -- and there
14 was no response. I said "call it a little
15 louder." They called it again, no response.
16 Called it a third time because he, just as you,
17 had checked in. All of a sudden I heard, "Come
18 on feet."

19 He had problems with his legs. Bless
20 his heart, he couldn't sit in the box. We gave
21 him a chair, sitting out. He sat there and he
22 participated on the jury. When they finished,
23 he just sat while everybody left, he didn't
24 want to hold anybody up. So when he was
25 leaving -- and this wasn't his name, but I

1 said, 'Mr. Smith, it was a true pleasure to
2 serve with you and I thank you for doing that.'
3 Do you know what he told me? Gave me cold
4 chills and still does, he said "You don't have
5 to thank me. There are men and women giving
6 their lives for you and me right now. This is
7 the least I can do for my country." I thought,
8 Wow, that says it all in a heartbeat, it really
9 does.

10 Thank you for being that type of
11 person, for making the commitment. I can
12 promise you one thing. There is nobody in the
13 world more qualified than you are to perform
14 the task that some of you will undertake in
15 this case. I can say that -- I don't know most
16 of you. I know some of you but I don't know
17 most of you, that I know of. And -- but I know
18 that I can say that without any hesitation
19 because all you're going to be asked to do is
20 to apply your commonsense, your sense of logic
21 and reason. Frankly, I don't believe that
22 there is anybody in the world who can do that
23 better than you can. So I know that you're
24 qualified.

25 And it's something that you do that we

1 do every day of our lives. Most of the time we
2 do it subconsciously. But all you're going to
3 do is that you're going to hear something, read
4 something or see something and decide whether
5 you believe it or not. Lord knows that during
6 this time in this country, during an election
7 year, we have to do that all the time. I think
8 just about every day we are hearing something
9 and saying, 'I'm not sure I believe that.' So
10 we're testing those things. You do that in
11 your workplace, you do that every single day.
12 That's exactly what you are going to do. So I
13 am confident that each one of you can perform
14 that task.

15 You are going to make a commitment --
16 and this goes back to something that I just
17 said, that you have already spoken volumes
18 about yourself. It really applies to you and
19 me. For, you see, we are working together as
20 judges. This system is beautiful. When you're
21 present, you take half of my responsibility
22 away. Thanks! I appreciate it.

23 Now, in a couple of weeks I'll be
24 doing nonjury. That means that no jury is
25 present, obviously. Then I -- I may be trying

1 some cases. Well, if I do, then I have to
2 perform the task of me being the judge of the
3 facts and the judge of the law. But when you
4 are present, I don't have anything to do with
5 the factual determination. That's yours. You
6 make that call.

7 You and I make the same commitment, if
8 you will. We promise that we are going to do
9 something. And I make this commitment every
10 time I qualify a jury. I promise you and I
11 promise the parties in this case, and the
12 attorneys working, I am going to be as fair as
13 I know how to be. I am going to apply my
14 common sense, my sense of logic and reason as
15 fairly as I possibly -- as humanly possible as
16 I perform my task to the best of my ability.

17 You have to make the same commitment,
18 that you are going to apply your common sense,
19 your sense of logic and reasoning fairly and
20 impartially in analyzing the evidence when you
21 are instructed to do so. And to make your
22 decision based solely on the evidence. The
23 evidence, Ladies and Gentlemen, consists solely
24 on the testimony of the witnesses and exhibits
25 introduced through that testimony, and nothing

1 else.

2 In a few moments we are going to
3 qualify you again about this case. This case
4 has been on the News. It was in the newspaper
5 this morning. One of things that you have to
6 be able to say is 'I am not going to be
7 influenced by anything that happens outside of
8 this courtroom. I am going to make a
9 commitment to this process and this case and to
10 the parties that brought this case before us,
11 that we are going to decide this case based on
12 the evidence and the evidence only.' You have
13 to be able to do that. If you can't, then you
14 need to say 'I can't do that. Would love to be
15 able to, but I can't do that.' Because that
16 would be -- that would be a violation of the
17 oath that you and I -- that you are going to
18 take and that I took. We have to base it on
19 what we are challenged to do. Mine has to be
20 based on the law, yours has to be based on the
21 facts. Then you apply the law. Because that's
22 what a jury verdict is. The persons who hear
23 the case analyze the evidence, decide what they
24 believe to be true and then they take the law
25 as I give it to them and apply that law fairly

1 and impartially to those facts. That is how a
2 decision is reached.

3 Now, I will tell you now and I promise
4 you -- and I think that this will probably be
5 true as long as I am able and fortunate enough
6 to hold this position, this job. We are not
7 going to please everybody with our decision.
8 Somebody is probably going to be displeased.
9 That, I understand. But one thing's for sure,
10 if we honor the commitment that we made, while
11 they may not be pleased with it, they cannot
12 argue with it. They have to accept it as being
13 what the system contemplated. That is simply
14 this: a fair, just and reasonable determination
15 based on the law and the evidence.

16 What more could anyone want of this
17 process that we've created in this country,
18 which works very, very well?

19 Now, you and I have a very important
20 responsibility. Sometimes I'd love to think
21 'boy, mine's really important.' You know how
22 we are as human beings? 'My job is the best.'
23 You may have that same feeling, that you're
24 pretty important to this process. You'd be
25 right. Maybe I am right, too.

1 But you know what? There are other
2 people that have something to do with this.
3 You met some earlier, Mrs. Tucker, Ms. Hill.
4 They represent Mrs. Brown. Mrs. Brown
5 obviously has a lot to do with this process.
6 She is running a Master's court, Family Court,
7 Circuit Court, running an office, many tasks.
8 So she depends on people like Ms. Hill and Mrs.
9 Tucker to help perform the tasks for her.

10 Some of these persons wearing these
11 lovely garnet coats -- where is Mr. Pontiff?
12 He's a Clemson fan. Your Tigers did well, Mr.
13 Pontiff, they really did. Not as well as
14 Carolina but -- Go Cocks! I love it when Mr.
15 Pontiff has to don that beautiful color, which
16 is just so nice, that overrides those paws on
17 his tie. But, anyhow, we have that running
18 joke. We have for years. Those persons that
19 you see in those coats are bailiffs. I call
20 them friends, figuratively and sincerely. You
21 will find them that way, too. They are your
22 liaison, if you will, between you and the
23 court. If you have any concerns or questions,
24 don't hesitate to ask them. I think that you
25 will find them to be extremely accommodating,

1 very helpful.

2 Also you will see persons around in
3 uniform. I would love to tell them all to go
4 on somewhere else, 'you're excused.' But we
5 know that is not possible, we have to
6 acknowledge that. I thank them for what they
7 do and for the security that they provide for
8 us to function in that secure environment. I
9 appreciate that. Very important.

10 The lady that some of you spoke with,
11 Ms. Garrison. I walked up to her -- she is
12 such a delight, I'm proud to be on her team.
13 We've been together for a while. I said, 'Did
14 I miss any questions?' Because sometimes I
15 will go up and she will say, 'you forgot to ask
16 this one.' It's just a great pleasure to have
17 that kind of person that I had can ask those
18 type of questions. She has the job of taking
19 down the record, and she has that
20 responsibility alone.

21 I can promise you one thing. One day
22 I hope to be a juror, when I no longer work
23 inside a courthouse. I hope and pray that I
24 can be. When I was a lawyer, lawyers were
25 excluded, as were doctors and nurses. But I

1 look forward it, and maybe one day I will have
2 that chance.

3 I'd love to be a bailiff but Mr.
4 Pontiff wouldn't hire me, probably.

5 But there is one job that I definitely
6 do not want and that is to be a court reporter.
7 But she does a marvelous job. A tremendous
8 job.

9 These persons sitting inside the rail,
10 they are not here because they don't have
11 anywhere else to go. They are here because
12 they have a matter that they need our
13 assistance in resolving. Some of them are
14 attorneys, they are officers of this court and
15 they have a very important responsibility in
16 this process to present the evidence and the
17 law in a fashion that will assist us in making
18 the decision that we are called upon to make.
19 Extremely important role.

20 Again, which one so far is most
21 important? There are others that we don't even
22 see that have a lot to do with the process.

23 You know, it occurred to me right off
24 the bat, it really did right off the bat,
25 because I thought, you know, if you want to see

1 this courtroom shut down -- you'll have an
2 alternate on yours. If one of you gets sick or
3 something happens, we can keep going if we move
4 the alternate. But if Ms. Garrison can't come,
5 it stops. There is nothing that we could do.
6 They could even do it without me sometimes if
7 the attorneys agree, do that and put it on the
8 record. It could technically be done. But not
9 her. So right now I would probably vote for
10 her, except for one thing. She'd tell me this,
11 she's said it a number of times, that while I
12 think she's a team leader that "we are a team."
13 It really is truly that, if you will.

14 I mean, if you were to chart this, the
15 management charts used in some places, that you
16 used to see, it would be a straight line. It's
17 like anything else that you and I have done in
18 our lives. If you've ever done something that
19 requires somebody else's assistance, I think
20 both of you were important to the process.

21 You know something else that living
22 almost sixty-five years now has taught me? I
23 used to think that I had some control and
24 influence on -- you and others. I've been
25 blessed now to reach this point in my life that

1 I know that's not so. The only person -- I can
2 only control one person, that's me. And I
3 don't do a good job with me sometimes. So I
4 know I can't control you. I understand that.
5 I just ask you to do something with me, that we
6 both -- we all make a commitment that we're
7 going to do the best that we can, be as fair as
8 we can be. If we do, folks, we will have a
9 good week and the end result will be that which
10 was contemplated by this beautiful process when
11 it was put in place.

12 So thank you so much. We are going to
13 now do the qualification. I am going to give
14 you about -- oh, let's take about five minutes
15 or so to stretch, then be back in place.

16 When you come back, the second
17 qualification will be a case-specific
18 qualification. Some of you have already
19 mentioned that there may be some issues that
20 you need to express. That's fine. I
21 understand that. Because these question,
22 unlike the previous questions, there really are
23 no correct answers. These are questions
24 designed to help you make a decision as to
25 whether or not you can be a fair judge with me.

1 If there is something that would cause you some
2 concern about your ability to do that, then you
3 need to stand and share that with the court.

4 We will give you that opportunity. So that's
5 the whole purpose of this second qualification.

6 I'll be telling you a little bit about
7 the dispute, telling you a little bit about who
8 may be appearing. I use as an example that if
9 you see somebody that you've known all your
10 life, y'all have taken trips together, your
11 families have grown together, you probably go
12 have supper at each other's home maybe twice a
13 month, you're probably not going to be able to
14 be fair in that situation. But on the other
15 hand, if you see somebody that you've known all
16 your life and you can't stand them today any
17 more than you could ten years ago, you probably
18 are not going to be fair and impartial to that
19 one either. So those are the extremes.
20 Somewhere inbetween you may find yourself.
21 Just be candid with yourself and respond to
22 those, and we will get our jury picked in short
23 order hopefully.

24 We are going to be at-ease now for
25 five minutes. If you will, be back in your

1 seats by 3:30. Thank you very much.

2 (BRIEF RECESS)

3 (DEFENDANT PRESENT)

4 BAILIFF: Your Honor, this
5 gentleman would like to speak with you.

6 JUROR NUMBER 160: Your Honor,
7 I think I ---

8 THE COURT: You want to claim the
9 exemption?

10 JUROR NUMBER Yes, sir. I don't
11 want to jeopardize anyone. I was falling
12 asleep back there.

13 THE COURT: That's all right, you
14 won't jeopardize -- you and I were born the
15 same year. You just -- mine is on December and
16 yours is in March, so you've crossed over. So
17 I will be happy to excuse you, sir. Thank you
18 so much for coming. Juror Number 160 is
19 excused.

20 (JUROR NUMBER 160 EXCUSED)

21 THE COURT: All right, Ladies and
22 Gentlemen, the case that we have this week in
23 which we need your assistance is a case
24 entitled the State of South Carolina versus
25 Roger A. Williams.

1 The State is making some claims
2 against Mr. Williams. And Mr. Williams is
3 therefore called the defendant. That term is
4 used as a term to designate a party against
5 whom a claim is made.

6 I am going to introduce Mr. Williams
7 to you. Mr. Williams is seated at the table to
8 my left. Good afternoon, Mr. Williams. If you
9 would, please stand and face the jury panel for
10 me, sir.

11 DEFENDANT: (Complies).

12 THE COURT: Thank you, sir. You may
13 take your seat. Mr. Roger A. Williams. Are
14 there any members of the jury panel related by
15 blood or marriage, have any business dealings
16 with, socially or casually acquainted, have any
17 connection with Mr. Williams? If so, please
18 stand. (No response). Thank you, there appear
19 to be none.

20 Mr. Williams is represented by Mr.
21 Falk. If you will, identify yourself and
22 anyone that will be assisting you, sir.

23 MR. FALK: I am James Falk.
24 Tiffany Bent from our office is my paralegal.
25 She will be helping me this afternoon and

1 through the rest of the trial. Bradford
2 Andrews is with my firm and he will be
3 assisting me.

4 THE COURT: Brad, what is your last
5 name?

6 MR. ANDREWS: Bradford Andrews,
7 Your Honor.

8 THE COURT: Thank you, sir. Thank
9 you, gentlemen. Are there any members of the
10 jury panel related by blood or marriage, have
11 any business dealings with, socially or
12 casually acquainted with, ever been represented
13 by Mr. Falk, Mr. Andrews or their law firm? If
14 so, please stand. Thank you. There appear to
15 be none.

16 Are there any members of the jury
17 panel related by blood or marriage, have any
18 business dealings with, socially or casually
19 acquainted with our Solicitor, Scarlett Wilson,
20 who is the chief prosecuting officer for the
21 Ninth Judicial Circuit? If so, please stand.
22 Yes, sir?

23 JUROR NUMBER 15: My wife's sister
24 works downstairs for the Solicitor's office.

25 THE COURT: Your wife's sister.

1 JUROR NUMBER 15: Yes, sir.

2 THE COURT: Would that influence or
3 affect you in this matter?

4 JUROR NUMBER 15: I don't feel that
5 it would.

6 THE COURT: Well, can you make a
7 commitment to both the State and to Mr.
8 Williams that it would not?

9 JUROR NUMBER 15: Yes, sir.

10 THE COURT: And you will base your
11 decision on the evidence and the law and the
12 decision will be fair to both sides?

13 JUROR NUMBER 15: Yes, sir.

14 THE COURT: Your name and number
15 again?

16 JUROR NUMBER 15: Juror 15, William
17 Brandt.

18 THE COURT: Thank you, Mr. Brandt,
19 you may be seated. Are there others? Thank
20 you, there appear to be none.

21 Ms. Wilson has a number of assistants
22 that help her perform the task as chief
23 prosecuting officer. One of those is Ms.
24 Williams. If you will, identify yourself
25 and anyone that will be assisting you.

1 SOLICITOR WILLIAMS: Thank you, Your
2 Honor. My name is Ann Williams. I work for
3 the Ninth Circuit Solicitor's Office here in
4 Berkeley County. I am trying this case with
5 Debi Herring-Lash. She works in our Charleston
6 office for the Ninth Circuit. Also assisting
7 us is Mason West. He is a law clerk here in
8 the Berkeley office.

9 THE COURT: Are there any members of
10 the jury panel related by blood or marriage,
11 have any business dealings with, socially or
12 casually acquainted with, ever been represented
13 by Ms. Williams, Ms. Herring-Lash or Mr. West?
14 If so, please stand. Yes?

15 JUROR NUMBER 187: I believe that Mr.
16 West uses the veterinary clinic that I work at.
17 I don't feel that that would affect me at all.

18 THE COURT: Would that influence you
19 in any way?

20 JUROR NUMBER 187: No.

21 THE COURT: Would you base your
22 decision on the evidence and the law and will
23 your decision be fair to both sides?

24 JUROR NUMBER 187: Yes.

25 THE COURT: Your name and number,

1 please?

2 JUROR NUMBER 187: Janda Yanzer,
3 187.

4 THE COURT: Thank you, Ms. Yanzer.
5 Are there others? (No response). Thank you.
6 There appear to be none.

7 Other than the one juror, are there
8 any other members of the jury panel related by
9 blood or marriage, have any business dealings
10 with, socially or casually acquainted with
11 anyone that works in the Solicitor's Office?
12 She has an office in Charleston and one in
13 Berkeley. If so, please stand. (No response).
14 Thank you, there are no additional ones.

15 I am going to call out the names of a
16 number of persons, Ladies and Gentlemen. If
17 you are related by blood or marriage, have any
18 business dealings with, socially or casually
19 acquainted with any of these persons, you need
20 to stand and share that information, please,
21 with the court:

22 Susan Johnson

23 Connie Huger

24 Tanqueray Huger

25 Captain Naomi Broughton -- is

1 that the Charleston Police Department?

2 SOLICITOR WILLIAMS: Yes, Your
3 Honor.

4 THE COURT: With the Charleston
5 Police Department. Also, J.W. Lane and J.C.
6 Bruder, likewise with the Charleston Police
7 Department.

8 Detective Jason Potteiger with
9 the Berkeley County Sheriff's Office.

10 Sabrina Smith

11 Grace Trotman

12 Cindy McCants with the Federal
13 Bureau of Investigation

14 Shaneeka Washington

15 Avis Clark

16 Ishmael Rivers

17 Ken Aycock with the Federal
18 Bureau of Investigation

19 The following persons with the
20 Berkeley County Sheriff's Office:

21 Dean Kokinda

22 Geno Alteri

23 Kevin Murphy

24 Detective Robert Shuler

25 Katie Schuler

1 Crystal Spence
2 Sharon Schuler
3 Captain Rick Ollic and
4 Captain Baggett, formerly with
5 the Berkeley County Sheriff's Office.

6 Also:

7 Danielle Kott
8 Allen Williams
9 Hugh O'Neill
10 Morris Clark
11 Lamona Smith
12 Dr. Carol Jenny with Brown
13 University
14 Dr. Nicholas Batalis and
15 Eowyn Corcrain, both with the
16 Medical University of South Carolina
17 Kim Dinh
18 Paul Meeh with the State Law
19 Enforcement Division, commonly known as SLED
20 Kim Evans
21 Dr. Edmond Higgins
22 Don Gworek
23 Russell Minter
24 Erin Gleaton
25 Katrina Deas

1 Latrina Harrison

2 Phillip Williams

3 Elisa Hernandez

4 Celestino Morales

5 Calvin Bryant

6 Nicole Elliot

7 Kelly Garrett

8 Morris Clark

9 Dr. Kim Collins

10 Latrina Harrison

11 Ram Patel

12 Any of those persons?

13 JUROR NUMBER 4: Captain Baggett,
14 formerly with the Berkeley County Sheriff's
15 Office is my brother-in-law.

16 THE COURT: Your name, please?

17 JUROR NUMBER 4: Debbie Baggett.

18 THE COURT: Ms. Baggett, I am going
19 to excuse you out of an abundance of caution.
20 You are free to leave. Thank you.

21 (JUROR NUMBER 4 EXCUSED)

22 THE COURT: Yes, sir?

23 JUROR NUMBER 112: I am real close
24 friends with Sharon Schuler. I don't think it
25 would affect me in any way.

1 THE COURT: If Ms. Schuler should
2 testify, would you be able to consider her
3 testimony the same as any other witness?

4 JUROR NUMBER 112: Yes, sir.

5 THE COURT: And will you base your
6 decision on the evidence and the law and will
7 it be fair to both sides?

8 JUROR NUMBER 112: Yes, sir.

9 THE COURT: Your name and number,
10 please?

11 JUROR NUMBER 112: Matthew
12 Litchfield, 112.

13 THE COURT: Thank you, Mr.
14 Litchfield. Yes, ma'am?

15 JUROR NUMBER 14: Rick Ollic, he was
16 a first cousin of my ex.

17 THE COURT: Would that affect or
18 influence you?

19 JUROR NUMBER 14: No.

20 THE COURT: If you were on the jury
21 and Mr. Ollic should testify, would you be able
22 to consider his testimony the same as any
23 witness that would testify?

24 JUROR NUMBER 14: Yes, sir.

25 THE COURT: Will you base your

1 decision on the evidence and the law and will
2 it be fair to both sides?

3 JUROR NUMBER 14: Yes, sir.

4 THE COURT: Your name and number,
5 please.

6 JUROR NUMBER 14: Sandra Bragg, Juror
7 14.

8 THE COURT: Thank you, Ms. Bragg.
9 Yes, sir?

10 JUROR NUMBER 85: Captain Baggett is
11 my uncle.

12 THE COURT: I'll, out of an
13 abundance of caution, excuse you from
14 participation in this dispute. Your name and
15 number, please?

16 JUROR NUMBER 85: Fritz Hood, 85.

17 THE COURT: Thank you, Mr. Hood.

18 (JUROR NUMBER 85 EXCUSED)

19 THE COURT: Yes, sir?

20 JUROR NUMBER 151: Mr. Ollic,
21 Baggett and Schuler, I know all of them. We
22 grew up in the same town.

23 THE COURT: Would that influence
24 you?

25 JUROR NUMBER 151: No, sir.

1 THE COURT: Will you be able to
2 consider their testimony the same as any
3 witness that testifies?

4 JUROR NUMBER 151: Yes, sir.

5 THE COURT: Will you base your
6 decision on the evidence and the law and will
7 that decision be fair to both sides?

8 JUROR NUMBER 151: Yes, sir.

9 THE COURT: Your name and number?

10 JUROR NUMBER 151: Chris
11 Shillinglaw, 151.

12 THE COURT: Thank you, sir. Yes,
13 ma'am?

14 JUROR NUMBER 99: I grew up with the
15 Baggetts and the Ollics. We're from the same
16 town.

17 THE COURT: Would that affect you?

18 JUROR NUMBER 99: No.

19 THE COURT: And should any of those
20 persons or all of those person should testify,
21 would you consider their testimony the same as
22 any witness?

23 JUROR NUMBER 99: Yes, sir.

24 THE COURT: And will you base your
25 decision on the evidence and the law and will

1 your decision be fair to both sides?

2 JUROR NUMBER 99: Yes, sir.

3 THE COURT: Your name and number,
4 please?

5 JUROR NUMBER 99: Melissa Kinard, 99.

6 THE COURT: Thank you, Ms. Kinard.
7 Are there others?

8 SOLICITOR WILLIAMS: We had
9 inadvertently left one witness off the list.
10 I apologize to the court. It's Kiki Williams.

11 THE COURT: Kiki Williams. Is
12 anyone related by blood or marriage, have any
13 business dealings with, socially or casually
14 acquainted with an individual by the name of
15 Kiki Williams? If so, please stand. (No
16 response). Thank you, there appear to be none.

17 I am going to share with you, Ladies
18 and Gentlemen, what is alleged. The document
19 that I hold in my hand is called an indictment.
20 It is what it appears to you to be, a piece of
21 paper. It is not evidence. It will not
22 accompany you to your jury room. It merely
23 frames the issues to be resolved in this
24 dispute.

25 In this indictment, the State has

1 accused Mr. Williams of homicide by child abuse
2 in that it alleges that Mr. Williams did, in
3 Berkeley County, on or between the dates of May
4 20, 2010 and June 7th, 2010, cause the death of
5 a child under the age of eleven while
6 committing child abuse or neglect, and the
7 death occurred under circumstances manifesting
8 in extreme indifference to human life; which
9 allegedly is a violation of the section
10 prescribing this conduct.

11 Are there any members of the jury
12 panel that have read anything, heard anything,
13 have had any discussion with anyone concerning
14 -- or you have any familiarity with these
15 alleged charges or this alleged charge? If so,
16 please stand.

17 Okay, I am going to ask the attorneys
18 to approach and ask that person to come
19 forward, please, -- or persons to come forward
20 and meet with me and Ms. Garrison.

21 BAILIFF: Number 53, Mark English.

22 SIDEBAR:

23 JUROR NUMBER 53: I work for the New
24 Hope Treatment, mental health, and treat kids
25 with emotional abuse -- and with the Charleston

1 County DSS. I could not be impartial in this
2 case.

3 THE COURT: I understand.

4 (SIDEBAR CONCLUDED)

5 THE COURT: Number 53 is going to be
6 excused. Thank you, sir. Have a good day.

7 (JUROR NUMBER 53 EXCUSED)

8 BAILIFF: 178, Wayne White.

9 SIDEBAR:

10 THE COURT: Yes, sir, Mr. White?

11 JUROR NUMBER 178: I am familiar
12 with the newspaper accounts and over the radio.
13 I've heard about it.

14 THE COURT: Would that affect you?

15 JUROR NUMBER 178: No, sir.

16 THE COURT: Would you make a
17 commitment that you would not be influenced by
18 anything that you've heard or read outside the
19 courtroom?

20 JUROR NUMBER 178: Yes, sir.

21 THE COURT: And you would base your
22 decision based on the evidence and the law and
23 it would be fair to both sides?

24 JUROR NUMBER 178: Yes, sir.

25 THE COURT: Thank you so much. Any

1 additional questions of Mr. White?

2 SOLICITOR WILLIAMS: No, sir.

3 MR. FALK: Where do you get your
4 news source?

5 JUROR NUMBER 178: My news sources
6 are the Associated Press, the local affiliated
7 paper, radio and newspapers.

8 THE COURT: Okay. Thank you, Mr.
9 White. You may take your seat.

10 (SIDEBAR CONCLUDED)

11 BAILIFF: Number 122, Arline
12 Meehan.

13 SIDEBAR:

14 JUROR NUMBER 122: Hi.

15 THE COURT: Hi, Ms. Meehan.

16 JUROR NUMBER 122: I am aware that
17 he chopped up a child, put it in concrete and I
18 just don't feel that I would be a good
19 candidate to serve on this jury.

20 THE COURT: You think that would
21 affect your ability to be fair?

22 JUROR NUMBER 122: Yes, sir, I do.

23 (SIDEBAR CONCLUDED)

24 THE COURT: Number 122 is excused.
25 Have a good day.

1 (JUROR NUMBER 122 EXCUSED)

2 BAILIFF: 39, Irma Dangerfield.

3 SIDEBAR:

4 THE COURT: Ms. Dangerfield?

5 JUROR NUMBER 39: I have heard about
6 the case, read about it in the newspaper, heard
7 it on the news and everything.

8 THE COURT: Would that affect you?

9 JUROR NUMBER 39: I believe that it
10 would.

11 THE COURT: It would affect your
12 ability to be fair and impartial?

13 JUROR NUMBER 39: Yes, sir.

14 (SIDEBAR CONCLUDED)

15 THE COURT: Number 39 will be
16 excused from participation in this dispute.
17 Thank you very much.

18 (JUROR NUMBER 39 EXCUSED)

19 THE COURT: Are there any others?

20 SIDEBAR:

21 THE COURT: Y'all just stand right
22 here, because there may be some with the next
23 question.

24 (SIDEBAR CONCLUDED)

25 THE COURT: The next question,

1 Ladies and Gentlemen, is, is there anything
2 about the nature of the dispute, that is what
3 has been alleged, that because of something
4 that has happened to you in your lifetime, some
5 philosophy that you may have, some strong
6 feelings that you may have, something that may
7 have happened to a family member or close
8 personal friend that would affect or influence
9 your ability to fairly and impartially apply
10 your common sense, your sense of logic and
11 reason in analyzing the evidence and decide
12 what you believe to be the true facts. Then
13 once deciding that, taking the law as I give
14 it to you and applying that law fairly and
15 impartially to the facts. If you feel that
16 there is something, please stand. I would ask
17 that those persons come forward, please.

18 BAILIFF: Number 19, Jeffrey
19 Brown.

20 SIDEBAR:

21 THE COURT: Yes, sir, Mr. Brown?

22 JUROR NUMBER 19: I don't know how it
23 would affect me but my sisters were sexually
24 abused. My brother is a retired police officer
25 from Charleston and he may have worked on this

1 case, something in reference to it.

2 THE COURT: This particular case?

3 JUROR NUMBER 19: I think so.

4 THE COURT: Do you think that it
5 would affect you?

6 JUROR NUMBER 19: Oh, yes.

7 (SIDEBAR CONCLUDED)

8 THE COURT: Number 19 is excused.
9 Have a great day, sir.

10 (JUROR NUMBER 19 EXCUSED)

11 THE COURT: Are there others? (No
12 response).

13 Are there any members of the jury
14 panel that have ever been involved in a
15 criminal dispute where there were allegations
16 of abuse and neglect? Either you were the
17 accused, you were the accusers, or you were
18 a witness for either side, if you had any
19 involvement in any dispute involving that
20 subject matter. Please stand. (No response).
21 Thank you. There appear to be none.

22 One of the parts of the principle of
23 law that applies to this dispute and, frankly,
24 every dispute involving a crime or criminal
25 accusation in this country, is that the party

1 who makes the claim has the sole burden of
2 proof. That means no one else, no other party,
3 no other person, no other participant has any
4 responsibility but the party who makes the
5 claim, and that's the State.

6 The law requires the State to prove
7 each element of the crime alleged beyond a
8 reasonable doubt. That's -- I will define that
9 for you in greater detail in the charge portion
10 of the proceeding but I would tell you that
11 that would be a doubt that would cause an
12 honest and sincere, conscientious juror who is
13 searching for the truth in the case to hesitate
14 to act or take some action.

15 If you're on a jury and you have taken
16 an oath to decide the true facts and apply the
17 law, you would be asked to apply that law
18 fairly and impartially to the facts. That
19 means that if you at the conclusion in your
20 analysis was not convinced of that standard,
21 that is beyond a reasonable doubt, of each
22 element then you must return a verdict of not
23 guilty. That, Ladies and Gentlemen, would be
24 the law.

25 Likewise, if you're firmly convinced

1 as to each element, you believe that the State
2 has met its burden of proof, then you must
3 return a verdict of guilty.

4 Is there anything about your
5 philosophies, anything that has happened in
6 your life, that would affect your ability to
7 fairly and impartially apply that law together
8 with any other law that I may give you, to the
9 facts that you determine, and report a fair and
10 just decision? If you feel that there is,
11 please stand. I ask you to come forward, sir.

12 SIDEBAR:

13 COURT REPORTER: What is your juror
14 number?

15 JUROR NUMBER 112: Matthew Litchfield,
16 112.

17 THE COURT: Yes, sir?

18 JUROR NUMBER 112: Like I was
19 telling you, my son was convicted three years
20 ago in this courtroom. There's a lot of other
21 stipulations that nobody knows about. I am
22 raising two granddaughters, one was molested
23 and ---

24 THE COURT: So you feel like you
25 would be affected because it is a child?

1 JUROR NUMBER 112: With a child,
2 I am not -- I'm raising the girls and not him.

3 THE COURT: I understand.

4 (SIDEBAR CONCLUDED)

5 THE COURT: Number 112 will be
6 excused. Have a great day, Mr. Litchfield.
7 Thank you, sir.

8 (JUROR NUMBER 112 EXCUSED)

9 THE COURT: Are there any others?
10 (No response). Thank you. There appear to be
11 none.

12 Are there any members of the jury
13 panel, member of your immediate family, that
14 have ever been connected or involved with law
15 enforcement in any capacity. If so, please
16 stand. Just tell me your ---

17 JUROR NUMBER 22: I was in the Coast
18 Guard.

19 THE COURT: You've had some
20 experience. How long was that?

21 JUROR NUMBER 22: About four or five
22 years.

23 THE COURT: Would that affect you in
24 this dispute, sir?

25 JUROR NUMBER 22: No, sir.

1 THE COURT: Would you apply your
2 knowledge gleaned in that occupation fairly and
3 impartially in analyzing the facts -- or
4 analyzing the evidence?

5 JUROR NUMBER 22: Yes, sir.

6 THE COURT: Would you base your
7 decision on the evidence and the law, and would
8 it be fair to both sides?

9 JUROR NUMBER 22: Yes, sir.

10 THE COURT: Your number, please.

11 JUROR NUMBER 22: Number 22.

12 THE COURT: Yes?

13 JUROR NUMBER 76: My son-in-law is a
14 detective for the Goose Creek Police
15 Department.

16 THE COURT: Would that affect or
17 influence you in this matter?

18 JUROR NUMBER 76: I don't believe
19 that it would.

20 THE COURT: Can you make a
21 commitment to both sides that it would not
22 affect you?

23 JUROR NUMBER 76: Yes, sir.

24 THE COURT: And will you base your
25 decision on the evidence and the law and will

1 that decision be fair to both sides?

2 JUROR NUMBER 76: Yes, sir.

3 THE COURT: Your number, please, Ms.
4 Hare?

5 JUROR NUMBER 76: Number 76.

6 THE COURT: Thank you. Yes, sir?

7 JUROR NUMBER 15: My wife is an ex-
8 Berkeley County sheriff's deputy.

9 THE COURT: Would that affect or
10 influence you?

11 JUROR NUMBER 15: No, sir.

12 THE COURT: Will you base your
13 decision on the evidence and the law and will
14 it be fair to both sides?

15 JUROR NUMBER 15: Yes, sir.

16 THE COURT: Your number again,
17 please?

18 JUROR NUMBER 15: Number 15.

19 THE COURT: Yes, ma'am?

20 JUROR NUMBER 58: My father works for
21 the Leeds Avenue jail.

22 THE COURT: Would that affect you in
23 any way, ma'am?

24 JUROR NUMBER 58: It would not.

25 THE COURT: Would you base your

1 decision on the evidence and the law and will
2 your decision be fair to both sides?

3 JUROR NUMBER 58: Yes.

4 THE COURT: And your number, please?

5 JUROR NUMBER 58: 58.

6 THE COURT: Are there any others?

7 (No response). There appear to be none.

8 Any member of the jury panel ever
9 worked for the Charleston County Rescue Squad?
10 If so, please stand. (No response).

11 Has any member of the jury panel ever
12 worked for the Department of Natural Resources?
13 If so, please stand. (No response).

14 Are there any members of the jury
15 panel, other than the individual who previously
16 spoke, who have served with the Coast Guard?
17 (No response).

18 Are there any members of the jury
19 panel that have read any newspaper articles or
20 any television reports, other than those that
21 have previously come forward? If you have and
22 you haven't spoken to the court, please stand.
23 Concerning this alleged incident. Come
24 forward, please.

25 SIDEBAR:

1 THE COURT: Your name and number,
2 please.

3 JUROR NUMBER 75: Douglas Harvey,
4 Number 75.

5 THE COURT: Yes, sir?

6 JUROR NUMBER 75: I get the newspaper
7 every day and I see television news just like
8 anyone else.

9 THE COURT: Would that affect you in
10 any way in this dispute?

11 JUROR NUMBER 75: No, sir, I don't
12 believe it would.

13 THE COURT: Can you promise both
14 sides that you would not be influenced by
15 anything that you have read or seen outside of
16 this courtroom?

17 JUROR NUMBER 75: I promise you that.

18 THE COURT: And you'd base your
19 decision on the evidence and the law and it
20 would be fair to both sides?

21 JUROR NUMBER 75: Absolutely.

22 THE COURT: Your number again?

23 JUROR NUMBER 75: 75.

24 (SIDEBAR CONCLUDED)

25 THE COURT: Number 75 will remain.

1 Thank you, sir.

2 BAILIFF: 99, Melissa Kinard.

3 SIDEBAR:

4 THE COURT: Ms. Kinard?

5 JUROR NUMBER 99: I saw in the paper
6 this morning where it had that jury selection
7 was being held. My mother had a newspaper and
8 I saw the headline and his picture.

9 THE COURT: Would that affect you in
10 any way?

11 JUROR NUMBER 99: No.

12 THE COURT: Would you be able to
13 promise both sides that you would not be
14 influenced by what you've heard outside of this
15 courtroom?

16 JUROR NUMBER 99: Yes.

17 THE COURT: And you would make a
18 decision on the evidence and the law that you
19 hear during the trial?

20 JUROR NUMBER 99: Yes.

21 THE COURT: And it would be fair to
22 both sides?

23 JUROR NUMBER 99: Yes.

24 THE COURT: Thank you, ma'am. You
25 may be seated.

1 (SIDEBAR CONCLUDED)

2 THE COURT: Juror Number 99 will
3 remain.

4 BAILIFF: Juror 168, Rita
5 Vanderploeg.

6 SIDEBAR:

7 THE COURT: Yes, ma'am?

8 JUROR NUMBER 168: I am not sure
9 if I read about this case, but I do read the
10 paper all the time.

11 THE COURT: And it was in the paper
12 today, I will tell you that.

13 JUROR NUMBER 168: I didn't read
14 it this morning.

15 THE COURT: You did not read it?

16 JUROR NUMBER 168: I didn't read
17 this morning's paper.

18 THE COURT: Did you watch any news
19 this morning?

20 JUROR NUMBER 168: No. But my
21 daughter-in-law said to me that there was
22 someone, something about a child killed and put
23 in a barrel.

24 THE COURT: Would that affect you in
25 any way, what she told you?

1 JUROR NUMBER 168: I think that it
2 might.

3 THE COURT: Your number is 168?

4 JUROR NUMBER 168: (Affirmative
5 nod).

6 (SIDEBAR CONCLUDED)

7 THE COURT: Number 168 will be
8 excused from participation in this dispute.
9 Thank you, ma'am. Have a great day.

10 (JUROR NUMBER 168 EXCUSED)

11 THE COURT: Are there any others?
12 (No response). Thank you. There appear to be
13 none.

14 Any other specific questions from the
15 State?

16 SOLICITOR WILLIAMS: No, Your Honor.

17 THE COURT: Any other specific
18 questions from the defendant?

19 MR. FALK: No, Your Honor.

20 THE COURT: I think that I have
21 covered them generally if not specifically.

22 One of the other parts, as I told you
23 the State has the burden of proof and that
24 persons accused have nothing to prove or
25 disprove. Part of my instruction would be to

1 you that persons accused, such as Mr. Williams
2 here today, have nothing to prove. They don't
3 have to present anything, they don't have to
4 say anything. They have no responsibility
5 whatsoever, because the burden of proof rests
6 solely on the State. That's the law.

7 Is there anything about your
8 philosophies or your beliefs that would give
9 you any concern about your ability to apply
10 that law fairly and impartially to this case,
11 in analyzing the case and applying the law?
12 If so, please stand. (No response). Thank
13 you. There appear to be none.

14 Based on what you have heard thus far,
15 is there anything that would give you any
16 concern about your ability, at the appropriate
17 time, to apply your common sense, your sense of
18 logic and reason in analyzing the evidence --
19 that is the testimony of witnesses and exhibits
20 that are introduced through their testimony --
21 and decide what you believe to be the true
22 facts. Then once deciding those facts, take
23 the law as I give it to you and apply that law
24 fairly and impartially to those facts. If you
25 feel that there is some concern in your ability

1 to perform that task, please stand. (No
2 response).

3 Thank you very much, Ladies and
4 Gentlemen. I am going to turn it over now to
5 Ms. Tucker. She is going to call your names.
6 When she does, I am going to ask that you come
7 forward and basically just stand between these
8 two chairs and face both sides.

9 Each side, Ladies and Gentlemen, in
10 this process can excuse persons. The State can
11 excuse five, Mr. Williams can excuse ten. We
12 will go through the process until we have
13 identified our twelve jurors and two
14 alternates.

15 If one says "seat the juror" and the
16 other says "excuse", just return to your seat,
17 take your seat. Don't take any offense at
18 that, that's just the process and the way it
19 works. If both say "seat the juror" or "swear
20 the juror", you'll go take your seat over in
21 the jury box.

22 As Mrs. Tucker will tell you, when
23 your name is called, bring with you your
24 personal effects. If you are seated, then you
25 will have to immediately go over to the jury

1 box. Thank you very much. Mrs. Tucker, I will
2 turn it over to you.

3 There are lists -- what we are doing
4 now used to be -- well, in '73 we used to have
5 a small child or a person that had a sight
6 impairment to come draw the names.

7 Then we said, 'well, we don't have to
8 do that.' We put them in capsules. So every
9 name was rolled up and tucked in. You can
10 image what happens when you had to draw another
11 jury. You had to put them all back in. That
12 was a tedious process.

13 We finally have moved in the 21st
14 Century and now we do it by random selection by
15 the computer. That's what has just happened.
16 Your names have been spit out at random and
17 they've prepared a list in the order that they
18 are now presented. We will go down that list
19 until we have our panel, our jury.

20 I don't object to either side having
21 these. We do it in all cases. Not all cases.
22 We certainly do it in capital murder cases.
23 That is not what we are doing here.

24 CLERK: As the Judge stated, when I
25 call your name, please come forward and bring

1 your personal belongings with you.

2 Juror Number 13, Billy Bradshaw.

3 (JUROR, WHITE MALE, BEFORE COUNSEL)

4 CLERK: What says the State?

5 SOLICITOR WILLIAMS: Please present
6 the juror.

7 CLERK: What says the defense?

8 MR. FALK: Please seat the juror.

9 CLERK: Seat the juror.

10 (JUROR NUMBER 13 SEATED)

11 CLERK: Juror Number 22, John
12 Bullock.

13 (JUROR, WHITE MALE, BEFORE COUNSEL)

14 CLERK: What says the State?

15 SOLICITOR WILLIAMS: Please present
16 the juror.

17 CLERK: What says the defendant?

18 MR. FALK: Please excuse the juror.

19 CLERK: Excuse the juror.

20 (JUROR NUMBER 22 EXCUSED)

21 CLERK: Juror Number 189, Travis
22 Young.

23 (JUROR, BLACK MALE, BEFORE COUNSEL)

24 CLERK: What says the State?

25 SOLICITOR WILLIAMS: Please excuse

1 the juror.

2 CLERK: Excuse the juror.

3 (JUROR NUMBER 189 EXCUSED)

4 CLERK: Juror Number 185, Omelia
5 Wilson.

6 (JUROR, BLACK FEMALE, BEFORE COUNSEL)

7 CLERK: What says the State?

8 SOLICITOR WILLIAMS: Please excuse
9 the juror.

10 CLERK: Excuse the juror.

11 (JUROR NUMBER 185 EXCUSED)

12 CLERK: Juror Number 180, Audrey
13 Williams.

14 (JUROR, BLACK FEMALE, BEFORE COUNSEL)

15 CLERK: What says the State?

16 SOLICITOR WILLIAMS: Present the
17 juror.

18 CLERK: What says the defendant?

19 MR. FALK: Please excuse the juror.

20 CLERK: Excuse the juror.

21 (JUROR NUMBER 180 EXCUSED)

22 CLERK: Juror Number 151,
23 Christopher Shillinglaw.

24 (JUROR, WHITE MALE, BEFORE COUNSEL)

25 CLERK: What says the State?

1 SOLICITOR WILLIAMS: Please present
2 the juror.

3 CLERK: What says the defendant?

4 MR. FALK: Please excuse the juror.

5 CLERK: Excuse the juror.

6 (JUROR NUMBER 151 EXCUSED)

7 CLERK: Juror 63, Michael Gaskins.

8 (JUROR, WHITE MALE, BEFORE COUNSEL)

9 CLERK: What says the State?

10 SOLICITOR WILLIAMS: Please present
11 the juror.

12 CLERK: What says the defendant?

13 MR. FALK: Please excuse the juror.

14 CLERK: Excuse the juror.

15 (JUROR NUMBER 63 EXCUSED)

16 CLERK: Juror Number 73, Deborah
17 Hanna.

18 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

19 CLERK: What says the State?

20 SOLICITOR WILLIAMS: Please present
21 the juror.

22 CLERK: What says the defense?

23 MR. FALK: Please seat the juror.

24 CLERK: Seat the juror.

25 (JUROR NUMBER 73 SEATED)

1 CLERK: Juror 15, William Brandt,
2 Jr.

3 (JUROR, WHITE MALE, BEFORE COUNSEL)

4 CLERK: What says the State?

5 SOLICITOR WILLIAMS: Please present
6 the juror.

7 CLERK: What says the defendant?

8 MR. FALK: Please excuse the juror.

9 CLERK: Excuse the juror.

10 (JUROR NUMBER 15 EXCUSED)

11 CLERK: Juror 149, Lori Roebuck.

12 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

13 CLERK: What says the State?

14 SOLICITOR WILLIAMS: Please present
15 the juror.

16 CLERK: What says the defendant?

17 MR. FALK: Please seat the juror.

18 CLERK: Seat the juror.

19 (JUROR NUMBER 149 SEATED)

20 CLERK: Juror Number 14, Sandra
21 Bragg.

22 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

23 CLERK: What says the State?

24 SOLICITOR WILLIAMS: Please present
25 the juror.

1 CLERK: What says the defendant?

2 MR. FALK: I'm sorry. Could you
3 repeat her number, please?

4 CLERK: Fourteen.

5 MR. FALK: Thank you. Please
6 excuse the juror.

7 CLERK: Excuse the juror.

8 (JUROR NUMBER 14 EXCUSED)

9 CLERK: Juror 97, Franklin Jones.

10 (JUROR, BLACK MALE, BEFORE COUNSEL)

11 CLERK: What says the State?

12 SOLICITOR WILLIAMS: Please excuse
13 the juror.

14 CLERK: Excuse the juror.

15 (JUROR NUMBER 97 EXCUSED)

16 CLERK: Juror Number 31, Jennifer
17 Cid.

18 (JUROR, BLACK FEMALE, BEFORE COUNSEL)

19 CLERK: What says the State?

20 SOLICITOR WILLIAMS: Please present
21 the juror.

22 CLERK: What says the defendant?

23 MR. FALK: Please excuse the juror.

24 CLERK: Excuse the juror.

25 (JUROR NUMBER 31 EXCUSED)

1 CLERK: Juror Number 74, James
2 Hansford, III.

3 (JUROR, WHITE MALE, BEFORE COUNSEL)

4 CLERK: What says the State?

5 SOLICITOR WILLIAMS: Please present
6 the juror.

7 CLERK: What says the defendant?

8 MR. FALK: Please excuse the juror.

9 (JUROR NUMBER 74 EXCUSED)

10 CLERK: Juror Number 67, Janis
11 Gourdine.

12 (JUROR, BLACK FEMALE, BEFORE COUNSEL)

13 CLERK: What says the State?

14 SOLICITOR WILLIAMS: Court's
15 indulgence.

16 THE COURT: Certainly.

17 SOLICITOR WILLIAMS: Please present
18 the juror.

19 CLERK: What says the defendant?

20 MR. FALK: Please seat the juror.

21 CLERK: Seat the juror.

22 (JUROR NUMBER 67 SEATED)

23 CLERK: Juror Number 175, Kevin
24 Watts.

25 (JUROR, BLACK MALE, BEFORE COUNSEL)

1 CLERK: What says the State?

2 SOLICITOR WILLIAMS: Please present
3 the juror.

4 CLERK: What says the defendant?

5 MR. FALK: Please seat the juror.

6 CLERK: Seat the juror.

7 (JUROR NUMBER 175 SEATED)

8 CLERK: Juror Number 84, Carol
9 Denny.

10 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

11 CLERK: What says the State?

12 SOLICITOR WILLIAMS: Please present
13 the juror.

14 CLERK: What says the defendant?

15 MR. FALK: Please seat the juror.

16 CLERK: Seat the juror.

17 (JUROR NUMBER 84 SEATED)

18 CLERK: Juror Number 52, Michael
19 Emlaw.

20 (JUROR, WHITE MALE, BEFORE COUNSEL)

21 CLERK: What says the State?

22 SOLICITOR WILLIAMS: Please excuse
23 the juror.

24 CLERK: Excuse the juror. The State
25 has four strikes.

1 (JUROR NUMBER 52 EXCUSED)

2 CLERK: Juror 145, Wilfred Rivera.

3 (JUROR, HISPANIC MALE, BEFORE COUNSEL)

4 CLERK: What says the State?

5 SOLICITOR WILLIAMS: Please present
6 the juror.

7 CLERK: What says the defendant?

8 MR. FALK: Please seat the juror.

9 CLERK: Seat the juror.

10 (JUROR NUMBER 145 SEATED)

11 CLERK: Juror 51, Monica Emerine.

12 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

13 CLERK: What says the State?

14 SOLICITOR WILLIAMS: Please present
15 the juror.

16 CLERK: What says the defendant?

17 MR. FALK: Please seat the juror.

18 CLERK: Seat the juror.

19 (JUROR NUMBER 51 SEATED)

20 CLERK: Juror 128, David Moore.

21 (JUROR, WHITE MALE, BEFORE COUNSEL)

22 CLERK: What says the State?

23 SOLICITOR WILLIAMS: Please present
24 the juror.

25 CLERK: What says the defendant?

1 MR. FALK: Please seat the juror.

2 CLERK: Seat the juror.

3 (JUROR NUMBER 128 SEATED)

4 CLERK: Juror 64, Robert Gay.

5 (JUROR, WHITE MALE, BEFORE COUNSEL)

6 CLERK: What says the State?

7 SOLICITOR WILLIAMS: Please present
8 the juror.

9 CLERK: What says the defendant?

10 MR. FALK: Please excuse the juror.

11 CLERK: Excuse the juror. The
12 defendant has nine strikes.

13 (JUROR NUMBER 64 EXCUSED)

14 CLERK: Juror 86, Bradley Houser.

15 (JUROR, WHITE MALE, BEFORE COUNSEL)

16 CLERK: What says the State?

17 SOLICITOR WILLIAMS: Present the
18 juror.

19 CLERK: What says the defendant?

20 MR. FALK: Please seat the juror.

21 CLERK: Seat the juror.

22 (JUROR NUMBER 86 SEATED)

23 CLERK: Juror 87, Kristen Howard.

24 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

25 CLERK: What says the State?

1 SOLICITOR WILLIAMS: Please present
2 the juror.

3 CLERK: What says the defendant?

4 MR. FALK: Please seat the juror.

5 CLERK: Seat the juror.

6 (JUROR NUMBER 87 SEATED)

7 CLERK: Juror 38, Leticia
8 Cunningham.

9 (JUROR, ASIAN FEMALE, BEFORE COUNSEL)

10 CLERK: What says the State?

11 SOLICITOR WILLIAMS: Please seat the
12 juror.

13 CLERK: What says the defendant?

14 MR. FALK: Please seat the juror.

15 CLERK: Seat the juror.

16 (JUROR NUMBER 38 SEATED)

17 THE COURT: That is our twelve.

18 Let's pick two alternates. Strikes will be one
19 and two.

20 CLERK: Juror 159, Lynna Stansbury.

21 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

22 CLERK: What says the State?

23 SOLICITOR WILLIAMS: Please present
24 the juror.

25 CLERK: What says the defendant?

1 MR. FALK: Please excuse the juror.

2 CLERK: Excuse the juror.

3 (JUROR NUMBER 159 EXCUSED)

4 CLERK: Juror 163, Patricia
5 Thompson.

6 (JUROR, BLACK FEMALE, BEFORE COUNSEL)

7 CLERK: What says the State?

8 SOLICITOR WILLIAMS: Please excuse
9 the juror.

10 CLERK: Excuse the juror.

11 (JUROR NUMBER 163 EXCUSED)

12 CLERK: Juror 100, Rosetta Kitt.

13 (JUROR, BLACK FEMALE, BEFORE COUNSEL)

14 CLERK: Any cause for challenge from
15 the State?

16 SOLICITOR WILLIAMS: None from the
17 State?

18 CLERK: What says the defendant?

19 MR. FALK: Please seat the juror.

20 CLERK: Seat the juror.

21 (JUROR NUMBER 100 SEATED)

22 CLERK: Juror 82, Cheryl Heiselman.
23 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

24 CLERK: What says the State?

25 SOLICITOR WILLIAMS: Please present

1 the juror.

2 CLERK: What says the defendant?

3 MR. FALK: Please excuse the juror.

4 CLERK: Excuse the juror.

5 (JUROR NUMBER 82 EXCUSED)

6 CLERK: Juror Number 55, William

7 Fennell, Jr.

8 (JUROR, WHITE MALE, BEFORE COUNSEL)

9 CLERK: What says the State?

10 SOLICITOR WILLIAMS: Please seat the

11 juror.

12 CLERK: What says the defendant?

13 MR. FALK: Please seat the juror.

14 CLERK: Seat the juror.

15 (JUROR NUMBER 55 SEATED)

16 THE COURT: Any motions from the

17 State regarding the selection?

18 SOLICITOR WILLIAMS: None from the

19 State, Your Honor.

20 THE COURT: Any motions from Mr.

21 Williams regarding the selection?

22 MR. FALK: No, Your Honor.

23 (JURY SEATED @ 4:18 P.M.)

24 THE COURT: Very well. Ladies and

25 Gentlemen, those of you who were not selected,

1 thank you very much for your participation.
2 It's been an honor to serve with you. You are
3 now excused from further jury service. You are
4 free to leave.

5 (JURY PANEL DISMISSED)

6 THE COURT: Ladies and Gentlemen,
7 those of you that were selected, it's been an
8 honor to serve with you. I am going to let you
9 go to your jury room for just a few moments.
10 Don't begin your deliberations, don't discuss
11 the case. We will be with you in probably
12 about five minutes. You may retire to your
13 jury room.

14 (JURY OUT @ 4:20 P.M.)

15 THE COURT: If the news media wants
16 to come in and set up, they can now. I am
17 going to do opening statements before we
18 recess. We will not call any witnesses, but
19 let's go ahead and do the opening statements.

20 SOLICITOR WILLIAMS: Your Honor, I
21 don't know if we mentioned to the court we are
22 asking for the rule of sequestration, except
23 for the victim's mother, who will be here
24 tomorrow, and the case agent.

25 THE COURT: Who is the case agent?

1 SOLICITOR WILLIAMS: Jason
2 Pottinger.

3 THE COURT: Mr. Pottinger, you
4 certainly are entitled to remain. All
5 witnesses will be otherwise sequestered.

6 SOLICITOR WILLIAMS: Thank you, Your
7 Honor.

8 THE COURT: Mr. Falk, if you will
9 make that known to your witnesses as well.

10 MR. FALK: Yes, sir.

11 THE COURT: Any witnesses in the
12 courtroom, any persons who are likely to be a
13 witness? (No response). Thank you. We will
14 be at ease for about five minutes.

15 (BRIEF RECESS)

16 (DEFENDANT PRESENT)

17 THE COURT: Is the State ready to
18 proceed?

19 SOLICITOR WILLIAMS: State is ready,
20 Your Honor.

21 THE COURT: Defense ready, Mr. Falk?

22 MR. FALK: Yes, sir.

23 THE COURT: Let the record reflect
24 that the defendant is present. Let's bring in
25 our jury, please. You may remain seated while

1 the jury enters. I don't require you to stand.
2 Thank you very much.

3 (JURY IN @ 4:30 P.M.)

4 THE COURT: Thank you very much,
5 Ladies and Gentlemen. Let me talk to you a
6 little bit before I turn it over to the clerk
7 to administer your oath.

8 We have two alternates, Mr. Fennell
9 and Ms. Kitts; you are our alternates. The two
10 of you are entitled to those two seats on the
11 end. An alternate juror doesn't mean a thing
12 in the world right now. It just means that if
13 at the end the first twelve selected are able
14 to continue, then you would not participate in
15 the final deliberations. But neither of us
16 know the status of those persons, so until you
17 are excused please know that you are very much
18 a part of the jury. While you are an
19 alternate, I would ask that you occupy either
20 of those two seats.

21 The rest of you, Ladies and Gentlemen,
22 the only other assigned seat is the seat that
23 Mr. Moore is occupying now. He, as any of the
24 first twelve of you, is eligible to serve as
25 the presiding juror, foreman, forelady,

1 foreperson. Someone has to be selected to sign
2 the verdict form on behalf of the jury panel.
3 If there are exhibits that are introduced
4 during the trial, the presiding juror has the
5 responsibility of receiving those from the
6 court and, when the jury has completed its
7 deliberations, returning those exhibits to the
8 court. There may be occasions when there needs
9 to be some written communication from the jury
10 and it would be the responsibility of the
11 presiding juror to serve basically as the clerk
12 for the jury and send that written
13 communication.

14 As I stated, any of you are permitted
15 to serve. The statute allows me to select the
16 presiding juror or you to pick your presiding
17 juror. I let the jury pick their presiding
18 juror. It does not have to be done right away.
19 But when you've identified that person, I
20 simply ask that that person occupy that first
21 seat. But until the presiding juror has been
22 selected, any of you are eligible -- please
23 feel free. Any of you can sit in that seat.
24 The only two assigned seats right now are the
25 seats that Ms. Kitt and Mr. Fennell are

1 occupying.

2 Thank you very much, Ladies and
3 Gentlemen. If you will, give your attention
4 now to Ms. Hill as she administers your oath.

5 (WHEREUPON JURY SWORN)

6 THE COURT: Thank you very much,
7 Ladies and Gentlemen. Now you, by virtue of
8 that oath, have become a judge with me in, as I
9 mentioned to you, this system that we employ in
10 this country to help resolve disputes of this
11 nature. You are a very important part in that
12 role now in that you are a judge, and you are
13 the sole judge of the facts in this dispute.
14 You and you alone will make that determination
15 at the appropriate time based on your view and
16 your analyses of the evidence in this case.

17 I'm confident that each one of you
18 will honor the commitment that you just made.
19 As I stated to you, you're extremely qualified
20 to perform that task. In fact, when you walked
21 into this courtroom you brought with you
22 exactly what you are going to need. I will
23 suggest to you that you will use it just as you
24 use it every day of your life. And that is
25 that when you are directed, you will analyze

1 the evidence, that is the testimony of the
2 witnesses and exhibits that might be introduced
3 through their testimony, and decide what you
4 believe to be true.

5 You also brought something else which
6 I think is essential to performing the task
7 that you just accepted fairly and impartially.
8 As you recall, you saw me excuse a number of
9 persons during the jury qualification. Some
10 persons indicated that it would affect their
11 ability to be fair and impartial. Some, I just
12 made the call. As you recall, one was related
13 to one of the witnesses. There was no reason
14 to put that person in that situation. And we
15 removed the appearance of any prior problems.

16 Each one of you, either in responding
17 to my questions or in not responding, indicated
18 something which I think is essential; and that
19 is this, you said 'I have an open mind about
20 this dispute. I haven't predetermined anything
21 and there's nothing that's alleged that would
22 give me any concern about my ability to be fair
23 and impartial.' In fact, the last question
24 that I asked, you will recall, was there
25 anything about the dispute -- what I shared

1 with you -- that would give you concern about
2 making the commitment that you just made.
3 None of you responded. So I suggest and would
4 submit to you that you brought everything that
5 you are going to need.

6 I would urge you, however, to please
7 remember that oath and please remember that
8 commitment. That is, one, that you must keep
9 that open mind. You cannot change that
10 position until you're instructed to begin your
11 deliberations.

12 The last part of this process, there
13 are four distinct parts. The last part is when
14 I give you the law which you must take and
15 apply fairly and impartially to the facts. The
16 last instruction that I will give to you before
17 you leave this courtroom is when you may
18 commence your deliberations. So until you
19 receive that, please do whatever is necessary
20 to keep that open mind that you brought with
21 you.

22 And it's important to this process
23 because those four parts that I talked about
24 are very important to this process. Two are
25 similar and then two are totally -- have no

1 connection, the law being the last. And
2 obviously you have taken an oath to take the
3 law as I give it to you and apply that law
4 fairly and impartially.

5 In that respect, I told you, as when
6 we were qualifying you, that Mr. Williams has
7 been accused by that indictment and to that
8 accusation he has rendered a plea of Not
9 Guilty.

10 You, under our law, must presume him
11 to be not guilty. That's not just words. It's
12 an active presumption. That presumption is
13 enough and must remain unless and until you in
14 your analyses has decided that the State has
15 met its burden of proof as to each element of
16 the crime charged.

17 And only then, only then may you
18 change that position and remove that
19 presumption. Why? Because the State would
20 have met its burden of proof and convinced you
21 beyond a reasonable doubt. As I told you when
22 we qualify you, that's a doubt that would cause
23 a honest, sincere, conscientious juror
24 searching for the truth in the case to hesitate
25 to take some action.

1 I am confident that you will apply
2 that and apply that fairly and impartially
3 because I will give you the element of the
4 crime with which Mr. Williams has been accused.
5 You will simply analyze the evidence at the
6 appropriate time and decide whether or not you
7 are convinced as to each of those elements.

8 If you are, then your instruction will
9 be to return a verdict of Guilty.

10 But on the other hand, if the State
11 fails on one, then you must return a verdict of
12 Not Guilty, because the State would have failed
13 to prove its case as required by law.

14 Now, how does the State do that?
15 They do that by presenting witnesses. And
16 witnesses, you will hear during the evidentiary
17 portion. They will go first because they alone
18 have the burden of proof. At the appropriate
19 time you will analyze that testimony and decide
20 what you find to be credible and believable.

21 That is a process, Ladies and
22 Gentlemen, that is really a common sense
23 exercise. If you think about it, we do it
24 every day. We listen to somebody or we hear
25 something or we read something and we decide,

1 'Do I believe that?' Or if you don't, you
2 start thinking about why you don't.

3 I am going to urge you to do something
4 during this process. You are expected to apply
5 those skills that you've developed in your life
6 to assist you in making those decisions of what
7 you find to be credible and believable. And
8 you certainly are expected to make those mental
9 notes about what -- sometimes it's what
10 somebody said or how they say it that just
11 doesn't make sense, it's not logical.

12 You're expected to make that notation
13 but I ask you to not go to the nth, to the
14 final step; that is, 'I don't believe that
15 person.' Because if you do, you've violated
16 that oath, you've made decisions. Make the
17 notation and when you begin your deliberations
18 and you discuss that testimony, you can say
19 'Well, you know, in my life when somebody does
20 that or that body language, I've found that to
21 be somehow -- I am somewhat skeptical of that.'
22 It may end up that you conclude that you don't
23 believe that witness. Or during the collective
24 discussion, somebody might give you a logical
25 explanation for why that may have occurred that

1 may cause you to say, 'Yeah, that makes sense.
2 I do believe that testimony.'

3 And that is the process, that
4 deliberative process, that will take place at
5 the appropriate time when you can discuss this
6 case. But until then you are expected to make
7 those notations but do not reach your ultimate
8 conclusion on any issue. Because anytime that
9 you do that you will have violated your oath --
10 be it individually or collectively.

11 Now, that is the evidentiary portion
12 where you will hear the testimony of the
13 witnesses. As I mentioned to you, persons who
14 are accused of criminal offenses, as Mr.
15 Williams is in this case, they don't have to
16 prove anything, they don't have to present any
17 evidence, they don't have to say a word;
18 because the law says, again, that that rests
19 solely on the State. So don't look to Mr.
20 Williams. Don't expect him to present any
21 evidence. But he has the right, if he wants
22 to, to present testimony for your considera-
23 tion. That won't happen until you've heard the
24 entire State's case. So obviously there is a
25 very logical reason why you should not decide

1 any issue prematurely, because you need to hear
2 all of the evidence, obviously, before you even
3 begin to think about it. More importantly, you
4 can't make that decision or commence that
5 process until the instruction is given to you.

6 Now, you will also hear from the
7 attorneys. As I mentioned to you, they are
8 officers of this court and they have a very
9 important responsibility in this process.
10 They have the duty to present the evidence and
11 the law in a fashion and in a manner that will
12 assist us in making the decisions that we are
13 called upon to make. So you will want to give
14 them your attention. They speak to you before
15 you hear the evidence and after you hear the
16 evidence.

17 One, in opening statements when they
18 will give you a broad overview and they will
19 talk with you about some of the issues that
20 they expect you will hear in this case. They
21 may discuss some of the testimony that they
22 expect that you will hear in this case. I'm
23 confident that you will find their remarks
24 extremely helpful as you go through the
25 evidentiary portion. It gives you a board

1 overview, sort of a "road map" of the dispute.

2 After you hear the evidence, it is
3 proper for them to come back again and speak to
4 you about the evidence and suggest reasonable
5 inferences that you may draw from that
6 evidence.

7 I am confident that when you begin the
8 process of deciding this case that you will
9 find those remarks to be extremely helpful and
10 very beneficial. But please remember
11 something, that while very important their
12 remarks should never be considered evidence.
13 Likewise, my remarks should never be considered
14 evidence. Because the evidence will come
15 through the testimony of the witnesses that
16 appear before you.

17 The last phase, as I mentioned will
18 be the law. We will talk about some of the
19 various legal principles that I have mentioned
20 and we will talk about them in greater detail.

21 Then you will retire to begin your
22 deliberations.

23 I look forward to trying this case
24 with you. It's an honor to serve with each one
25 of you as a judge. I thank you for the

1 commitment that you've made to the State, to
2 Mr. Williams and to this court. I ask you to
3 now give the same attention that you have given
4 me as they give their opening statements.

5 Ms. Williams? Or Ms. Herring-Lash?

6 SOLICITOR HERRING-LASH: May it
7 please the Court?

8 THE COURT: Yes, ma'am.

9 SOLICITOR HERRING-LASH: **Minor Victim**
10 is a happy, happy little boy, well cared for
11 and loved by family who spent a lot of time
12 with him. From around the age of five months,
13 around March of 2008 until May of 2009, a
14 family that lives in Mount Pleasant named
15 Hugers. He goes there very often, he loved
16 to go to school. He wakes up every morning
17 singing *Jesus Loves Me*.

18 His mom is Nikki Washington, a single
19 mother. So Ms. Huger has stepped in, the whole
20 Huger family, and taken care of **Minor Victim**
21 Caretaking, transportation to medical
22 appointments, actually goes with his mom to
23 medical appointments. They are very involved.

24 On the other side is Nikki Washington.
25 How this begins is that she meets the

1 Defendant, Roger Williams. They have a
2 relationship and around her 21st birthday, she
3 has made plans to go out with some friends.
4 She did not include Mr. Williams in those
5 plans. He becomes angry that he can't go.
6 They separate and they are no longer a couple.

7 Very shortly after that, she finds out
8 that she is pregnant. She gets in touch with
9 Mr. Williams to tell him that she is pregnant
10 with his child. He does not believe her that
11 this is his child, he does not want this child.
12 She tries going through a DSS procedure to have
13 him served for child support. That never
14 works.

15 At the same time, Mr. Williams is also
16 living with Grace Trotman, who he has been in a
17 relationship with for some time. They had
18 broken up a little while, but he has a daughter
19 with her named [Minor] which everyone calls
20 [Minor]. She was born in September of 2007.
21 [Minor Victim] was not born until November of 2007.

22 Mr. Williams had made it clear that he
23 wanted the mother of his children to be one
24 person. He wanted Grace Trotman, since she had
25 already had a child. But as time goes on,

1 Nikki proceeds to say 'you're the father,
2 you're the father.'

3 One day she is shopping at a drug
4 store and sees that they now sell DNA kits to
5 determine paternity, at the drugstore. So she
6 decided that is what she will do. She asked
7 Mr. Williams and he agrees to meet with her and
8 little **Minor Victim** in a hotel room to do some
9 swabs to send off to see if he is in fact the
10 father. It comes back that he is actually the
11 biological father of **Minor Victim**.

12 At this point in time, Mr. Williams
13 agrees to spend time with **Minor Victim** And Ms.
14 Trotman, who is living with him, agrees that it
15 would be okay with her if little **Minor** comes
16 into their home also.

17 It also works out that around that
18 time the Hugers aren't able any longer to care
19 as much for **Minor Victim** so it's another place
20 that Ms. Washington can send **Minor Victim** to kinda
21 give her a break, as she sees it.

22 So he starts going there. Things go
23 very well at first. He is a sweet little boy.
24 However, he is, according to the description by
25 Ms. Trotman a timid little boy and, they

1 thought, a quiet little child, very different
2 from how the Hugers saw him. But perhaps it
3 was a new environment. You know, he was timid
4 and very reserved.

5 He meets his little sister **Minor** his
6 little half-sister, who is not timid at all.
7 She is described as "a little pistol." She is
8 a little larger, bigger, more aggressive and
9 kind of a take-what-she-wants little girl.

10 Nikki in mid -- the beginning, maybe
11 March of 2010, is going to move to Columbia.
12 So they make the decision that that summer of
13 2010 that **Minor Victim** will spend from May to the
14 end of the summer -- May 20th, somewhere around
15 there, until the end of the summer, with his
16 dad. Nikki is thinking, 'Oh, this is good. He
17 will have a dad to take care of him and I can
18 get settled and on my feet in Columbia.' So he
19 goes around late May.

20 Things go well in the beginning, the
21 first couple of days. But **Minor Victim** changes.
22 He's a little more quiet, he cries a lot and
23 Roger begins calling him "soft." He tells
24 several people, you know, "that boy stands like
25 a girl, he acts like a girl." He's got to man

1 him up, that he is not going to have a faggot
2 for a son. They say that he kinda stands like
3 this (illustrating hip out). Mr. Williams sees
4 that as standing like a girl. He doesn't want
5 that.

6 He encourages **Minor** and **Minor Victim** to
7 fight. **Minor Victim** won't fight back because he
8 has been taught not to fight by the Hegers. So
9 it's a little confusing. At one point when he
10 won't fight back, he has **Minor** -- Mr. Williams
11 has **Minor** drag him on the floor crying, and he
12 videotapes this. You will hear a little bit
13 more about that videotape in a moment.

14 At this point he begins hitting
15 **Minor Victim** in the chest and he falls sometimes.
16 He hits him when he sees him standing like a
17 girl or acting like a girl. On one of these
18 occasions when he falls, **Minor Victim** has what
19 these two people, Ms. Trotman and Mr. Williams,
20 describe as a seizure. Now, obviously they're
21 not medical people and they aren't able to
22 really diagnose what a seizure is but it kinda
23 -- that's what it looked like to them.

24 Their descriptions of what they see is
25 kind of different. Mr. Williams actually gives

1 a very much more detailed description. But for
2 anybody that has ever seen a seizure, it's
3 kinda hard to look at and it is scary. Ms.
4 Trotman doesn't get the details as much as Mr.
5 Williams does. But it is a scary thing to see.

6 But neither Grace Trotman nor Roger
7 Williams called 911, they don't call a doctor,
8 they don't even call his mother to say, you
9 know, 'Does this child have any seizure
10 problems? Has he ever had a problem?' By
11 this time, Mr. Williams knows about Mrs. Huger
12 because she has been texting him 'please let me
13 know if you need anything, I love Minor Victim
Minor Victim
14 He doesn't call her.

15 The next day Ms. Trotman goes to wake
16 him up and he doesn't wake up, he is not as
17 responsive as he usually is. She says that
18 usually he is one of those little boys that
19 just pops right up. But he won't wake up, so
20 she has to shake him. She describes that as a
21 second episode, although she doesn't describe
22 the kind of shaking and trembling that you see
23 in a seizure. She tells Mr. Williams when he
24 comes home that this has happened. Once again,
25 neither do anything.

1 Minor Victim spends a lot of that week
2 just laying around. Lamonia, Ms. Trotman's
3 sister, comes over one day and notices Minor Victim
4 just laying in his room and kinda questions
5 that. Ms. Trotman kind of remembers that he
6 did act a little more lethargic that week.

7 That Friday, Ms. Trotman leaves to go
8 get her hair done. So she doesn't know what
9 happened that day. But Mr. Williams, in one of
10 his statements, says that he did hit Minor Victim
11 that day on the chest. And a neighbor sees the
12 two little children run after her as she drives
13 off in the car.

14 Then on Sunday, June 6th, Minor Victim has
15 an accident in his Pampers. It's pretty bad
16 and it's all over the floor in his little
17 bedroom. Mr. Williams gets very upset with
18 him. Ms. Trotman hears a violence in the room.
19 She hears that. He comes out and pours bleach
20 on the little stain so that it won't smell as
21 bad. He tells her that he is okay, he leaves
22 to go out for the night.

23 He works during the day loading trucks
24 and he has another job at night promoting
25 parties and dancers at clubs afterhours. So

1 he leaves to go out to his all night job. He
2 comes home in the morning to get dressed,
3 change clothes to go to work.

4 That morning Ms. Trotman and the kids
5 get up, she says that she is breastfeeding and
6 -- that **Minor** and **Minor Victim** are fussing. She
7 says 'y'all stop.' They don't. So when she
8 gets finished breastfeeding, she gets up and
9 she has gotten permission from Mr. Williams
10 that it would be okay for her to pop **Minor Victim**
11 if she had a problem with him. He had to give
12 her permission since he was the blood father,
13 she thinks.

14 So she popped **Minor** and she popped
15 **Minor Victim** When she pops him this time, he hits
16 the floor and then goes back and his head hits
17 the wall. He has another one of these
18 episodes, but this one is different because he
19 seems to not be breathing. She has seen on the
20 Baby Network or some channel how to give CPR,
21 so she tries to give CPR to **Minor Victim** and she
22 thinks that she hears a little bit of air
23 coming through.

24 So she runs out, down the street,
25 looking for a cell phone because she has no

1 phone. She tried -- she finally finds a phone
2 at a neighbor's and she calls Mr. Williams at
3 work.

4 His boss comes to the phone, because
5 she can't get him on his cell phone at work,
6 for some reason, that day. The boss gets the
7 first call at 10:37 that morning. She is
8 frantic, hysterical on the phone: "Something
9 is wrong with the baby, the baby is not
10 breathing!"

11 He goes and gets Mr. Williams from his
12 workplace where he is loading a truck. She
13 tells him, "I've got to call the ambulance.
14 Something is wrong." He tells her "do not call
15 the ambulance, I'm on my way home."

16 His ride lives in Summerville and he
17 is working on North Rhett. So he calls his
18 ride to come and get him. Meanwhile, she has
19 to give that cell phone back. She runs down
20 the street and finds another cell phone, calls
21 back to the job. He's gone back to work
22 because he's waiting on his ride. She gets him
23 on the phone again, "I need to call the
24 ambulance." And he tells her "no, don't call
25 the ambulance."

1 So he eventually gets home after
2 waiting on his ride. When he comes home, Grace
3 Trotman is waiting outside with the cell phone.
4 They go in and **Minor Victim** is unresponsive.

5 Don't know exactly when he gets home but
6 10:37, then the ride comes from Summerville to
7 North Rhett, from North Rhett back to
8 Summerville.

9 At 12:02 he calls a friend to come
10 help him go buy some cement. Now, the friend
11 is at work and he can't come until later. So
12 it's later that they go get it. But he called
13 his friend at 12:02, not very long at all after
14 being home and seeing this body.

15 The friend does come and get him, they
16 go to Lowe's. They buy a trash can and they
17 buy cement. When he gets back home, he takes
18 **Minor Victim** s body and puts him into, feet first,
19 one trash can. He puts the other trash can
20 over his head and kind of tapes it around.
21 Then he puts him headfirst into the trash can,
22 mixes the concrete, covers his body and they
23 leave -- Ms. Trotman and Mr. Williams -- that
24 trash can in the garage.

25 They then -- the next day, Ms. Trotman

1 goes and rents a Home Depot truck. She has a
2 driver's license. They go riding around
3 looking for a place to take the body. They
4 don't find the exact place that day, so they
5 take the truck back; because you can only take
6 this truck for so many hours.

7 Ms. Trotman gets a ride back the next
8 day and rents the truck again. They put the
9 trash can in the truck, along with some other
10 articles. They go off on an exit near Vance,
11 South Carolina, to where some trash is dumped
12 and they dump the trash can into that dump.

13 They have discussed what to do if
14 anyone ever finds out about this. Mr. Williams
15 has told her to say that he fell down the steps
16 and fell on top -- and **Minor** fell on top of him.

17 For that next month, we're talking
18 about June, Ms. Trotman is having a hard time
19 keeping herself together. She goes and stays a
20 lot with her sister. She is going to leave and
21 get on her feet. She gets a job -- because
22 they are also being evicted. She gets a job
23 with her sister and they are going to share --
24 the sister will work days, she'll work nights.
25 This comes into the July 4th weekend. So she's

1 -- she and her two children, because by then
2 they've had another baby, I mentioned
3 breastfeeding a moment ago, [Minor]

4 The 4th of July weekend, also Nikki is
5 in town and she is trying, with the aid and
6 encouragement of Mr. and Mrs. Huger to find
7 [Minor Victim] because it's been a month since she
8 has talked to him.

9 Now, she has heard his voice crying --
10 because that little tape that I told you about
11 is what they play for her when she calls to
12 say, 'Oh, he can't come to the phone. He's off
13 somewhere with his mother.' So they've been
14 playing this tape for her and she accepts
15 that's him crying.

16 So Mr. Williams pays a friend of his
17 to go and rent a car, takes that car to Grace,
18 tells her to get the two kids in the car and to
19 get her sister's little boy -- but the sister
20 won't let her, so she ends up with just the two
21 kids -- and he will tell her where to go from
22 there.

23 At the same time, and you will see the
24 phone records from that day, he is talking to
25 Nikki Washington, telling her where to go.

1 Well, Ms. Trotman ends up at The
2 Battery and the story is, 'I lost Minor Victim
3 He was walking behind me and somebody', you
4 know, he's gone. A huge search ensues for
5 this child. They take Ms. Trotman to the City
6 Police Department. She lies. She says for
7 hours and hours, most of the night, 'He was
8 with me, on The Battery. That's where he was.
9 I don't know what happened.' The story isn't
10 real convincing to the police, but she keeps on
11 telling it.

12 An FBI agent is talking to her because
13 they think that it's a kidnaping. And at some
14 point in the early morning hours when she's
15 been left alone in the room, the FBI agent
16 mentions to her that Mr. Williams has been
17 picked up. Because they were looking for him
18 and the child, just trying to find that this
19 child was safe.

20 She waits a little while. She calls
21 for the FBI agent to come back. She changes
22 the story to 'fell down the steps, Minor fell on
23 top of him.' She'll tell you that she changed
24 it because she felt like Mr. Williams was
25 picked up and she was safe.

1 But she changed it -- because it's
2 still a lie, and she continues to lie for
3 awhile. She finally ends up, 'I think I can
4 take you to the body. He fell down the steps
5 and when I went home -- I went to my sister's
6 and when I got home, he wasn't there. I don't
7 know where he is but I think I can take you to
8 the body.' She still is not telling the truth.

9 But she does take them, about noon or
10 1:00 o'clock the next day, -- she's been
11 questioned since early evening of the day
12 before. They find the body and she, after
13 that, talks again and finally -- first blames
14 it on **Minor** and then finally says, "I hit him
15 also." She tells them about Roger having hit
16 him all these other days and the last day she
17 hits him and the story.

18 As you hear this, I'm sure you think,
19 'Well, Grace Trotman is guilty of this.' She
20 is. She's pled guilty to homicide by child
21 abuse and neglect and she has pled guilty to
22 desecration of human remains. She will testify
23 to what she knows about this.

24 You will hear different statements
25 that Mr. Williams has made to different people.

1 Lay people, officers. Just listen to those for
2 the differences.

3 The charges that Mr. Williams faces
4 here are homicide by child abuse. I'll read
5 this to you, I know that you can read but
6 you've not used to statutes and this is pretty
7 complicated and the more you can see it and
8 hear it, the better it will be for you to kind
9 of understand.

10 (Reading): *"A person who causes the*
11 *death of a child who is under eleven while*
12 *committing child abuse and neglect and the*
13 *death occurs under circumstances manifesting*
14 *an extreme indifference to human life."*

15 After I read you some of this, I'll
16 try to give you one definition out of the case
17 of extreme indifference also.

18 (Continues reading): *"Or knowingly*
19 *aids and abets another person to commit child*
20 *abuse or neglect and the child abuse or neglect*
21 *results in the death of a child."*

22 "Harm" is defined as, *"inflicts or*
23 *allows to be inflicted upon the child physical*
24 *injury, including injuries sustained as the*
25 *result of excessive corporeal punishment. Or*

1 *falls to supply the child with adequate food,*
2 *clothing, shelter, healthcare and a failure to*
3 *do this causes an injury or a condition*
4 *resulting in the child's death." Or abandons*
5 *the child.*

6 "Child abuse and neglect" is defined
7 in this statute as "a means, an act or omission
8 by any person which causes harm to the child's
9 physical health or welfare."

10 Some of the case law explains "extreme
11 indifference" as a "conscious act of
12 disregarding a risk which a person's conduct
13 has created or a failure to exercise ordinary
14 due care."

15 Now, at the end of this case Judge
16 Dennis will give you the law. If what I say in
17 any way differs from him, you go by what he has
18 told you. I am just trying to explain to you a
19 little bit at this point.

20 (Continues reading): "Or conduct of
21 the parent, which evinces a subtle purpose to
22 forego parental duties that may fairly be
23 characterized as willful, because it manifests
24 a conscious indifference to the rights of the
25 child to receive support and consortium from

1 *the parent."*

2 I know that may not be real clear.
3 But this statute kind of conceives the idea
4 that we owe children a duty. We cannot
5 delegate the duty that we owe our own child.
6 It is different from a murder statute. It was
7 created because very often deaths that result
8 from child abuse and neglect don't really fit
9 the murder statute. It usually is not a
10 gunshot, a one time slitting of the throat.
11 It is often a series of inflictions of injury
12 that culminate in something that causes the
13 death. We have an expert that will explain
14 that to you.

15 The other part of that statute that is
16 very different than the murder statute is the
17 omission part. If you remember, you are also
18 under the duty to act and it's an omission to
19 get healthcare. That is also in that statute.
20 So it is very different from the murder
21 statute, specifically in those two ways.

22 He is also charged with unlawful
23 conduct toward a child. (Reading): "*It is*
24 *unlawful for the person who has charge or*
25 *custody or who is the parent or guardian of a*

1 *child to place that child at unreasonable risk*
2 *of harm, affecting a child's physical or mental*
3 *health, or to do or cause to be done bodily*
4 *injury."*

5 The child abuse or neglect in this
6 case also resulted in the homicide, and the
7 omission resulted in the homicide.

8 Now, Ladies and Gentlemen, you will
9 hear the evidence in this case. After you have
10 heard all the evidence, we will ask you to
11 reach a verdict that speaks the truth about the
12 acts and the omissions of Roger Williams that
13 resulted in the death of Minor Victim
14 Thank you.

15 THE COURT: Thank you, Ms. Herring-
16 Lash. Mr. Falk.

17 MR. FALK: Good afternoon. My name
18 is James Falk. It is my privilege this
19 afternoon to represent Roger Williams in this
20 case.

21 The State has laid out their case
22 against my client and I want you to sort of
23 hear the other side of the story, the other
24 side of the coin. The first thing I want you
25 to understand, at the very beginning, is that

1 my client has already pled guilty to the
2 desecration of a corpse, the destruction of
3 human remains. This was not part of any type
4 of plea agreement. He's took responsibility
5 for the acts that he has done.

6 It was a bad thing. There is no
7 question that he did something bad. He did
8 something criminal, he did something felonious
9 and he's going to be punished, he is going to
10 be sentenced for that and he's going to -- he's
11 going to be punished for that story about
12 putting the corpse in the barrel, burying it
13 and all that kind of stuff.

14 That is not really something -- it's
15 very difficult evidence to hear. It's very
16 difficult for us to keep going over it.
17 However, what you need to do here is to
18 understand that he's going to be punished for
19 that. That's really a separate box over here.

20 What I need you all to do is to focus
21 on the evidence of the charges against Mr.
22 Williams, the charges that he has here, the
23 homicide by child abuse charge and the unlawful
24 conduct towards a child.

25 I believe that the evidence is going

1 to show one thing, that Mr. Williams is not
2 responsible for the death of [Minor Victim]
3 I believe that because really the evidence that
4 -- in order to convict my client of these
5 charges, you are going to have to believe the
6 testimony of Grace Trotman. You are going to
7 have to believe the testimony of the lady who
8 was watching [Minor Victim] at the time.

9 I believe that there is not going to
10 be any question in the evidence, when it comes
11 in, that the child died when Mr. Williams was
12 at work.

13 I believe that the State, who wants to
14 bring in all the evidence about the acts that
15 they did to cover this up, in order to -- well,
16 one, they may want you to know that he did that
17 part. But I think that they also want you to
18 draw the conclusion that anybody who takes a
19 step in a cover-up like that is only going to
20 be there for one reason, and that is to cover
21 up because he is guilty of the other act. That
22 you don't go and do something like that unless
23 you're really covering up for your own crime.

24 I submit to you today that I think the
25 evidence is going to show that Mr. Williams was

1 not covering up his own crimes, but that he was
2 covering up what Grace Trotman did.

3 I believe that the evidence is going
4 to show that when she called him on the
5 telephone that she didn't tell him that the
6 child was barely breathing. I believe that she
7 called and told him that the child was not
8 breathing, I think she called and told him that
9 the child was dead. It probably makes sense
10 why then Grace Trotman wouldn't have been the
11 first person, when she goes and talks to the
12 neighbor, why she doesn't call 911.

13 Or if it is true, what the State has
14 said, that she performed CPR and the child was
15 barely breathing, so she left a two-year-old
16 child on the sofa, then walked out to call the
17 neighbor? That would seem -- you know, if the
18 child was just barely hanging on, maybe the
19 smarter thing to have done would have been to
20 take the child with you to go call the
21 neighbor. That way you will always be in
22 contact with the child and you will know, and
23 you won't be having conversation out across the
24 yard or across the street to somebody else and
25 not know what is going on inside with this

1 child, where you know this child is. I believe
2 probably the best explanation is that Grace
3 Trotman knew that the child was dead.

4 Now, there are a couple of people that
5 are going to be involved in this case and
6 you've got to understand a couple of things --
7 and the State has told you that Grace Trotman
8 was lying, but I don't think that the State has
9 really told you to the extent of the different
10 stories that she has told about the death of
11 **Minor Victim**

12 Her first story is that the child fell
13 down the stairs. I think that the State wants
14 you to believe that it was Roger Williams'
15 story but I think the evidence may show that
16 that is her story, or that maybe they concocted
17 that story together and it's really a lie.

18 I think the most telling story that
19 Grace Trotman told about the death was that her
20 two-year-old child was responsible for the
21 death of **Minor Victim** Now, here's somebody who is
22 going to try and tell -- going to try and lead
23 the authorities to believe that their two-year-
24 old caused the death of her half-sister, her
25 half-brother, stepsister. I am not sure what

1 kind of parent throws a two-year-old under the
2 bus, wants to label them, wants to sell them
3 the guilt that they may have been responsible
4 for the death of a child, especially when she
5 knew all along that she was lying. That's
6 troubling to me. That's been troubling to me
7 from the whole start.

8 The State also raised the point that
9 she had to call and get permission to
10 discipline **Minor Victim** I don't think that story
11 is going to follow through also, because I
12 think that the evidence is going to show that
13 she disciplined **Minor Victim** with a KoolAid spoon.
14 I mean, she admitted slapping the kid with a
15 KoolAid spoon. The kind of discipline she
16 wants to talk about is pop the child on the
17 arm.

18 At one time when she gave an
19 interview, after on numerous occasions the
20 Berkeley County representative that was trying
21 to get her to tell the truth, she breaks down
22 and she starts crying and then she tells them
23 which I think might actually be the true story,
24 in fact. She says that she snapped. When she
25 admitted she snapped, the Berkeley County

1 prosecutor kinda suggested that; you know, it
2 was kinda believable. That here she is locked
3 in the house -- well, she was not locked in the
4 house. She was sitting in the house, she had
5 no telephone, she had no cell phone, she had no
6 car, she's watching somebody else's kid. She
7 is watching the child of Shaneeka Washington.
8 This is the child -- Ms. Washington is the
9 mother of the victim here. You have to maybe
10 believe that there is possibly some jealousy
11 or animosity between Grace Trotman and Ms.
12 Trotman. I mean, their children are two months
13 apart in age. Here she is watching somebody
14 else's child, that is not her's. Her husband,
15 I am sure that she will testify, is never home.
16 He is either at his job or he's out running
17 around, he's working, he's never at home.

18 So at some point in this interview
19 that she has, she tells the sheriff's officer
20 that she snapped. She says that she "hailed
21 off and hit him on the shoulder." And if you
22 get an opportunity, you can see that she even
23 demonstrates how the child made contact with
24 the wall in the house, a snapping motion with
25 his head coming up and hitting the wall.

1 That's a believable story.

2 Later on she talks to the prosecutor
3 and she gives the prosecutor a proffer, the
4 prosecutor gave her an opportunity to come
5 clean, just tell the truth. You know, 'what-
6 ever you say, nothing is going to be held
7 against you.' Nothing more. During the
8 proffer she backs off that story and goes back
9 to the story of some combination of **Minor**
10 pushing the child and maybe her disciplining
11 him on the arm, maybe giving him a pop.

12 Now, the one thing she has done, she
13 has slowly -- she clearly had responsibility
14 in this case and she has pled guilty. But she
15 tries to bring -- she tries to find anybody
16 else that she can blame for this. First she
17 blames **Minor** for it, and now she is going to
18 blame Roger Williams. She going to tell
19 stories about the disciplining that Roger
20 Williams performed on the child. She is going
21 to tell several different stories, that this
22 occurred in different locations. I think that
23 there is plenty of reason to believe that those
24 stories might not have happened, that it is all
25 part of her effort to sort of share the burden

1 of this crime that she committed with somebody
2 else.

3 My client took part in probably the
4 stupidest cover-up plan that you've ever come
5 up. There's no question why it ultimately
6 broke down. I mean, what they tried -- you
7 know, whatever they came up with -- and I
8 believe that they probably came up with the
9 story together, but I believe that Grace
10 probably was leading it because she was the one
11 most likely responsible for the child's death.

12 It was clear that there was no way
13 that you were ever going to be able to say that
14 this child fell into The Battery. The fact
15 that they even thought that this would work is
16 beyond believable.

17 Now, I think that there is going to be
18 some medical testimony brought in and they are
19 going to talk about two things. The medical
20 testimony, they're going to have two medical
21 experts. There is going to be a medical
22 examiner who is going to talk about the cause
23 of death, to the extent that he can. There is
24 also going to be a pediatrician, I believe
25 she's from the state of Rhode Island, and the

1 State refers to her as an expert. They are
2 going to try to talk to you about something
3 about the causes of death.

4 But I think that when you hear the
5 testimony that you're still not going to be
6 able to say that Roger Williams was the causal
7 factor. In order to believe that Roger
8 Williams did this, you're going to have to
9 believe Grace Trotman's story hook, line and
10 sinker that Roger Williams was constantly
11 disciplining this child, breaking it down to
12 the point that he was so weakened that on that
13 Monday morning when she just barely popped him
14 on the arm that he hit the wall -- maybe he hit
15 the floor, maybe he hit the floor and the wall,
16 her story has gone back and forth -- and that's
17 what led to the child's death.

18 She is also going to talk about
19 seizures. She is going to give symptoms that
20 the child suffered seizures after some of these
21 alleged instances of abuse that she is saying
22 that my client inflicted. And, again, these
23 seizures -- her description of these seizures
24 change. Now, I mean, granted it is a very
25 difficult thing to look at but it seems that

1 if you're the person there and the person
2 witnessing it that you're not going to be
3 consistent about knowing whether or not the
4 child was shaking, whether or not he was,
5 whether or not he was fixed, whether his tongue
6 was sticking out or whether it wasn't.

7 She is also going to talk about the
8 fact that she performed CPR on Minor Victim I
9 think that this is an important part of the
10 story, not so much that she performed CPR but
11 when she performed the CPR. She has told
12 different stories as to whether or not she did
13 it right away, whether or not no CPR was
14 performed until Roger Williams got home. I
15 think the only important thing to know about
16 the CPR is that that is when she was on top of
17 the child and that's when she knew that the
18 child was no longer breathing and that's when
19 she called Roger Williams. Why else wouldn't
20 she call 911?

21 I expect them to try and say that she
22 felt intimidated by Roger Williams. I think
23 you are going to find from the testimony that
24 that is not true. She could have left this
25 house at any time. She talked about the fact

1 that Roger Williams was never in the home, he
2 was either working, out with some other people,
3 he was partying late at night, he was never
4 home. The fact is that if she really felt like
5 she was in fear, like she's testified to in the
6 past, it's hard to believe that she wouldn't
7 have just got up and left. She had people who
8 would take care of her -- the Deas, she moved
9 in with her family members, the Deas, and I am
10 sure the State will talk about that. There
11 were places for her to go. The fact that she
12 didn't go is because she didn't want to go.

13 Her whole accounts of child abuse that
14 she says that Roger Williams inflicted and her
15 physical abuse that she was inflicted with, I
16 think is all part of a story so she becomes one
17 of the victims in this. I think she wants to
18 be a victim in this whole story along with Ms.
19 Washington.

20 We contend that she is the culprit,
21 that she is the person who caused the death,
22 that she is the one that caused the homicide by
23 child abuse. By the time that she contacted
24 Roger Williams, there was nothing that he could
25 have done. On that Monday when she contacted

1 him at work, the child was already dead and
2 there was nothing that he could have done.

3 I need you really to -- I know that
4 this is a bad case, I know that the facts in
5 this case are really bad, but I really just
6 need you hang on, listen to all the evidence
7 as it goes all the way through and maybe you
8 can pick up some of these discrepancies in the
9 testimony that Grace Trotman is going to say.
10 Because really in order to convict my client
11 you're going to have to believe Grace Trotman's
12 testimony. I believe that her testimony you're
13 going to find to be inherently contradictory
14 and not trustworthy.

15 Thank you for your attention to this
16 case. I am really quite sure that the Judge is
17 going to instruct you on this but I need you to
18 sort of keep blinders on to the point -- there
19 may be something in the newspaper about this
20 tonight. If you don't read it, you're probably
21 going to have a family member who is going to
22 talk to you about that. The stuff that is in
23 the newspaper about this, I don't know where
24 some of the -- I don't know where they got some
25 of this stuff. But you need to confine your

1 deliberations and your thoughts about this case
2 to only what we talk about here in court and
3 not what your neighbor thinks about this, not
4 what you read in the newspaper, not what you
5 hear on a TV account of this. I am just hoping
6 that you will keep an open mind through this
7 whole deliberation and at the end of the day
8 that we will get a fair decision.

9 THE COURT: Thank you, Mr. Falk.
10 Ladies and Gentlemen, at this point I am going
11 to recess for the evening.

12 Please understand something, you've
13 heard no evidence so there is nothing for you
14 to discuss among yourselves. But once we start
15 hearing the evidence, you must remember that
16 you are not at liberty to talk about this case
17 among yourselves or with anyone. In fact
18 tonight when you go home, if there is someone
19 there, I imagine the first question is going to
20 be 'what are you doing, what is this case
21 about, what is going on?' Great -- I am sure
22 that it will be an urge -- a human response
23 would be, 'well, let me tell you about it.'
24 If you do, you will have violated the oath that
25 you just took because you would have started

1 your deliberations at that point. You cannot
2 do that. Talk about something else, anything
3 else, but not this case.

4 When you complete it, you'll be at
5 liberty to talk about it if you choose to.
6 But until you are dismissed from further
7 participation in this case, you are not at
8 liberty to talk about it with anyone or
9 certainly not among yourselves. Also, you
10 should not allow anyone to talk with you about
11 this case or talk about it in your presence.
12 There are obvious reasons for that. You all
13 have made a commitment, either by not
14 responding or by responding, that you will
15 decide this case based on the evidence and the
16 law in this case. But you can imagine that if
17 somebody should hear or find out that so-and-so
18 talked to this juror -- and it happens, and I
19 don't think they mean anything by it but it
20 happens. Probably it would not influence that
21 juror but it has the appearance of a problem
22 and you have to guard against not only the
23 problems but the appearance of problems. So
24 you can't do that. You have made a commitment
25 to decide this case based on the evidence, and

1 that's what occurs in this courtroom, and that
2 is the only place that you should hear or talk
3 about anything about this case.

4 Also it would not surprise me to see
5 some reports about this case on the News,
6 television. Certainly it would not surprise me
7 to see it in the newspaper. I am going to
8 instruct you that you cannot watch any news
9 accounts, you cannot read any newspaper
10 articles about this. If you do, you will have
11 violated your oath and you will jeopardize this
12 case.

13 In fact, every morning I am going to
14 ask you before we start whether you've honored
15 the commitment that you made. That is, that
16 you have not talked with anyone about it, that
17 you have not read anything about it and that
18 you have not watched any news accounts. I am
19 going to put you under oath -- I am sure that
20 you are not going to do that, but I will tell
21 you that it has happened in the past, in cases.
22 When it is done, when it's brought to my
23 attention, the case has to be retried. So
24 please know it is that serious that you not do
25 that. Please honor the commitment that you

1 made. I am confident that each of you will.

2 Also, to comply with the statement
3 that I made to some persons that we are going
4 to finish this case this week. I am going to
5 start, rather than at 9:30, at 9:00 o'clock.
6 We will ask you to be in your jury room,
7 please, by 9:00 o'clock in the morning. As
8 soon as everybody is assembled, we will bring
9 you in the courtroom to resume this trial.

10 Have a great evening. I will see you
11 tomorrow at 9:00 o'clock. Everyone else remain
12 seated while the jury departs. Thank you.

13 (JURY OUT @ 5:25 P.M.)

14 THE COURT: Anything from the State
15 before we recess?

16 SOLICITOR WILLIAMS: Nothing from
17 the State, Your Honor.

18 THE COURT: Anything from the
19 defendant before recessing?

20 MR. FALK: No, Your Honor.

21 THE COURT: Thank you very much.
22 See you at 9:00 o'clock. Yes, sir?

23 MR. FALK: One point. You're
24 anticipating that we will go until Friday?

25 THE COURT: I am anticipating that

1 we will go until we finish this case.

2 MR. FALK: I am going to try and
3 see if I can get money -- I have an expert
4 witness who may testify. I am going to go and
5 make an application to get the money. I have
6 been trying to schedule her today. She can
7 testify Friday morning. I mean, -- that would
8 probably be my last witness anyway.

9 THE COURT: I don't know where we
10 will be.

11 MR. FALK: She can't go Thursday
12 afternoon.

13 THE COURT: I understand that. All
14 I will tell you is that I don't know where we
15 will be at that point.

16 MR. FALK: Well, if I -- would you
17 entertain a Motion that if it is Thursday
18 afternoon that ---

19 THE COURT: Mr. Falk, I will try to
20 accommodate you the best that I can.

21 MR. FALK: Thank you. I appreciate
22 that. Thank you.

23 THE COURT: Thank you, sir. Can she
24 come at any other time?

25 MR. FALK: Beg your pardon?

1 THE COURT: Can she come Wednesday?
2 We can take her out of order.

3 SOLICITOR WILLIAMS: Well, we would
4 be happy to do that but we're having the Rhode
5 Island lady fly in ---

6 THE COURT: I understand that, but
7 she ain't going to testify all day.

8 SOLICITOR WILLIAMS: We will do
9 whatever Your Honor ---

10 THE COURT: I've got news for you
11 guys. I've tried medical malpractice cases and
12 we had dueling experts. We can get finished in
13 this case if you all will just stay on focus.
14 There can't be that much, not without repeating
15 and I am not going to allow that. So does
16 everybody understand?

17 MR. FALK: Yes, sir.

18 SOLICITOR WILLIAMS: Understood.

19 THE COURT: See you in the morning
20 at 9:00 o'clock.

21 SOLICITOR WILLIAMS: Yes, sir.

22 (COURT IN RECESS)

23 (TRANSCRIPT CONTINUED NEXT PAGE)

24

25

1 If you have complied, please say "I do."

2 (UNANIMOUS AFFIRMATIVE RESPONSE BY JURORS)

3 THE COURT: Any member that was
4 unable to make that commitment? (No response).
5 Thank you very much. We will now begin with
6 the evidentiary portion of the proceedings.

7 Good morning, Ms. Williams. You may
8 call your first -- Ms. Herring-Lash, you may
9 call your first witness.

10 SOLICITOR HERRING-LASH: The State
11 calls Connie Huger.

12 (WITNESS TAKES STAND)

13 CONNIE HUGER, being duly sworn to tell
14 the truth, the whole truth and nothing but the
15 truth, testified as follows:

16 DIRECT EXAMINATION

17 BY SOLICITOR HERRING-LASH:

18 Q. Ms. Huger, where do you live?

19 A. Mount Pleasant, South Carolina.

20 Q. Who is in your family?

21 A. My husband and my three children.

22 Q. Do you know or did you know Minor Victim

23 A. Yes, ma'am.

24 Q. How did you meet Minor Victim

25 A. I met him through my daughter and his

1 uncle, Vermeil Washington.

2 Q. Is Vermeil Washington related to Nikki
3 Washington?

4 A. Yes, ma'am. That's her brother.

5 Q. What did **Minor Victim** call you?

6 A. Well, at first he was calling me "Mama."
7 Then he was told not to.

8 Q. And what did he call your husband?

9 A. "Daddy."

10 Q. Did he spend a lot of time with your
11 family?

12 A. Yes, ma'am.

13 Q. What kind of child was **Minor Victim**

14 A. Adorable, loving, kind, sweet, funny.

15 Q. Did he go to school from your house?

16 A. Yes, ma'am, he did.

17 Q. Did you help him get to school?

18 A. Yes, ma'am. I would take him.

19 Q. What about medical appointments?

20 A. I would find out from his mom when his
21 appointments would be and -- actually she would
22 contact me and let me know that he would have
23 an appointment because he was practically with
24 me most of the time. So I told her to just let
25 me know when and we'd be there, and I would go

1 with her.

2 Q. So you attended his medical appointments?

3 A. Yes, ma'am.

4 Q. Did he have any medical problems that any
5 doctor ever discussed with y'all?

6 A. None whatsoever.

7 Q. Did he make all of his well baby visits?

8 A. Yes, ma'am.

9 Q. When did you learn that Roger Williams was
10 his father?

11 A. It was late Fall, I believe the end of
12 September 2009.

13 Q. Did you meet Roger Williams?

14 A. Not personally -- well, not at that time.
15 I met him at his second birthday party.

16 Q. At **Minor Victim** second birthday party?

17 A. Yes, ma'am. We weren't formally
18 introduced, but I knew it was him.

19 Q. Did he come to the party?

20 A. Yes, ma'am.

21 Q. Did **Minor Victim** continue to visit with you
22 after Roger became a part of his life?

23 A. Not as frequent as he was before.

24 Q. Did he visit with you some after he had
25 been visiting with Roger?

1 A. Yes, ma'am.

2 Q. Did you notice any behavioral changes
3 then?

4 A. Yes, ma'am.

5 Q. What did you notice?

6 A. He wasn't as outspoken as he was before
7 when he was with us. It was as if he was
8 afraid to ask for things. His speech -- I
9 wouldn't say that he started to stutter but I
10 think it was just fear of him not knowing what
11 to ask for. If he could ask for something --
12 for instance if he wanted something he would
13 say, "I, I, I, I, I want" instead of just
14 saying before 'I want this' or 'I want that'
15 or 'Can I have this?' 'Can I have that?'

16 Q. Did there come a time when he went to stay
17 with Roger for an extended period?

18 A. Well, I remember the first time that he
19 went, which was in September, and then the
20 second time I remember him going was when he
21 left my house in May.

22 Q. Did you contact Mr. Williams?

23 A. I did. When **Minor Victim** first went to visit
24 with him, at the end of September, I was so
25 afraid for him going to visit with folks that

1 he had never seen before because he was well
2 aware of everybody that he was with before, so
3 -- I was talking to my manager at work and I
4 said, 'I am so afraid for him going, you know,
5 because they are strangers to him.' She said,
6 'Why don't you just call him?' So I called
7 several times, never got an answer. So I tried
8 texting. I sent him a long text, practically a
9 page or two or whatever, introducing myself,
10 letting him know that Minor Victim had been with me
11 for practically the first year and a half of
12 his life and whatever, you know. So 'I just
13 want you to be able to contact me if you have
14 any questions or whatever, because I can tell
15 you a lot about him.' I got a response from
16 him saying, 'Do whatever you feel.'

17 Q. Did you ever get another response?

18 A. No, ma'am.

19 Q. Did Minor Victim go and stay that summer?

20 A. Yes, he did. He left -- the last day that
21 he was with me was May 7th.

22 Q. And did you ask Nikki about when he was
23 coming home?

24 A. Yes, ma'am. I would frequently ask her
25 about him, how he was doing, when he was coming

1 home. She said that he was going for the
2 summer. So every day I would be calling,
3 asking how he is doing, to talk to him, can
4 he call me.

5 Q. Let's go to the weekend of the 4th of July.
6 Did Nikki come to Charleston that weekend?

7 A. Yes, ma'am. She did.

8 Q. And what did y'all do as far as looking
9 for **Minor Victim**

10 A. Well, it all started on July 4th,
11 practically. My daughter, Shantay (phonetic),
12 went to be downtown with his family, McGee and
13 her mama. She said that she would wait down
14 there because she knew that **Minor Victim** was
15 coming. So I went to visit with a relative of
16 mine. I told her, I said, 'Okay. Well,
17 whenever you are going over to Mount Pleasant,
18 give me a call and I will come over.' Because
19 I was so excited about being able to see him.

20 Q. So you'd planned for him to come ---

21 A. Yes, ma'am. She said she would wait
22 downtown at his house, his mom's house or
23 whatever. But after 11:00, no response, no
24 sign of **Minor Victim** Then the next day, which was
25 the 5th of July, I was worried. So I called his

1 mom and asked her if she didn't mind us going
2 to Summerville to look for **Minor Victim** or
3 whatever. She said that she would go but that
4 she was at the store with her sister, so she
5 would call me when she got back to the house.

6 Q. Did y'all end up going?

7 A. Yes, ma'am. She did call and she said,
8 'Well, do you mind if my sister comes.' And I
9 said 'no, not at all.' The more the merrier,
10 you know. That's more for us to have looking
11 for him. We had no idea where we were going
12 to look for **Minor Victim** no idea whatsoever.

13 Q. You didn't know where his house was?

14 A. No, ma'am. I was praying that somehow
15 we'd be seeing a child outside at 11:30 that
16 looked like **Minor Victim** that we could snatch him
17 up and bring him home.

18 Q. Did you find the house?

19 A. We did eventually. Roger finally told her
20 where the house was after back and forth on the
21 phone with him and Grace.

22 Q. What condition was the house in when you
23 found it?

24 A. Well, it was dark. It looked to be like a
25 nice home. Everything was just pitch black

1 dark, the windows in the house were open.

2 Q. Was it deserted?

3 A. Yes, ma'am.

4 Q. Now, on the next day, what -- was that the
5 day that you went to The Battery?

6 A. Yes, ma'am.

7 Q. What happened that day?

8 A. Well, that morning -- because we could not
9 find **Minor Victim** I'd asked her to call the police
10 the night before. Because I did not want to
11 leave. So she called the police and the
12 gentleman that came said that there was nothing
13 that he could do because the child was not
14 kidnaped, that she had willingly handed him
15 over to his father.

16 So the next morning when I woke up, I
17 asked her, I said, 'Well, Nikki, please call
18 him and tell him that you spoke with a judge or
19 something and they said that if **Minor Victim** was
20 not here by a certain time that they would
21 issue a warrant for him.' No, that statement
22 is not true. It's just something that I asked
23 her to do. I apologize, because I just wanted
24 **Minor Victim** back safely.

25 Q. Did you end up going to The Battery that

1 night?

2 A. Yes, ma'am. After calling her work and
3 calling her several times throughout the day,
4 asking her had she heard anything and she kept
5 telling me that she was told by Roger that
6 **Minor Victim** was in North Carolina, at Carowinds
7 with his sibling, whatnot, and that they were
8 on the road. It was always that he was on the
9 road.

10 MR. FALK: (Standing).

11 THE COURT: Yes, sir.

12 MR. FALK: Maybe Ms. Nikki should
13 be testifying as to what she heard ---

14 SOLICITOR HERRING-LASH: Just say
15 what you did.

16 THE COURT: Sustained.

17 THE WITNESS: Okay, all right.

18 DIRECT EXAMINATION CONTINUED

19 BY SOLICITOR HERRING-LASH:

20 Q. You went to The Battery?

21 A. I went to The Battery, (affirmative nod).
22 But I didn't go to The Battery until I got the
23 call from Nikki's sister.

24 Q. What did you do when you got to The
25 Battery?

1 A. Well, I was looking for Grace. I quickly
2 approached her and asked her where was
3 Minor Victim There was an officer that stepped in
4 between us and pulled me away from her.

5 SOLICITOR HERRING-LASH: Court's
6 indulgence.

7 THE COURT: Certainly.

8 SOLICITOR HERRING-LASH: Ms. Huger,
9 those are all the questions that I have. If
10 you would, answer any that Mr. Falk may have.

11 THE WITNESS: Okay.

12 THE COURT: You may cross examine.

13 MR. FALK: No questions.

14 THE COURT: Very well, you may come
15 down.

16 (WITNESS STEPS DOWN)

17 THE COURT: Call your next witness,
18 please.

19 SOLICITOR HERRING-LASH: The State
20 would call Captain Naomi Broughton.

21 (WITNESS TAKES STAND)

22 NAOMI BROUGHTON, being duly sworn to
23 tell the truth, the whole truth and nothing but
24 the truth, testified as follows:

25 DIRECT EXAMINATION

1 BY SOLICITOR HERRING-LASH:

2 Q. Captain Broughton, where do you work?

3 A. City of Charleston Police Department.

4 Q. How long have you been there?

5 A. Twenty-seven years.

6 Q. What is your position?

7 A. I am the Captain over the Investigations
8 Bureau.

9 Q. Did you deal with this case back in July
10 of 2010?

11 A. I did.

12 Q. How were you notified of the situation?

13 A. I received a command page that we had a
14 missing juvenile at The Battery, and responded
15 to The Battery to assist with the command post.

16 Q. And what did you do?

17 A. I was in charge of the command post and
18 the resources that were being utilized.

19 Q. What were those resources?

20 A. Oh, my gosh, quite a few. We had seven
21 boats out in the water, we had Charleston
22 County Rescue, Charleston County Sheriff's
23 Office, City of Charleston Police Department,
24 fire department, DNR, Coast Guard.

25 Q. And did you kind of coordinate that

1 response team?

2 A. I did.

3 Q. What were your goals that evening?

4 A. Well, our goals were first of all to
5 secure the scene for a rescue detail; second of
6 all, to inform all the citizens, businesses and
7 residents in the area as to the status of the
8 missing juvenile; third was to ascertain if the
9 juvenile was missing, abducted or in some kind
10 of distress; and also to coordinate with the
11 other entities there to make a unified command.

12 Q. At some point did that search end?

13 A. It did. I want to say that it was around
14 5:45 because we had the second shift coming on
15 at 6:00 and we discontinued the search around
16 that time.

17 Q. Was that the end of the search and the
18 Police Department that evening? Did your
19 investigation end?

20 A. As far as the command post was concerned
21 in the search, yes.

22 SOLICITOR HERRING-LASH: That's all
23 that I have?

24 THE COURT: Cross examine?

25 CROSS EXAMINATION

1 BY MR. FALK:

2 Q. Was it your testimony that y'all suspended
3 the search at the end of your shift?

4 A. No, because -- actually we didn't end it
5 until -- it was close to 6:00 a.m. in the
6 morning.

7 MR. FALK: Thank you.

8 THE COURT: Redirect?

9 SOLICITOR HERRING-LASH: No, Your
10 Honor.

11 THE COURT: You may come down. Do
12 you wish the witness to be excused?

13 SOLICITOR HERRING-LASH: Yes, Your
14 Honor.

15 THE COURT: Any objection, Mr. Falk?

16 MR. FALK: No, Your Honor.

17 THE COURT: You also are free to
18 leave. Thank you.

19 (WITNESS STEPS DOWN)

20 THE COURT: Call your next witness,
21 please.

22 SOLICITOR HERRING-LASH: Officer
23 Jonathon Lane.

24 (WITNESS TAKES STAND)

25 JONATHON LANE, being duly sworn to

1 tell the truth, the whole truth and nothing
2 but the truth, testified as follows:

3 DIRECT EXAMINATION

4 BY SOLICITOR HERRING-LASH:

5 Q. Detective Lane, where do you work?

6 A. I work with the Charleston Police
7 Department.

8 Q. How long have you worked there?

9 A. I've worked there going on almost my tenth
10 year.

11 Q. What are your duties there?

12 A. Currently I am assigned to the U.S.
13 Marshals Fugitive Task Force. It's a arm of
14 the investigative division of the Charleston
15 Police Department. Collectively we work
16 fugitive cases.

17 Q. Okay. Back in July of 2010, what was your
18 position?

19 A. I was still in the U.S. Marshals Task
20 Force but I was currently working the on duty
21 detective assignment with the central
22 detectives division at Charleston Police.

23 Q. And the night that this call came in, you
24 were the on-duty officer at that time?

25 A. Correct.

1 Q. Do you know what time and what day that
2 you got the call?

3 A. We got the call on July 6th of 2010 and we
4 responded to a missing persons call at 2005
5 Hours, or 8:05 in the evening, at The Battery.

6 Q. And when you arrived there, did you meet
7 with Grace Trotman?

8 A. Yes, ma'am, that's correct.

9 Q. Did she give you an account of what
10 happened?

11 A. She did.

12 Q. And during this time, did you look at her
13 phone?

14 A. Correct. We did.

15 Q. What did you see on her phone?

16 A. Uh, when we looked at her phone, we were
17 trying to ascertain a little more information
18 about the missing persons case in reference to
19 a two-year-old. We were developing some
20 information. Once I looked at her phone we
21 realized that the missing person's, or the
22 victim at the time, father, Mr. Williams, had
23 contacted Grace on her telephone from a number

24

25 Q. And you could tell that by looking at her

1 phone?

2 A. That's correct.

3 Q. What calls had she made?

4 A. She had contacted Mr. Williams in addition
5 to, I believe, contacting **Minor Victim** mother as
6 well in the course of some of those preceding
7 hours, hour or two hours before that.

8 Q. And **Minor Victim** mother is Ms. Washington?

9 A. Correct.

10 Q. Did you also meet with her?

11 A. We did. She responded to The Battery, the
12 incident location as well as multiple other
13 resources.

14 Q. What happened when she responded?

15 A. When she was down there, we were trying to
16 develop some information and the whereabouts of
17 the victim at the time. Once she was on scene,
18 some of her family members were there at well,
19 at one point there was an almost physical
20 altercation between the victim's biological
21 mother and Ms. Trotman due to some tension that
22 was going on in the family and lies that were
23 being told.

24 Q. While you were talking to Ms. Washington,
25 did she receive a call?

1 A. That's correct.

2 Q. Who called her?

3 A. She received a call from the victim's
4 father, Mr. Williams.

5 Q. That is Roger Williams?

6 A. That is Roger Williams, (affirmative nod).

7 Q. And did you talk to him on her phone?

8 A. I did, briefly.

9 Q. And what did he say to you?

10 A. Mr. Williams was very evasive. I tried to
11 ascertain the whereabouts of his son, tried to
12 get a better grip of what was developing in the
13 case, where his son was. We were trying to
14 develop some efforts to have him meet with us
15 to get some more information. We weren't
16 interested in, per se, Mr. Williams at the
17 time. We were more interested in just locating
18 his son.

19 Q. What was his response to you?

20 A. Mr. Williams was very flippant with us.
21 Seemed like he didn't care at all. Said that
22 he had some outstanding warrants and problems
23 with some other agencies, didn't want to meet
24 with us because he was worried about his own
25 well-being and thought we just wanted to arrest

1 him for those offenses.

2 Q. Did you also talk with Ms. Trotman again?

3 A. That's correct.

4 Q. Did she receive a call from Mr. Williams
5 also?

6 A. She did.

7 Q. So did you talk to him again?

8 A. I did. Again I tried to plead with him to
9 meet with us on scene or to meet with me at a
10 remote location where I could just get some
11 more information. At the time I really felt
12 like he was, uh, playing family games, if you
13 will, with the biological mother in an attempt
14 to keep the son for a longer period of time.

15 Q. You were just looking for the child?

16 A. Correct, we were just looking for the
17 child.

18 Q. Now, could you hear -- did Ms. Trotman
19 talk with him on your phone?

20 A. Correct. We had some connection problems,
21 so what I did was I got his cell phone number,
22 I used my business-issued cell phone, called
23 him directly. Again spoke with him a little
24 bit on my phone, pleading with him to try to
25 get me some information. Then allowed Ms.

1 Trotman to also speak with him on my cell
2 phone.

3 Q. But could you hear what he told her when
4 she was on your phone?

5 A. Not clearly. There was some sort of
6 discussion. He was very accusatory towards Ms.
7 Trotman, very flippant, saying -- well, 'I
8 don't know. Last time I left him, he was with
9 her situation.' Trying to divert all the
10 attention back on Ms. Trotman, didn't want to
11 be involved in the case at all.

12 Q. Was Ms. Trotman taken to the station?

13 A. She was.

14 Q. How was that done?

15 A. She was escorted -- Detective Stanley, who
16 was also out there at the Charleston Police
17 Department, escorted her just for some security
18 purposes. He rode with her in her vehicle,
19 took her back to the Police Department where an
20 interview continued.

21 Q. And later that night, did you have some
22 additional involvement in this case?

23 A. I did. Once we got some additional
24 resources on scene for the investigative
25 efforts for the detective division, I kinda

1 changed roles from the investigative on scene
2 detective to my fugitive task force role of
3 trying to apprehend Mr. Williams, in an effort
4 to ultimately locate the child that was
5 missing.

6 Q. Where did you go to find him?

7 A. We met up -- we had several resources that
8 indicated that, uh, Mr. Williams had been
9 located in Summerville. We responded to the
10 Econo Lodge, I believe that it was, in
11 Summerville, and ---

12 Q. Did you go to the room?

13 A. We did. I did. We went to his room at
14 the Econo Lodge, made contact with Mr. Williams
15 and I believe that it was -- a female inside.
16 Harrison, I think was her last name.

17 Q. So they were the only two in the room?

18 A. That's correct.

19 Q. And did you meet with Ms. Harrison?

20 A. I did.

21 Q. Did she have any information regarding the
22 missing child?

23 A. Not directly. We looked in the room.
24 There were no children's toys or clothing or
25 anything. As far as we could tell, the child

1 was last seen on Friday, which was July 2nd,
2 by her. So it was -- that was the only
3 information that we could get.

4 Q. So she had seen him on Friday, July 2nd?

5 MR. FALK: Objection, Your Honor.

6 I believe that this is hearsay.

7 THE COURT: I sustain the objection.

8 DIRECT EXAMINATION CONTINUED

9 BY SOLICITOR HERRING-LASH:

10 Q. Was Roger with her when you got the --
11 when you were speaking with him at The Battery,
12 or were you able to tell that from Mr.
13 Williams?

14 A. At the time, Mr. Williams didn't indicate
15 that he was with anyone else. However, he
16 seemed cool, calm and, again, uninvolved.
17 It was almost like I was bothering him by
18 continuously calling him to try to find out
19 where his son was.

20 Q. When you left the hotel, where did you go?

21 A. When we left the hotel, we responded to
22 another location for a female by the name of
23 Sabrina Smith.

24 Q. Why did you go to Sabrina Smith's home?

25 A. Sabrina Smith had rented the vehicle that

1 Grace Trotman had transported the children in
2 when she responded to The Battery. So we
3 responded to Ms. Smith's residence in order to
4 figure out her association with Mr. Williams
5 and also why cars were being rented when they
6 clearly had other methods of transportation.

7 Q. And did you find her at her home?

8 A. That's correct.

9 Q. Had she rented a car for Mr. Williams?

10 A. She did rent a vehicle for Mr. Williams.

11 Mr. Williams had responded to her residence
12 earlier in the day, paid her three hundred
13 dollars (\$300) in cash to rent the vehicle.
14 At the time, we felt like the child might be at
15 her residence. She allowed us to search. The
16 child also was not in that residence. But she
17 indicated that the vehicle had been rented.

18 Q. And you looked at all the kids there?

19 A. That's correct.

20 SOLICITOR HERRING-LASH: Those are
21 all the questions that I have, Mr. Lane.

22 THE COURT: Cross ---

23 SOLICITOR HERRING-LASH: Court's
24 indulgence?

25 THE COURT: Yes, ma'am.

1 DIRECT EXAMINATION CONTINUED

2 BY SOLICITOR HERRING-LASH:

3 Q. When you went into the hotel room, what
4 did Mr. Williams say?

5 A. Mr. Williams said, "I am the one you're
6 looking for." To which I said, "Actually I am
7 not looking for you, I'm looking for your son."

8 Q. Going back to The Battery, what was Ms.
9 Trotman's demeanor when you met with her at The
10 Battery?

11 A. She was very unemotional. She did not
12 seem upset by the case at all. It was a very
13 clear indication to us that there was some
14 deception going on, that the case was not as it
15 seemed or not as it was being presented. That
16 was our initial clue that something was amiss.

17 SOLICITOR HERRING-LASH: Those are
18 all the questions that I have.

19 THE COURT: Cross examine?

20 MR. FALK: No, Your Honor. He is
21 excused.

22 THE COURT: Very well. Do you wish
23 the witness to be excused?

24 SOLICITOR HERRING-LASH: Yes, Your
25 Honor.

1 THE COURT: You are free to leave.

2 (WITNESS STEPS DOWN)

3 THE COURT: Call your next witness,
4 please.

5 SOLICITOR HERRING-LASH: Detective
6 J.C. Bruder.

7 (WITNESS TAKES STAND)

8 J.C. BRUDER, being duly sworn to tell
9 the truth, the whole truth and nothing but the
10 truth, testified as follows:

11 DIRECT EXAMINATION

12 BY SOLICITOR HERRING-LASH:

13 Q. Detective Bruder, where do you work?

14 A. I work for the Charleston Police
15 Department.

16 Q. And were you working there in July of
17 2010?

18 A. Yes, ma'am.

19 Q. What were your duties then?

20 A. Then I was assigned to the field
21 intelligence unit as a supervisor.

22 Q. Do you provide support services in that
23 role?

24 A. Yes, ma'am.

25 Q. And did you do that in this case?

1 A. Yes, ma'am.

2 Q. And, uh, what did your team do?

3 A. We assisted with the investigation in
4 trying to locate the juvenile.

5 Q. Were you able to locate Roger Williams?

6 A. I was able to locate Roger Williams that
7 night.

8 Q. How did y'all locate him? What technology
9 did you use?

10 A. We utilized SLED's phone tracking
11 equipment.

12 Q. Is that cell tower analysis?

13 A. It's far more sophisticated than I under-
14 stand, but it involves a myriad of things to
15 track cell phones.

16 Q. You gave the phone number to SLED?

17 A. I didn't give the phone number to SLED but
18 SLED had the phone numbers for him.

19 Q. After that, did you go to the hotel where
20 the cell phone was?

21 A. I did. We actually tracked to that area
22 there. There were a couple of hotels, so we
23 actually went in and talked to the clerk to
24 establish if anybody was checked in.

25 Q. Did you go to the room where Mr. Williams

1 was?

2 A. I did.

3 Q. Did you talk with Mr. Williams?

4 A. I did.

5 Q. What did he tell you?

6 A. He told me about -- that he'd dropped
7 **Minor Victim** off earlier that night, that about
8 7:00 o'clock that he dropped him off with
9 Grace, his -- Roger's girlfriend. That they
10 met at Northwoods Mall in North Charleston,
11 they said near the Hooter's restaurant. He had
12 borrowed a white Caprice from his homeboy to
13 get there. He gave **Minor Victim** and all of his
14 belongings, clothes in a plastic bag and stuff,
15 though he didn't indicate a car safety seat or
16 anything like that. He gave all of that to
17 Grace to be driven downtown and returned to
18 **Minor Victim** mother. Said that Grace arrived in a
19 smaller car, possibly a Focus and had two other
20 children in the vehicle.

21 Q. Where did you go when you left the hotel?

22 A. I left the hotel, I went to the address
23 that Roger had provided us, 133 Longbourne Way.

24 Q. Did you provide surveillance there?

25 A. Initially I made contact with a Berkeley

1 County deputy in reference to making contact at
2 the residence.

3 Q. While you were at the hotel room, did you
4 take or get the phone from Roger?

5 A. I didn't take his phone but the phone
6 number -- the cell phone that he had had the
7 number of 843-539-6213.

8 Q. So that was the cell phone that he had on
9 him that night?

10 A. Correct.

11 SOLICITOR HERRING-LASH: Those are
12 all the questions that I have.

13 THE COURT: Cross examine?

14 CROSS EXAMINATION

15 BY MR. FALK:

16 Q. Was it your testimony that SLED was able
17 to tell you that he was at the Economy Inn,
18 from the tower or -- I am not sure that I
19 understood your testimony.

20 A. Their tracking equipment provided him in
21 the area of the Economy Inn. I went to a
22 couple of different hotels in the area asking
23 if they had anybody checked in.

24 Q. So it's your understanding that they gave
25 you, like, a tower location and that told you

1 that he was in that area?

2 A. They just told me the general area there.

3 MR. FALK: Thank you. No
4 questions.

5 THE COURT: Redirect?

6 SOLICITOR HERRING-LASH: No, Your
7 Honor. May this witness be excused?

8 THE COURT: Any objection, Mr. Falk?

9 MR. FALK: No, Your Honor.

10 THE COURT: You're also free to
11 leave, sir.

12 (WITNESS STEPS DOWN)

13 THE COURT: Call your next witness.

14 SOLICITOR WILLIAMS: The State calls
15 Detective Jason Potteiger.

16 (WITNESS TAKES STAND)

17 JASON POTTEIGER, being duly sworn to
18 tell the truth, the whole truth and nothing but
19 the truth, testified as follows:

20 DIRECT EXAMINATION

21 BY SOLICITOR WILLIAMS:

22 Q. Good morning.

23 A. Good morning.

24 Q. Where do you work, Detective Potteiger?

25 A. The Berkeley County Sheriff's Office.

- 1 Q. How long have you worked there?
- 2 A. A little over four years.
- 3 Q. Where did you work before that?
- 4 A. I originally became a law enforcement
5 officer with the City of Sumter Police
6 Department. I started there the beginning of
7 2001.
- 8 Q. So you basically have been in law
9 enforcement eleven years?
- 10 A. Yes, ma'am, soon to be twelve.
- 11 Q. And what are your present duties?
- 12 A. I am assigned to the criminal investiga-
13 tions division.
- 14 Q. Were you working in that capacity in July
15 of 2010?
- 16 A. Yes, ma'am, I was.
- 17 Q. Were you involved in a homicide investiga-
18 tion around that date?
- 19 A. Yes, I was.
- 20 Q. Was that involving Mr. Roger Williams?
- 21 A. Yes, ma'am. **Minor Victim** was the victim.
- 22 Q. Well, at the time that the investigation
23 started, what kind of investigation was it?
- 24 A. I received a call that morning before I
25 left my house to go to work to respond to the

1 Charleston Police Department and meet with
2 other investigators, with their division and
3 ours, with reference to what was reported as a
4 missing child that'd took a turn over the night
5 to be more than that. That's all that I got
6 before I went and responded, actually arrived
7 at the Charleston Police Department.

8 Q. Okay. At some point during the
9 investigation, were you dispatched to go do
10 other tasks?

11 A. Yes, ma'am. Upon arrival, our division
12 met with the City of Charleston Police
13 Department and we got briefed about what went
14 on overnight, what occurred, what was reported
15 and what they learned. Our division with
16 Berkeley County, we were each assigned a
17 different task to do. Mine was to respond to
18 the Dorchester County Sheriff's Office with
19 Sergeant Schuler, my immediate supervisor.

20 Q. Did you interview any witnesses at the
21 Dorchester County Sheriff's Office?

22 A. Yes, ma'am. Our task was to interview and
23 meet with Roger Williams, the father of the
24 missing child, Minor Victim.

25 Q. Did you do that?

1 A. Yes, ma'am.

2 Q. When you met with Mr. Williams, did he
3 appear to be under the influence of any drugs
4 or alcohol?

5 A. No, ma'am.

6 Q. And did he appear to understand what you
7 were telling him?

8 A. Yes, ma'am.

9 Q. Did you provide him his Miranda rights?

10 A. Yes, ma'am.

11 Q. How did you do that?

12 A. Typically if we are in our office, we have
13 it in writing. If we are out in the field, I
14 have a card in my wallet that I carry with me.
15 I will pull that out and advise them orally,
16 which I did in this instance because we were
17 out of our office.

18 Q. Did he understand what he was being
19 questioned about?

20 A. Yes, ma'am.

21 Q. Did he ask you for clarification about
22 that issue at any time?

23 A. No, ma'am.

24 Q. And do they have any kind of recording
25 equipment or videotaping equipment at the

1 Dorchester County Sheriff's Office?

2 A. Yes, ma'am. We were made aware of that
3 that day, and there was a camera clearly in the
4 corner of the interview room.

5 Q. Was that equipment working that day?

6 A. I was under the impression that it was.
7 Later we found out that it did not work
8 correctly.

9 Q. Did you have some kind of backup plan?

10 A. Yes, ma'am, I had the same type incident
11 happen in a different interview, so I carry a
12 pocket audio recorder. When I'm not in my
13 office we utilize that, as well, as a backup.

14 Q. How many statements on that occasion did
15 Mr. Williams give you?

16 A. We took two different statements that were
17 separated by a little bit of time inbetween.

18 Q. How much time inbetween?

19 A. Right around five minutes.

20 Q. Were they consistent with each other?

21 A. No, they were almost opposite.

22 Q. So during the first statement, in general
23 what did Mr. Williams says about the where-
24 abouts of Minor Victim

25 A. In the first statement he -- it's hard to

1 put in words, but it was like we weren't even
2 talking about his child and he was putting all
3 the responsibility on a Grace Trotman, Ms.
4 Trotman. But in the same sentence he would
5 say, 'But I can't believe Grace would do
6 anything to him. She's such a good person.'

7 Q. Well, in the first statement, was he
8 relating to you that the child was still alive?

9 A. Yes, and he indicated that he saw the
10 child as recent as the day prior.

11 Q. Detective Pottieger, I am going to show
12 you what has been previously marked as State's
13 Exhibit 4.

14 SOLICITOR WILLIAMS: May I approach,
15 Your Honor?

16 THE COURT: You may.

17 DIRECT EXAMINATION CONTINUED

18 BY SOLICITOR WILLIAMS:

19 Q. What is that?

20 A. That is a CD containing one of the digital
21 files, that is the audio interview.

22 Q. Is that the first interview?

23 A. Yes.

24 Q. Have you listened to this tape from
25 beginning to end?

1 A. Yes, ma'am. I have.

2 Q. Does it accurately portray the interview,
3 the first part of the interview that he gave?

4 A. Yes, ma'am.

5 SOLICITOR WILLIAMS: At this time,
6 Your Honor, the State would move Exhibit 4 into
7 evidence.

8 THE COURT: Any objection?

9 MR. FALK: No, Your Honor.

10 THE COURT: Without objection, it is
11 admitted.

12 (SO ENTERED AS STATE'S EXHIBIT 4)

13 SOLICITOR WILLIAMS: Permission to
14 publish?

15 THE COURT: You may do so.

16 (WHEREUPON STATE'S EXHIBIT 4, AUDIO TAPE
17 WAS PLAYED FOR THE JURY)

18 THE COURT: Hold one just a second.
19 Ladies and Gentlemen, at this point we will
20 pause it -- and we'll back it up a little bit
21 when we return. I'll let you go to your jury
22 room and take a break. Don't begin your
23 deliberations, don't discuss the case. We will
24 be with you in about ten minutes.

25 (JURY OUT @ 10:38)

1 THE COURT: Anything from the State?

2 SOLICITOR WILLIAMS: No, Your Honor.

3 THE COURT: Anything from the
4 Defendant?

5 MR. FALK: No, sir.

6 THE COURT: Mr. Pottieger, at this
7 point I'd ask -- you may step down but do not
8 have any conversations with any of the
9 attorneys, please.

10 THE WITNESS: Yes, sir.

11 THE COURT: Thank you, sir. I
12 assume that you are going to play the second
13 disk, too?

14 SOLICITOR WILLIAMS: We are going to
15 play the second disk through another witness
16 who was there, at a different time.

17 THE COURT: All right. How long do
18 you ---

19 SOLICITOR WILLIAMS: I think that it
20 is about four more minutes.

21 MASON WEST: Maybe a little longer
22 than that.

23 THE COURT: That's all right. For
24 my planning, just let me know how long that
25 next disk is and we'll try to fit it in so that

1 we don't interrupt it.

2 SOLICITOR WILLIAMS: The next disk
3 will probably be on a different day.

4 THE COURT: That's all right. No
5 problem. I just need to know how long it is.

6 SOLICITOR WILLIAMS: All right.

7 THE COURT: We will be at-ease.

8 (BRIEF RECESS)

9 (DEFENDANT PRESENT)

10 THE COURT: Let the record reflect
11 that the Defendant is present. Bring in our
12 jury. Mason, can you back it up just a little
13 bit?

14 MASON WEST: Yes, sir.

15 (JURY IN @ 10:51 A.M.)

16 THE COURT: Thank you, Ladies and
17 Gentlemen, we're ready to continue. I've asked
18 the solicitor to back up the disk a little bit,
19 so that you can pick it up with continuity.
20 Thank you, you may continue to play Exhibit 4.

21 (PUBLICATION OF EXHIBIT 4 CONTINUED)

22 DIRECT EXAMINATION RESUMED

23 BY SOLICITOR WILLIAMS:

24 Q. So the interview started at 12:40 and
25 ended at 1:45?

1 A. Yes, ma'am.

2 Q. This was the first interview?

3 A. The first interview between Sergeant
4 Schuler, myself and Roger Williams; yes, ma'am.

5 Q. What was that date?

6 A. It was July 7th, 2010.

7 Q. The next interview starts how long after?

8 A. I believe that we took about a five-minute
9 break in between. We made some phone calls,
10 were getting some drinks and whatnot.

11 Q. What prompts the second interview?

12 A. Throughout the recording you can hear
13 phones vibrating, whatnot. We were getting
14 information from other detectives and outside
15 sources who were relaying information to us
16 that they were learning things that might be
17 pertinent to our interview. That's another
18 reason that we took a break, that and the
19 drinks.

20 Q. And was there a piece of information that
21 prompted you to ask him some additional
22 questions after this interview ended?

23 A. Yes, ma'am. We learned that detectives
24 were in Orangeburg County and found what they
25 believed to be Minor Victim body.

1 Q. Without going into what he says in the
2 second statement, is there any difference in
3 his demeanor when he begins a new story?

4 A. Yes, ma'am. When we go back in, we
5 basically confronted him with the information
6 we'd gathered and he came up with a new story
7 -- without going into that interview further.

8 Q. Obviously we can't see Mr. Williams on the
9 tape. We just hear his voice. You asked him a
10 lot of questions about his two-year-old son.
11 Did you ever -- what was his demeanor like when
12 he discussed his child?

13 A. Well, as you heard in the tape, we
14 continued to advise him, you know, that 'this
15 is your child.' Basically his demeanor was the
16 same way. I mean, we had to advise him "this
17 is your child." He was basically showing us no
18 emotion and it was hard to believe that he was
19 talking about his child in that manner.

20 Q. And after this interview was concluded --
21 you were the case agent, is that correct?

22 A. Yes, ma'am.

23 Q. What other things did you do with regard
24 to this case?

25 A. In this case, basically because it was so

1 spread out, I just compiled all the other
2 information and documents that other detectives
3 were doing on their specific assignments,
4 compiled them for prosecution.

5 SOLICITOR WILLIAMS: Court's
6 indulgence for just a moment?

7 THE COURT: Yes.

8 SOLICITOR WILLIAMS: Thank you,
9 Detective Pottieger. Please answer any
10 questions from the defense.

11 THE WITNESS: Yes, ma'am.

12 THE COURT: You may cross examine,
13 Mr. Falk.

14 MR. FALK: We have no questions.

15 THE COURT: You may come down, sir.

16 (WITNESS STEPS DOWN)

17 THE COURT: Call your next witness,
18 please.

19 SOLICITOR HERRING-LASH: The State
20 would call Grace Trotman.

21 (WITNESS TAKES STAND)

22 GRACE TROTMAN, being duly sworn to
23 tell the truth, the whole truth and nothing but
24 the truth, testified as follows:

25 DIRECT EXAMINATION

1 BY SOLICITOR HERRING-LASH:

2 Q. Ms. Trotman, you may want to move that
3 microphone down so that you can talk into it.

4 A. (Complies).

5 Q. Ms. Trotman, where are you housed now?

6 A. Charleston County Detention Center.

7 Q. How long have you been there?

8 A. Two years and three months.

9 Q. Are you now on some medication?

10 A. Yes, ma'am.

11 Q. When was that medication prescribed?

12 A. I think November 2010.

13 Q. Was it after you were incarcerated?

14 A. Yes, ma'am.

15 Q. Who did you see?

16 A. The psychiatrist of the jail.

17 Q. What is the medication that you have been
18 prescribed?

19 A. Selecta, forty milligrams.

20 Q. And why did you go and see the
21 psychiatrist?

22 A. Going through a lot, having flashbacks,
23 hot sweats, (pause) -- that's about it.

24 Q. Let's start with some history, Ms.
25 Trotman. What is your date of birth?

1 A. (Inaudible).

2 COURT REPORTER: Tell me again.

3 SOLICITOR HERRING-LASH: Tell me a
4 little louder.

5 THE COURT: Pull that microphone
6 closer so that you can speak into it, please.

7 THE WITNESS: (Trying to shift
8 chair closer to microphone).

9 CLERK: That chair won't move.

10 THE COURT: The chair won't move.
11 You'll have to pull it to you.

12 THE WITNESS: Okay.

13 DIRECT EXAMINATION CONTINUED

14 BY SOLICITOR HERRING-LASH:

15 Q. Where did you grow up?

16 COURT REPORTER: Your date of birth
17 again?

18 THE WITNESS: 10-25-85.

19 COURT REPORTER: Thank you.

20 DIRECT EXAMINATION CONTINUED

21 BY SOLICITOR HERRING-LASH:

22 Q. Where did you grow up?

23 A. Summerville, South Carolina.

24 Q. Where did you go to school?

25 A. Summerville High School.

- 1 Q. And did you graduate?
- 2 A. Yes, but with a certificate.
- 3 Q. A special education certificate?
- 4 A. No, just a regular certificate.
- 5 Q. Did you live with your mom and dad?
- 6 A. No.
- 7 Q. When was the last time that you lived with
8 them? What age?
- 9 A. This is like my real parents?
- 10 Q. Uh-uh.
- 11 A. I'd say like three years old.
- 12 Q. Why did you leave their home?
- 13 A. My mom was incapable of taking care of us.
- 14 Q. Where did you go?
- 15 A. Foster care.
- 16 Q. Were you in several foster homes?
- 17 A. A couple, yes, ma'am.
- 18 Q. And did you end up with a family member?
- 19 A. Yes, ma'am.
- 20 Q. Who was that?
- 21 A. My uncle.
- 22 Q. How long did you stay with your uncle?
- 23 A. I am not sure.
- 24 Q. Did you live with your grandmother also?
- 25 A. Yes, ma'am.

- 1 Q. When did you leave your grandmother?
- 2 A. When she passed away.
- 3 Q. Did you have an accident when you were
- 4 there?
- 5 A. Yes, ma'am.
- 6 Q. What happened to you?
- 7 A. I got burned.
- 8 Q. When you left her, did you end up with an
- 9 aunt and uncle eventually?
- 10 A. Yes, ma'am.
- 11 Q. What are their names?
- 12 A. Derrick and Katrina Deas.
- 13 Q. Where did they live?
- 14 A. In Summerville, South Carolina.
- 15 Q. What do you call them?
- 16 A. My mother and my father.
- 17 Q. Do they have custody of your two children,
- 18 **Minor** and **Minor**?
- 19 A. Yes, ma'am.
- 20 Q. At some point did you meet Roger Williams?
- 21 A. Yes, ma'am.
- 22 Q. What do you call him?
- 23 A. Box.
- 24 Q. Is that what he is known by?
- 25 A. Yes, ma'am.

- 1 Q. Where did you meet him?
- 2 A. Through friends.
- 3 Q. About when was that?
- 4 A. 2006.
- 5 Q. And how did you meet?
- 6 A. Him and a homeboy were staying together
7 and I used to go over there and twist their
8 hair.
- 9 Q. Did you begin to have a relationship with
10 Roger?
- 11 A. Yes, ma'am.
- 12 Q. When you met Roger, were you working?
- 13 A. Yes, ma'am.
- 14 Q. Where were you working?
- 15 A. Hill-Rom.
- 16 Q. What?
- 17 A. Hill-Rom.
- 18 Q. How long had you worked there?
- 19 A. Three years.
- 20 Q. And did you have an apartment?
- 21 A. Yes, ma'am.
- 22 Q. How long had you had your apartment?
- 23 A. Over a year.
- 24 Q. If you don't know exactly, just let us
25 know that you don't know exactly. Did you lose

- 1 your job?
- 2 A. Yes, ma'am.
- 3 Q. Why did you lose your job?
- 4 A. Because of tardiness, being late to work.
- 5 Q. Why were you late for work?
- 6 A. Because Box had other things to do, he
- 7 wouldn't come home with the car.
- 8 Q. With the car?
- 9 A. Yes.
- 10 Q. Did you have to share the same car?
- 11 A. Yes.
- 12 Q. What time were you supposed to be at work?
- 13 A. 4:30.
- 14 Q. What time would he bring the car to you?
- 15 A. Probably 5:00 o'clock.
- 16 Q. Why didn't you just say, 'Box, I need the
- 17 car.'
- 18 A. He knew what time I had to be to work. I
- 19 would tell him but it was whatever time he got
- 20 to work -- that he got home.
- 21 Q. Why didn't you just tell him that he had
- 22 to be earlier?
- 23 A. It wouldn't have mattered.
- 24 Q. What do you mean?
- 25 A. He still would do what he wanted to do.

- 1 Q. Where did you live when you first moved in
2 with Roger Williams?
- 3 A. Homeboy's, Ladson Mobile Home Park.
- 4 Q. What do you mean when you say "homeboy"?
- 5 A. One of his friends.
- 6 Q. And why did you move from there?
- 7 A. We wanted -- we needed a bigger place.
8 We needed to have our own place because we was
9 about to have a child.
- 10 Q. When did you have that child?
- 11 A. September 2007.
- 12 Q. So it was sometime around when you were
13 pregnant that you moved?
- 14 A. February 2007.
- 15 Q. Where did you move to then?
- 16 A. Dorchester Village.
- 17 Q. And did you move from there?
- 18 A. Yes, ma'am.
- 19 Q. Why did you move from there?
- 20 A. Not being able to pay rent.
- 21 Q. Where did you move after that?
- 22 A. I am not really sure.
- 23 Q. Where is the next place you remember
24 moving?
- 25 A. Summerville Mobile Park.

- 1 Q. By that time did you have your daughter?
- 2 A. Yes, ma'am.
- 3 Q. What was her birth date? I am not sure
- 4 that I asked you that.
- 5 A. [REDACTED]
- 6 Q. And did you move from Summerville Mobile
- 7 Park?
- 8 A. Yes, ma'am.
- 9 Q. And why did you move from there?
- 10 A. Altercations.
- 11 Q. What do you mean?
- 12 A. Certain things happened and we had to
- 13 move.
- 14 Q. What happened?
- 15 A. We got robbed.
- 16 Q. When you were robbed, who was home?
- 17 A. Me and [REDACTED] Minor
- 18 Q. Did you call the police?
- 19 A. No, ma'am.
- 20 Q. Why not?
- 21 A. Because Box told me not to.
- 22 Q. Why did you ask him?
- 23 A. Because I was always accustomed to calling
- 24 him and telling him everything.
- 25 Q. What?

1 A. I was always accustomed to calling him and
2 telling him everything.

3 Q. And do -- during the robbery, were there
4 guns involved?

5 A. Yes, ma'am.

6 Q. And your daughter was there?

7 A. Yes, ma'am.

8 Q. After you moved from Summerville Park,
9 where did you move?

10 A. One of his friends let us move in.

11 Q. Why did you end up moving from there?

12 A. We had to move out of the trailer.

13 Q. Why?

14 A. Because we got robbed again, a second
15 time.

16 Q. And did you call the police?

17 A. No, ma'am.

18 Q. Why not?

19 A. Because there was stuff in the house.

20 Q. Where did you move next?

21 A. Clemson Terrace.

22 Q. And where is Clemson Terrace?

23 A. Off of Highway 78.

24 Q. What timeframe are we talking about that
25 you moved to Clemson Terrace?

1 A. 2008, 2009.

2 Q. And you already had -- do you call Ya'sura
3 **Minor**?

4 A. **Minor** yes ma'am.

5 Q. Did **Minor Victim** come there and live with
6 y'all some?

7 A. No.

8 Q. So he didn't come yet?

9 A. No.

10 Q. Where did you go after you left Clemson
11 Terrace?

12 A. I went to go stay with my mom.

13 Q. How long did you stay with your mom?

14 A. Until it was time for my son to be born.

15 Q. So you were pregnant?

16 A. Yes, ma'am.

17 Q. What was that child's name?

18 A. Ya'King.

19 Q. When was he born?

20 A. **[REDACTED]**

21 Q. Why were you staying with your mom?

22 A. Because something happened between me and
23 Box.

24 Q. What happened?

25 A. He abused me.

1 Q. How?

2 A. Ripping my hair out, throwing me around
3 the house, hitting and boxing me.

4 Q. Were you pregnant then?

5 A. Yes, ma'am.

6 Q. How long did you stay with your mom?

7 A. I am not sure but I do remember that I
8 stayed with her until my son was born.

9 Q. Did you go back to Box?

10 A. Yes, ma'am.

11 Q. Where did y'all live when you went back?

12 A. Churchill Commons.

13 Q. Was **Minor Victim** around then?

14 A. Yes.

15 Q. Now, before meeting Roger, -- let's go
16 back -- did you go out with your friends?

17 A. Yes.

18 Q. Did you visit with your friends?

19 A. Yes.

20 Q. What about after living with Roger?

21 A. At first a little while but then as time
22 went on I wasn't around them that much.

23 Q. Why not?

24 A. Because he is controlling.

25 Q. What about Roger's friends, did y'all go

1 out with them?

2 A. Yes.

3 Q. Where would you go?

4 A. To the club.

5 Q. What club?

6 A. Envy, Echelon, strip clubs.

7 Q. Did you go all the time?

8 A. No.

9 Q. Did Box work at those?

10 A. Some of them.

11 Q. Now, did Roger meet your family?

12 A. No, ma'am.

13 Q. Did he meet your aunt and uncle?

14 A. Just my aunt.

15 Q. Did he visit with them in their home?

16 A. No. Only one time when he came to pick up
17 furniture.

18 Q. Did they give you some furniture?

19 A. Yes.

20 Q. Now, did Roger work?

21 A. Yes.

22 Q. Where did he work?

23 A. New Orleans Cultural.

24 Q. New Orleans Cultural?

25 A. Yes.

- 1 Q. And did he have that job for a right long
2 time?
- 3 A. Yes.
- 4 Q. Did he have a second job?
- 5 A. Club promoter.
- 6 Q. What is a club promoter?
- 7 A. Getting people to come to the club, where
8 it be an area that everybody would go to.
- 9 Q. What?
- 10 A. For it to be an area where everybody would
11 go to.
- 12 Q. What would they do in that area?
- 13 A. Party.
- 14 Q. Did you move from Churchill Downs at some
15 point?
- 16 A. Yes.
- 17 Q. Where did you move then?
- 18 A. Longbourne Way.
- 19 Q. I am going to show you what has been
20 marked as State's Exhibit 5. Ms. Trotman, do
21 you recognize that?
- 22 A. Yes, ma'am.
- 23 Q. What is that?
- 24 A. Our house.
- 25 Q. At Longbourne Road?

1 A. Yes.

2 SOLICITOR HERRING-LASH: Your
3 Honor, at this time we would offer State's
4 Exhibit 5 into evidence.

5 THE COURT: Any objection?

6 MR. FALK: No objection.

7 THE COURT: Without objection,
8 State's Exhibit 5, a photo, is admitted.

9 (SO ENTERED STATE'S EXHIBIT 5)

10 SOLICITOR HERRING-LASH: May I
11 publish?

12 THE COURT: You may.

13 DIRECT EXAMINATION CONTINUED

14 BY SOLICITOR HERRING-LASH:

15 Q. When y'all were living here, did **Minor Victim**
16 come to visit more?

17 A. Yes.

18 Q. When did you first find out about

19 **Minor Victim**

20 A. Between September and October of 2009.

21 Q. How did you find out about him?

22 A. Through Roger.

23 Q. And what was Roger's attitude about
24 **Minor Victim** in the beginning?

25 A. He didn't want him to be his son.

1 Q. Why not?

2 A. He always looked at how his parents had
3 all his kids from one person and he wanted to
4 do the same thing.

5 Q. What do you mean from one person?

6 A. From one wife, one woman.

7 Q. And that was you?

8 A. Yes.

9 Q. Did he eventually find out that **Minor Victim**
10 was actually his?

11 A. Yes.

12 Q. How did you feel about **Minor Victim** coming to
13 visit?

14 A. I was fine and then I was still frustrated
15 a little.

16 Q. In the beginning, you were fine?

17 A. Yes.

18 Q. Did you know Nikki Washington?

19 A. No.

20 Q. Did you meet her, ever?

21 A. I've seen her a couple of times but we
22 never talk.

23 Q. The first time that you met **Minor Victim**
24 where was it?

25 A. At Churchill Commons apartment.

- 1 Q. And how did that visit go?
- 2 A. Well.
- 3 Q. How did you set up visits, or who set them
- 4 up?
- 5 A. Box would set it up with Nikki over the
- 6 phone and then I would go get him.
- 7 Q. Where would you pick him up at?
- 8 A. At the Northwoods Mall.
- 9 Q. When he got dropped off, who would drop
- 10 him off?
- 11 A. Me.
- 12 Q. Was that always?
- 13 A. Yes.
- 14 Q. Did you have a car at the time?
- 15 A. Yes.
- 16 Q. What kind of child was Minor Victim
- 17 A. Very happy. He liked to sing, he always
- 18 ---
- 19 Q. What would he sing?
- 20 A. Church songs he learned in school.
- 21 Q. Do you know if Roger had an opinion that
- 22 he expressed to you about those songs?
- 23 A. Yes, he didn't let him sing the songs.
- 24 Q. Why not?
- 25 A. Because he was like -- he wanted to -- he

1 didn't believe in God. I mean, he didn't
2 believe in Jesus and so he didn't want his son
3 singing songs like that.

4 Q. How did he get **Minor Victim** to stop singing
5 the songs?

6 A. Eventually he stopped on his own.

7 Q. And what about his school, did **Minor Victim** go
8 to school?

9 A. Yes.

10 Q. Did he go to school when he lived with
11 y'all?

12 A. No, ma'am.

13 Q. Did Roger tell you what he thought about
14 the school?

15 A. He didn't want him to go to school. He
16 felt like he was going to teach him what he
17 needed to know. He didn't want white people
18 to teach his kids.

19 Q. He didn't want white people to teach his
20 kids?

21 A. Yes.

22 Q. Was he planning on home schooling?

23 A. No.

24 Q. What was he going to do?

25 A. I have no clue.

- 1 Q. Now, did **Minor Victim** behavior change as the
2 visits went on?
- 3 A. Yes.
- 4 Q. How so?
- 5 A. He always wanted to stay to himself,
6 always wanted to be in a room by himself.
7 He wasn't singing anymore. He was mostly
8 crying a lot.
- 9 Q. Do you know why?
- 10 A. At the time, no, ma'am.
- 11 Q. Did the visits happen at a scheduled time
12 or did they just -- I mean, was it every
13 weekend, or how did that work?
- 14 A. I am not sure how that worked.
- 15 Q. You weren't part of setting that up?
- 16 A. No, ma'am.
- 17 Q. Was there going to be an extended visit
18 over the summer?
- 19 A. Yes.
- 20 Q. Now, as far as when **Minor Victim** would visit,
21 would you be taking care of him?
- 22 A. Yes.
- 23 Q. Where was Roger -- Roger was working?
- 24 A. Yes.
- 25 Q. Did you take care of him a lot?

1 A. Yes.

2 Q. Did you ever have a discussion with Roger
3 about discipline?

4 A. Yes.

5 Q. What was that and why?

6 A. I told him that I wanted to ask one of the
7 parents, you know, if he was being bad or
8 anything, what to do. He told me not to beat
9 him but just, like, pop him.

10 Q. Did he tell you how to pop him?

11 A. No.

12 Q. Did you eventually have Minor

13 A. Yes.

14 Q. When was that?

15 A. The same month that we found out that
16 Minor Victim was his.

17 Q. The same month?

18 A. Yes.

19 Q. What month was that?

20 A. September.

21 Q. Did Nikki Washington ever bring Minor Victim
22 to your home?

23 A. At Longbourne Way, (affirmative nod).

24 Q. How many times?

25 A. I am not sure.

1 Q. Was that summer visit to be all summer?

2 A. As far as I was concerned, yes.

3 Q. And did Minor Victim have his own room?

4 A. Yes.

5 SOLICITOR HERRING-LASH: Showing
6 the witness what has been marked as State's
7 Exhibit 65, Your Honor. May I approach?

8 THE COURT: You may.

9 DIRECT EXAMINATION CONTINUED

10 BY SOLICITOR HERRING-LASH:

11 Q. Do you recognize that?

12 A. Yes.

13 Q. What is that?

14 A. The house floor plan.

15 SOLICITOR HERRING-LASH: May I
16 publish that, Your Honor?

17 THE COURT: Do you wish to have it
18 admitted?

19 SOLICITOR HERRING-LASH: Yes, Your
20 Honor.

21 THE COURT: Any objection?

22 MR. FALK: Is it admitted as the
23 floor plan of the house or an example of it?

24 SOLICITOR HERRING-LASH: It is the
25 floor plan of the house that can be used mostly

1 as a demonstrative aid.

2 MR. FALK: No objection.

3 THE COURT: Very well, 65 is
4 admitted. You may publish.

5 (SO ENTERED AS STATE'S EXHIBIT 65)

6 SOLICITOR HERRING-LASH: Your
7 Honor, may I approach the witness?

8 THE COURT: Yes.

9 SOLICITOR HERRING-LASH: (Tendering
10 laser pointer to witness), push this red button
11 and that can be a pointer.

12 DIRECT EXAMINATION CONTINUED

13 BY SOLICITOR HERRING-LASH:

14 Q. Can you point out to the jury where
15 Minor Victim room was?

16 A. Bedroom #2.

17 Q. And what about Bedroom #1, whose bedroom
18 was that?

19 A. Me and Roger's.

20 Q. What about the other bedrooms?

21 A. Room #3 was Minor and Room #4 was King's.

22 Q. Did y'all have furniture?

23 A. A little bit.

24 Q. What furniture did you have?

25 A. Just the living room set and the

1 kitchen/dining set.

2 Q. And so where would the kids sleep?

3 A. In the living room or on the floor.

4 Q. And if they slept in their rooms, where
5 would they sleep?

6 A. On a blanket and a pillow and have another
7 blanket.

8 Q. How often would **Minor Victim** sleep in his room
9 as opposed to, like, out on the floor -- I mean
10 on the couch?

11 A. Not very much. Sometimes he'd come sleep
12 with us and sometimes he'd sleep in his room.

13 Q. Did you keep the house clean?

14 A. Yes.

15 Q. So did you keep the mattress in the living
16 room or where would you keep it?

17 A. After he woke up, I would put the mattress
18 back in the room.

19 Q. Was it important that the house be clean?

20 A. Yes.

21 Q. Why?

22 A. Because Box would have thought that I be
23 doing something I ain't had no business doing.

24 Q. What do you mean?

25 A. Like he would think that I was cheating or

1 had somebody in the house.

2 Q. If the house wasn't clean?

3 A. Right.

4 Q. Did y'all always have food?

5 A. Sometimes.

6 Q. Did you sometimes not have food?

7 A. Yes.

8 Q. As far as toys, did **Minor Victim** bring his
9 toys with him?

10 A. At first, I am not sure. But after a
11 while, no.

12 Q. Whose toys would he play with?

13 A. **Minor**

14 Q. How did **Minor Victim** and **Minor** interact?

15 A. Always played together, always been there
16 for each other. Sometimes they would fight.

17 Q. Were they different?

18 A. Very.

19 Q. How was **Minor**

20 A. Very outgoing. She was like the woman of
21 the house.

22 Q. In the beginning, how did Roger interact
23 with **Minor Victim**

24 A. He was happy. He was very happy. He
25 could talk clear and he would tell him to say

1 certain things. He would say -- it was really
2 good in the beginning.

3 Q. What about [Minor] how did Roger interact
4 with [Minor]

5 A. The same way. [Minor] was the type to do
6 what she wanted to do. She had her own mind.

7 Q. What?

8 A. She had her own mind.

9 Q. And could [Minor] speak well?

10 A. No.

11 Q. Was there ever a time when [Minor] and
12 [Minor Victim] would fight?

13 A. Yes.

14 Q. How did that come about?

15 A. Roger would [Minor] to slap him scratch him
16 and drag him to get him to toughen up.

17 Q. What would [Minor Victim] do?

18 A. Cry.

19 Q. What would [Minor] do?

20 A. Laugh.

21 Q. What would Roger do?

22 A. Laugh.

23 Q. Was there ever a time that that was
24 videoed?

25 A. Yes.

- 1 Q. How did that come about?
- 2 A. On his phone.
- 3 Q. Where were they, like in what room?
- 4 A. In the living room -- right here
- 5 (indicating with pointer) is the living room.
- 6 Q. Kind of explain exactly how that came
- 7 about.
- 8 A. Roger felt that he couldn't defend
- 9 himself, he felt that he was a faggot, and he
- 10 would get **Minor** to hit him. He'd tell him to
- 11 hit her back, but he wouldn't do it. He'd just
- 12 cry. And also just the way that Box would talk
- 13 to him he would automatically always cry.
- 14 Q. And how did it come about that it was
- 15 videotaped? Did you see it?
- 16 A. Yes.
- 17 Q. What happened? What did he videotape?
- 18 A. **Minor** dragging him around the house by his
- 19 shirt.
- 20 Q. And what was **Minor Victim** doing?
- 21 A. Crying.
- 22 Q. Did you do anything about that?
- 23 A. No.
- 24 Q. Why not?
- 25 A. I was told to stay out of it.

- 1 Q. Did Roger's actions toward **Minor Victim**
2 change? You said in the beginning that things
3 were good.
- 4 A. Right.
- 5 Q. How did they change?
- 6 A. He started seeing him act more feminine.
7 He couldn't comprehend certain things that
8 you'd tell him or certain things that you felt
9 that he could do on his own he wouldn't do.
- 10 Q. Like what?
- 11 A. You'd have to tell him ---
- 12 Q. Can you give us an example?
- 13 A. Like if he was thirsty or something, **Minor**
14 would come to me and tell me that she wanted
15 something to drink. But he would sit there.
16 He'd look at me but he would never tell me that
17 he wanted something to drink until I asked him.
- 18 Q. And what did Roger say about that?
- 19 A. He was slow.
- 20 Q. That **Minor Victim** was slow?
- 21 A. Yes.
- 22 Q. What did he call **Minor Victim**
- 23 A. Ya' **Minor Victim**
- 24 Q. Did he call him any names?
- 25 A. A faggot or a girl.

1 Q. Why did he do that?

2 A. Because he would stand like a girl.

3 Q. What do you mean stand like a girl?

4 A. With his hip out to the side.

5 Q. And did you ever hear Roger discussing
6 these actions with Nikki, **Minor Victim** mom?

7 A. I remember him telling her on the phone
8 that he was slow. But the other, like hitting
9 him and stuff, no.

10 Q. Did you hear Roger complaining to others
11 about how **Minor Victim** would act?

12 A. Yes.

13 Q. What would you hear Roger say?

14 A. Like, 'That's the faggot in the family.'
15 'I be beating his ass every chance that I get,
16 trying to toughen him up.'

17 Q. And was he doing that?

18 A. Yes.

19 Q. How did you feel about this?

20 A. At first I didn't really say anything
21 about it. I didn't see that he was hurting him
22 that bad or anything like that to hurt him.

23 Q. Did that change?

24 A. Yes.

25 Q. How did it change?

1 A. Started hitting him harder, started
2 leaving bruises.

3 Q. Did you talk to Roger about that?

4 A. Yes, I told him that he was hitting him
5 too hard. But he told me that wasn't my child
6 and that I needed to mind my own business.

7 Q. Why didn't you just try to help **Minor Victim**

8 A. Because I was scared myself.

9 Q. Did you express those concerns to anyone
10 else?

11 A. I am not sure.

12 Q. Did you ever call Nikki and tell her, 'you
13 need to come get this child'?

14 A. No, ma'am.

15 Q. Why not, Grace?

16 A. We was never able to really talk to each
17 other on the phone.

18 Q. Why not?

19 A. Because, like, Box didn't want us to talk.

20 Q. Did there come a time that **Minor Victim** had
21 what I guess you have called a seizure?

22 A. Yes.

23 Q. Explain what all happened that time.

24 A. He would have **Minor Victim** -- Box would have
25 **Minor Victim** standing in front of him and every

1 chance that he would stand like a girl, he
2 would box him in his back or slap his face down
3 to the floor or kick him in his leg. It was
4 like an ongoing thing.

5 Q. Explain the exact time that you saw the
6 first seizure?

7 A. He boxed him in his back, he fell to the
8 floor.

9 Q. Where were y'all?

10 A. In the living room.

11 Q. And where in the living room were you?

12 A. Right here.

13 Q. What was there?

14 A. The couch was towards the wall and the
15 other couch was right here.

16 Q. Which couch were y'all sitting on?

17 A. The one closest to the wall.

18 Q. Where was Minor Victim

19 A. Right in front of Box.

20 Q. And what happened?

21 A. He boxed him in his back.

22 Q. What happened to Minor Victim

23 A. He started grunting and something was
24 going on with his eyes. I am not really sure,
25 but it was weird.

1 Q. Then what happened?

2 A. He went unconscious.

3 Q. Did ---

4 A. And Box picked him up by his arms and he
5 was like dangling.

6 Q. What do you mean dangling?

7 A. Like he was just holding his arm up --
8 just holding him by his arm and the rest of his
9 body was just down.

10 Q. What happened after that?

11 A. We gave him some water and he kinda
12 snapped out of it.

13 Q. Did you give him water to drink or did you
14 pour it on him?

15 A. Gave him water to drink.

16 Q. And where was he when you gave him the
17 water to drink?

18 A. In Box's hands.

19 Q. And when you say "snapped out of it", what
20 do you mean?

21 A. He was okay. I asked him if he was all
22 right and he said 'yeah.' I was, like, 'Are
23 you okay?' 'Yeah.' He seemed fine.

24 Q. Was this day or night, or do you remember?

25 A. I don't remember.

1 Q. Was there another episode?

2 A. Yes, the very next day.

3 Q. Tell us about that.

4 A. I went to go try to wake him up and it was
5 hard to wake him up. Usually I'd just call his
6 name and he'd wake up. But that day I had to
7 go to him and kinda shake him a little to kind
8 of wake him up. It was kinda hard for him to
9 wake up.

10 Q. Where was he?

11 A. In his room, sleeping.

12 Q. In the bedroom?

13 A. Yes.

14 Q. Did he have any actions like you described
15 before?

16 A. The unconscious part.

17 Q. And you shook him?

18 A. Yes.

19 Q. What happened after you shook him?

20 A. He woke up.

21 Q. What happened after he woke up?

22 A. He was okay. He came out to watch TV with
23 **Minor**.

24 Q. Now, he was sleeping when you went in and
25 he just didn't wake up?

- 1 A. Right.
- 2 Q. Why was -- was that unusual?
- 3 A. No.
- 4 Q. So was that -- did he usually not wake up?
- 5 A. No, he would wake up. I had no trouble
- 6 waking him up. It was just that one time he
- 7 had a hard time waking up.
- 8 Q. After he woke up, what happened?
- 9 A. He went to the couch, sit down and watched
- 10 cartoons with Minor
- 11 Q. Did -- where was Roger Williams when that
- 12 happened?
- 13 A. At work.
- 14 Q. Did you tell him about it?
- 15 A. Yes.
- 16 Q. When did you tell him about it?
- 17 A. As soon as he came through the door.
- 18 Q. You mean when he got home?
- 19 A. Yes.
- 20 Q. And what did he do about that?
- 21 A. Nothing. He thought that he was playing.
- 22 Q. Now, was there a day that week that you
- 23 left the home?
- 24 A. Yes, but I am not sure what day.
- 25 Q. Where did you go?

1 A. To get my hair done.

2 Q. Where were the kids?

3 A. With Box.

4 Q. When you got home, did Roger say anything
5 to you about the kids?

6 A. Yes, that they were running after me when
7 I left.

8 Q. Did he tell you what he did to them?

9 A. No.

10 Q. Now, let's go back to Sunday, the 6th of
11 June. Do you remember that day?

12 A. Yes.

13 Q. What happened that day?

14 A. Minor Victim was in his room. Box called him
15 out and he had poop on the back of his pants.

16 Q. Then what happened?

17 A. I went to go see in the room if he like
18 pooped on the floor, and he did. I came back
19 out and I cleaned him up.

20 SOLICITOR HERRING-LASH: May I
21 approach the witness?

22 THE COURT: You may.

23 DIRECT EXAMINATION CONTINUED

24 BY SOLICITOR HERRING-LASH:

25 Q. Ms. Trotman, I am going to show you what

1 has been previously marked as State's Exhibits
2 63, 64, and 69. I'll first show you what has
3 been marked as State's Exhibit 63. Just tell
4 me if you recognize what that is.

5 A. Yes, ma'am.

6 Q. What is that?

7 A. Poop on the floor with bleach over it.

8 Q. Where is that on the floor, if you can
9 show us on the diagram?

10 A. Right (indicating) here.

11 SOLICITOR HERRING-LASH: Your
12 Honor, at this time the State would offer
13 State's Exhibit 63 into evidence.

14 THE COURT: Any objection?

15 MR. FALK: No objection.

16 THE COURT: Without objection,
17 State's Exhibit 63, a photograph, is admitted.

18 (SO ENTERED AS STATE'S EXHIBIT 63)

19 DIRECT EXAMINATION CONTINUED

20 BY SOLICITOR HERRING-LASH:

21 Q. And would you look at State's Exhibit 64.
22 What is that?

23 A. Poop on the floor with bleach over it.

24 Q. With what?

25 A. Bleach.

1 SOLICITOR HERRING-LASH: Your
2 Honor, at this time the State would offer in
3 State's Exhibit 64.

4 THE COURT: Any objection?

5 MR. FALK: No objection.

6 THE COURT: Without objection,
7 State's Exhibit 64, a photograph, is admitted.

8 (SO ENTERED AS STATE'S EXHIBIT 64)

9 DIRECT EXAMINATION CONTINUED

10 BY SOLICITOR HERRING-LASH:

11 Q. Would you now look at State's Exhibit 69.
12 What is that?

13 A. The living room.

14 SOLICITOR HERRING-LASH: Your
15 Honor, at this time the State would offer
16 State's Exhibit 69.

17 THE COURT: Any objection?

18 MR. FALK: Your Honor, I would
19 object. I believe that photograph was taken,
20 showing the condition of the room, I don't know
21 when they are trying to say this ---

22 THE COURT: I will allow it in. You
23 can cross examine concerning that.

24 MR. FALK: Thank you.

25 THE COURT: It is admitted subject

1 to objection of counsel.

2 (SO ENTERED AS STATE'S EXHIBIT 69)

3 DIRECT EXAMINATION CONTINUED

4 BY SOLICITOR HERRING-LASH:

5 Q. Showing you State's Exhibit 63, it's a
6 little hard to see, Ms. Trotman, but can you
7 point out where you see the poop on the floor?

8 A. Right here, (indicating).

9 Q. You can see that a little better. What is
10 the white around it?

11 A. Bleach.

12 Q. And how did that bleach get there?

13 A. Box put it on the floor.

14 Q. And why did he do that?

15 A. Because it really stink.

16 Q. And State's Exhibit 69. Now, Grace, is
17 that the living room of your house?

18 A. Yes.

19 Q. Is that how it looked when you lived
20 there?

21 A. No.

22 Q. Was this -- what happened that all of your
23 furniture was piled up like that?

24 A. We was getting evicted.

25 Q. You were what?

- 1 A. Getting evicted.
- 2 Q. So when you lived there the furniture
3 wasn't piled up?
- 4 A. Right.
- 5 Q. And can you see in that picture the
6 mattress that you were talking about that
7 y'all slept on?
- 8 A. Yes, ma'am.
- 9 Q. And can you see the couch also?
- 10 A. Yes, ma'am.
- 11 Q. Now, can you also see a bottle of bleach
12 in that picture?
- 13 A. Yes, ma'am.
- 14 Q. Is that the bleach that Roger used?
- 15 A. Yes, ma'am.
- 16 Q. And you said because it smelled bad?
- 17 A. Right.
- 18 Q. And you cleaned him up?
- 19 A. (Affirmative nod).
- 20 Q. What happened after that?
- 21 A. Box took him in the room where the poop
22 was and I just heard him kind of bumping and
23 hitting him against the wall.
- 24 Q. What did you do?
- 25 A. Stayed on the couch.

- 1 Q. Did you try to go in there?
- 2 A. No, ma'am.
- 3 Q. Why not?
- 4 A. Scared.
- 5 Q. At some point did you go in there?
- 6 A. Yes.
- 7 Q. And what happened when you went in there?
- 8 What did you see?
- 9 A. 'Dricus was sitting on the wall like he
10 was in a daze. When I asked if he was all
11 right, he was like 'he fine, just leave him
12 alone.'
- 13 Q. Who was like 'he fine'?
- 14 A. Roger.
- 15 Q. And did Roger leave?
- 16 A. Yes.
- 17 Q. Did **Minor Victim** stay in the room?
- 18 A. Yes.
- 19 Q. Did you go in there to check on him?
- 20 A. No.
- 21 Q. When did you next see **Minor Victim**?
- 22 A. That morning.
- 23 Q. Had Roger been home that night?
- 24 A. Yes.
- 25 Q. When did he come home?

1 A. Sunday he was home. Monday he went to
2 work.

3 Q. Did he leave for work from home?

4 A. I am not sure.

5 Q. What time did Roger leave to go to work
6 every day?

7 A. I would say 7:00.

8 Q. And did he leave to go to work that
9 morning?

10 A. Yes.

11 Q. You don't remember if he was home all
12 night or if he was out all night?

13 A. He was home some days and sometimes he
14 left.

15 Q. Now, what happened that morning when you
16 got up?

17 A. I am not sure if the kids was up before me
18 or if I was up before them, but we were all up.
19 **Minor** and **Minor Victim** were playing, I was breast-
20 feeding and **Minor Victim** and **Minor** started fighting.
21 So I told them to stop. They didn't listen.
22 So once I got finished breastfeeding my son, I
23 got up and I popped **Minor** on her arm and then I
24 popped **Minor Victim** on his arm and told them to
25 stop.

1 Q. What happened when you popped Minor Victim

2 A. He fell to his bottom, lost balance and
3 hit his head on the wall.

4 SOLICITOR HERRING-LASH: Your
5 Honor, may I approach the witness?

6 THE COURT: Yes.

7 DIRECT EXAMINATION CONTINUED

8 BY SOLICITOR HERRING-LASH:

9 Q. I am going to show you what has been
10 marked as State's Exhibit 7. Do you recognize
11 that?

12 A. Yes.

13 Q. What is that?

14 A. The living room.

15 SOLICITOR HERRING-LASH: Your
16 Honor, the State would offer State's Exhibit 7
17 into evidence.

18 THE COURT: Any objection?

19 MR. FALK: No objection.

20 THE COURT: Without objection,
21 State's Exhibit 7 is admitted.

22 (SO ENTERED AS STATE'S EXHIBIT 7)

23 THE COURT: Let me -- Ladies and
24 Gentlemen, at this point -- tell you that when
25 it is shown on the screen that I can't -- it is

1 definitely dark from where I am standing. But
2 the photographs that you are looking at, you'll
3 have them. When they are admitted, they will
4 accompany you to your jury room so you'll have
5 an opportunity to study them, and they are
6 clearer than what you're seeing on the screen.
7 Just to make you aware of that. Thank you.

8 DIRECT EXAMINATION CONTINUED

9 BY SOLICITOR HERRING-LASH:

10 Q. Can you turn around and look at the
11 picture back there?

12 A. (Complies).

13 Q. Where -- can you see the wall that
14 **Minor Victim** was knocked into?

15 A. Yes.

16 Q. What wall was that?

17 A. (Indicating).

18 Q. And where were you sitting?

19 A. On the couch.

20 Q. The couch was over there at this time?

21 A. The long couch, yes.

22 Q. Once again, Ms. Trotman, is this how the
23 house looked when you lived there?

24 A. No, ma'am.

25 Q. Is it the same furniture?

- 1 A. Yes.
- 2 Q. And the same articles?
- 3 A. Yes.
- 4 Q. But where were they when you lived there?
- 5 A. In its place. Against the wall and the
6 other couch was on the side of it and this was
7 in the middle with a rug on the floor.
- 8 Q. Now, when he knocked his head on the wall,
9 what happened?
- 10 A. He started acting different, like the
11 other days where he was having trouble
12 breathing, like gasping for air.
- 13 Q. What did you do?
- 14 A. I laid him down and did CPR on him.
- 15 Q. How did you do CPR?
- 16 A. I put my hands on his chest and breathed
17 four times, then I'd hold his nose and breathe
18 into his mouth.
- 19 Q. How did you learn to do that?
- 20 A. Off the Baby Channel.
- 21 Q. Now, you said it was kinda like the other
22 times but I am not sure that you have explained
23 exactly what the -- what did the first seizure
24 look like?
- 25 A. Like he was in a lot of pain, grunting and

1 crying.

2 Q. Was he running around? Oh, did you say
3 "grunting"?

4 A. Yes.

5 Q. I'm sorry. And that was earlier that
6 week?

7 A. That was that Monday he died.

8 Q. Was that the first time that you had seen
9 this seizure?

10 A. No.

11 Q. I'm talking about the first seizure, when
12 was it?

13 A. I am not sure but it all led up to the
14 day, within one week.

15 Q. Was it within a week?

16 A. Yes.

17 Q. When you saw that first seizure, was that
18 the first time you'd ever seen **Minor Victim** beaten?

19 A. No.

20 Q. Do you know how many times you'd seen him
21 beaten before that?

22 A. No.

23 Q. Was it more than ten, less than ten?

24 A. Less than ten.

25 Q. And were they mostly the same or can you

1 describe some differences?

2 A. In the beginning he would just kinda
3 paddle and like pop him on his arm.

4 Q. Paddle?

5 A. Yes. Then it go from there to a closed
6 fist.

7 Q. Where would the closed fist be?

8 A. In his back, on his chest, sometimes he'd
9 slap his head to the floor.

10 Q. And those were precipitated by **Minor Victim**
11 standing like a girl?

12 A. Yes.

13 Q. Now, what did you do after the CPR?

14 A. I laid him on the couch and ran outside to
15 find a phone.

16 Q. When you were doing CPR, did he respond at
17 all?

18 A. No, but I did hear him breathing.

19 Q. You heard him breathing?

20 A. Yes.

21 Q. Did you check his pulse?

22 A. Yes, his heart was still beating.

23 Q. And why did you run outside?

24 A. Because I didn't have a phone or a car or
25 anything.

- 1 Q. Where did you first go?
- 2 A. To my next-door neighbors.
- 3 Q. Did you get their phone?
- 4 A. Yes, the grandmother was outside and she
5 let me use her phone.
- 6 Q. Was it their cell phone or their house
7 phone?
- 8 A. Their house phone.
- 9 Q. Who did you call?
- 10 A. I called his cell phone first, Box. There
11 was no answer, so then I called his job.
- 12 Q. Who did you talk to when you called his
13 job?
- 14 A. His boss.
- 15 Q. Do you remember what you said?
- 16 A. "I really need to talk to Roger", that
17 there was a family emergency and that he wasn't
18 breathing.
- 19 Q. Was he breathing?
- 20 A. No.
- 21 Q. And did they bring Roger to the phone?
- 22 A. Yes.
- 23 Q. Did you talk to Roger about calling 911?
- 24 A. Yes.
- 25 Q. Did you call 911?

- 1 A. No.
- 2 Q. Why not?
- 3 A. He forbid me not to.
- 4 Q. But -- was that grandmother standing right
5 there?
- 6 A. While I was on the phone?
- 7 Q. Uh-uh, (affirmative nod).
- 8 A. Yes.
- 9 Q. Did you tell her?
- 10 A. No.
- 11 Q. Why not?
- 12 A. He told me not to say anything, wait until
13 he got home.
- 14 Q. So what did you do after you hung up that
15 phone?
- 16 A. I gave her back her phone and I went to
17 look for another phone.
- 18 Q. Why did you give her her phone back?
- 19 A. She asked for it.
- 20 Q. Did you find another phone?
- 21 A. Yes.
- 22 Q. Where did you find that?
- 23 A. Two houses down, the man let me use his
24 cell phone.
- 25 Q. What did you do then?

1 A. Tried to call Box on his cell phone.

2 But I didn't get no answer.

3 Q. What did you do then?

4 A. I just kept calling, trying to get in
5 touch with him.

6 Q. Did you ever call his work number back?

7 A. I remember calling twice, but I am not
8 sure if it was on the house phone or the cell
9 phone.

10 Q. What happened during the second phone
11 call?

12 A. I called back and told him, you know, that
13 there was nothing that I could do, that I
14 needed to call an ambulance. He told me not
15 to, wait 'til he got home.

16 Q. Was he coming home?

17 A. Yes, that's what he told me.

18 Q. And how did he get back and forth?

19 A. Through his friends.

20 Q. So he had to wait on somebody to come get
21 him?

22 A. Yes.

23 Q. Where did you stay?

24 A. I was outside with the cell phone.

25 Q. Why didn't you go back in the house?

1 A. Just being hysterical, not thinking,
2 shock, not knowing what to do.

3 Q. So Roger eventually gets home?

4 A. Yeah.

5 Q. Do you have any idea how long that was?

6 A. No, ma'am.

7 Q. What did y'all do when he got home?

8 A. We both went back in the house and Box
9 touched **Minor Victim** chest and he was, like, "That
10 boy dead."

11 Q. Then what happened?

12 A. He was saying he didn't know how to feel
13 because he didn't have any feelings for him.
14 And he said that he knew something was wrong
15 when I called him at work. He said the first
16 thing that came to his mind was cement.

17 Q. Did he call anybody?

18 A. At that time, no.

19 Q. Did y'all have a discussion about what to
20 do if the body was found?

21 A. Yes.

22 Q. What was that?

23 A. He told me to tell them that he fell down
24 the stairs and hit his head, just in case the
25 autopsy came back with blunt force trauma.

- 1 Q. Did Roger leave that day, at some point?
- 2 A. Yes.
- 3 Q. When he came home, what did he have?
- 4 A. A trash can and cement.
- 5 Q. And what did he do?
- 6 A. Put it in the garage.
- 7 Q. Then what?
- 8 A. He went to go get 'Dricus out of room.
- 9 Q. Where was 'Dricus?
- 10 A. In the room.
- 11 Q. What room?
- 12 A. His room.
- 13 Q. And how did he get in his room?
- 14 A. He told me to take him there.
- 15 Q. And when you took him there, what did you
- 16 do with him?
- 17 A. Laid him on the floor.
- 18 Q. Then -- go ahead. You got 'Dricus out of
- 19 his room, then what?
- 20 A. He took off his clothing and wiped him
- 21 down with Peroxide.
- 22 Q. Why did he wipe him with Peroxide, if you
- 23 know?
- 24 A. So he wouldn't have any of his finger-
- 25 prints on him.

- 1 Q. Did Box -- Roger tell you that?
- 2 A. Yes.
- 3 Q. What did he do after wiping him down?
- 4 A. Took him out to the garage and wrapped his
5 body up.
- 6 Q. How did he do that?
- 7 A. With trash bags and tape.
- 8 Q. And then what did he do?
- 9 A. He pulled the trash can -- put cement in
10 the bottom of the trash can, then put water in
11 it, then put **Minor Victim** in head first.
- 12 Q. How?
- 13 A. With his head first.
- 14 Q. And what happened after that?
- 15 A. He realized that he didn't have enough
16 cement so he called one of his homeboys to go
17 get some more cement from Lowe's.
- 18 Q. Did that person do that?
- 19 A. Yes.
- 20 Q. Did that person come in and see anything?
- 21 A. No.
- 22 Q. And what did he do with that extra cement?
- 23 A. Filled up the rest of the trash can.
- 24 Q. Now, at some point did you go to Home
25 Depot?

- 1 A. Yes.
- 2 Q. Was that that day or another day?
- 3 A. Another day.
- 4 Q. And why did you go to Home Depot?
- 5 A. Because we didn't have a car and we had to
6 find a way to get his body out of the house.
- 7 Q. So why did you go?
- 8 A. Because I was the only one that had a
9 license.
- 10 Q. How did you get there?
- 11 A. My neighbor across the street, Miss
12 Marilyn, took me.
- 13 Q. Were you pretty close to Miss Marilyn?
- 14 A. Yes.
- 15 Q. Did you tell her about what was in your
16 house?
- 17 A. No.
- 18 Q. Why not?
- 19 A. I afraid.
- 20 Q. What were you afraid of?
- 21 A. Getting in trouble for telling.
- 22 Q. Afraid like you would be arrested?
- 23 A. No, afraid of Box.
- 24 Q. Well, what did you do at Home Depot?
- 25 A. Rented a truck and brought it back home.

1 Q. What did you do then?

2 A. Me and him and my kids got in the car and
3 then we went to -- towards Orangeburg,
4 Ridgeville, Orangeburg.

5 Q. And did y'all find anything, look for
6 anything, what were you doing?

7 A. He was trying to find an area where he'd
8 go to get stuff from his homeboy out there, but
9 he couldn't find it.

10 Q. Did y'all have to have the truck back at a
11 certain time?

12 A. Yes.

13 Q. So did you take the truck back?

14 A. Yes.

15 Q. Did you have to get a truck again?

16 A. The very next day.

17 Q. How -- did you do it again?

18 A. Yes.

19 Q. And how did that work?

20 A. When Kelly dropped him off from work, she
21 took me.

22 Q. So he went to work the next morning?

23 A. Yes.

24 Q. When he went to work, where was Minor Victim

25 A. In the garage.

1 Q. And what did you do that day while he was
2 at work?

3 A. Barricaded myself in the room.

4 Q. What room?

5 A. Our room.

6 Q. Your bedroom?

7 A. Yes.

8 Q. When you say barricaded yourself, what do
9 you mean?

10 A. I put everything in the room and just
11 stayed in the room the whole time. I never
12 came out.

13 Q. With who?

14 A. With nobody.

15 Q. What about your children?

16 A. I would just probably go out there and
17 make them something to eat, make sure they ate,
18 then I went back in the room.

19 Q. Why did you do that?

20 A. I don't do too well with death.

21 Q. Well, you could have called somebody;
22 right?

23 A. Yeah.

24 Q. But you didn't.

25 A. No.

1 Q. Now, what happened when Roger Williams got
2 home?

3 A. We -- I got in the car with Kelly and
4 Kelly took me to Home Depot.

5 Q. Who is Kelly?

6 A. His friend. She dropped me off at Home
7 Depot, and I got the truck again and came home.

8 Q. What did y'all do then?

9 A. Tried to put the trash can on the back of
10 the truck.

11 Q. Was that hard?

12 A. Yes.

13 Q. Were you able to do it?

14 A. It took a long time but we did do it.

15 Q. What -- did the truck have something that
16 would help you?

17 A. Yes, it had rails on the back and you
18 could move the rails down to push it up in the
19 truck.

20 Q. After you got it up on the truck, what did
21 y'all do?

22 A. Got in the car with the kids and rode back
23 out there to Orangeburg.

24 Q. What did you do then?

25 A. Ride around for a while, he was trying to

1 find the right spot. But then it started
2 getting late and we had to bring the truck
3 back. So on our way coming back towards
4 Summerville, he told me to turn on this exit,
5 and I wasn't really sure where it was but I
6 turned on the exit.

7 Q. Then what did you do?

8 A. Once we got to the stop sign, to the right
9 of me I saw a Shell gas station, and he told me
10 to make that turn. Then when we got to the
11 very first street, which was on my left, he
12 told me to turn down there.

13 Q. Did you?

14 A. Yes.

15 Q. Then what did y'all do?

16 A. As we were driving on that road, he saw an
17 abandoned trailer and told me to pull behind
18 it.

19 Q. Then what did you do?

20 A. He told me to stay in the car and he
21 rolled the trash can off the truck.

22 Q. Did you get out of the truck?

23 A. No.

24 Q. Did he go back in the woods?

25 A. Yes.

- 1 Q. What happened when he got back in the
2 truck?
3 A. We left.
4 Q. Did y'all have any kind of discussion
5 about anything?
6 A. Not during that time, no.
7 Q. What about when you got home?
8 A. I'm not sure.
9 Q. Did y'all stay home that night?
10 A. No.
11 Q. Where did you stay?
12 A. In a hotel.
13 Q. Why did you stay in a hotel?
14 A. Our lights was off and it was hot.
15 Q. Had you had air-conditioning?
16 A. No.
17 Q. Had you had one that entire summer?
18 A. No.
19 Q. But now the lights were off also?
20 A. Yes.
21 Q. How did you get to the hotel?
22 A. Through his friend, Russ.
23 Q. Who stayed at the hotel that night?
24 A. Me and Minor and King.
25 Q. Did Roger stay there?

1 A. For a little while, then he left and went
2 to the club.

3 Q. What about the next morning, how did you
4 get home?

5 A. I had to call Miss Marilyn to come get us.

6 Q. Do you remember about what time it was
7 that you had to call her to come get y'all?

8 A. Before checkout, about 11:00 o'clock.

9 Q. Had you talked to Roger?

10 A. Yes.

11 Q. How did you talk to him?

12 A. He called the room phone.

13 Q. Was he going to come and get you?

14 A. No.

15 Q. At that point, you still didn't have a
16 phone?

17 A. Right.

18 Q. When you went back home, the lights were
19 still off?

20 A. Yes.

21 Q. How did they get back on?

22 A. He called his mother to cut the lights
23 back on, through her credit card.

24 Q. Now, we are talking about the first week
25 in June; is that correct?

1 A. Yes.

2 Q. What did you do the next couple of weeks?

3 A. I didn't sleep or eat.

4 Q. What did you do?

5 A. I stayed in the room. I tried to get out
6 of the house, go to my sister's house and
7 stuff. Uh, -- just scared.

8 Q. Did you go to your sister's house?

9 A. Yes.

10 Q. And did your sister visit you some?

11 A. Yes.

12 Q. Had she visited there before?

13 A. Yes.

14 Q. Did there come a time when you decided to
15 get a job?

16 A. Yes.

17 Q. When was that?

18 A. The first week of July.

19 Q. Why was that?

20 A. Because I knew that I needed to get away
21 from him.

22 Q. How did he feel about you getting a job?

23 A. He was mad, angry, didn't want me to get a
24 job. He thought I wouldn't have anybody to
25 watch the kids and stuff. Then my sister had

- 1 to talk him into letting me keep the job.
- 2 Q. What were your hours at the job?
- 3 A. I was working twelve-hour shifts.
- 4 Q. What about your children?
- 5 A. They stayed with my mom and dad.
- 6 Q. Those people they are with now?
- 7 A. Yes.
- 8 Q. Do you remember how many days you worked?
- 9 A. Two.
- 10 Q. Was this the weekend of the 4th of July?
- 11 A. Yes, ma'am.
- 12 Q. Were you continually talking to Roger that
13 weekend?
- 14 A. Yes, ma'am.
- 15 Q. You had mentioned earlier that y'all were
16 being evicted.
- 17 A. Right.
- 18 Q. Do you know where Roger was?
- 19 A. No.
- 20 Q. Did you visit him at all?
- 21 A. No.
- 22 Q. Did there come a time when he spoke to you
23 about Nikki?
- 24 A. Yes.
- 25 Q. What was that about?

1 A. He was saying that they were trying --
2 that they were coming to the house about Family
3 Court, to get custody rights, because he was
4 trying to tell her that it wasn't his time to
5 go back home yet, he still was supposed to
6 stay. He was coming up with all different
7 excuses why he shouldn't have gone.

8 Q. What were the excuses?

9 A. That he was fishing, that him and 'Dricus
10 went out fishing or that -- he even said
11 something about me going to North Carolina.
12 And all of that was a lie.

13 Q. Because **Minor Victim** was dead?

14 A. Right.

15 Q. Did you talk with Nikki at all?

16 A. Yes.

17 Q. What was that -- did you give her
18 directions to your house?

19 A. Yes.

20 Q. Did you go and meet with Roger?

21 A. No, not yet.

22 Q. What did you do next?

23 A. I think that Tuesday he called me at 8:00
24 o'clock in the morning and it was like there
25 was nothing else that he could do, they wanted

1 to see 'Dricus and he was, like, 'We got to
2 come up with some type of way to make a missing
3 child report.'

4 Q. Then what happened?

5 A. He told me that he was going to get a
6 rental car through a friend, which happened to
7 be my cousin. And he told me that a 224 number
8 was going to call my phone and to tell them
9 directions to my parents' house.

10 Q. Let's go back. At this point you have a
11 phone?

12 A. Yes.

13 Q. When did you get that phone?

14 A. A week before everything happened.

15 Q. Why did you get that -- when you say
16 "everything", you mean the 4th of July?

17 A. Yes.

18 Q. Why did you get that phone?

19 A. Because he needed another phone to call
20 Nikki off of so that she could hear 'Dricus
21 crying in the background, the video record that
22 he had on his phone.

23 Q. Can you explain how that would work?

24 A. He would call Nikki and play -- and she
25 would hear him crying in the background, but

1 she never talked to him.

2 Q. Well, she couldn't talk to him.

3 A. Right.

4 Q. And, so, you got the phone so that -- you
5 had to have two phones?

6 A. Right.

7 Q. But when you left, you took that phone
8 with you?

9 A. Yes.

10 Q. So it was set up for you to go and see
11 Roger? I guess you got the car, let's start
12 there.

13 A. Yes.

14 Q. Who gave you the car?

15 A. Sabrina Smith.

16 Q. How did she get the car?

17 A. Through Enterprise.

18 Q. Did Roger pay for it or do you know?

19 A. Yes.

20 Q. Where did you go once you got the car?

21 A. We went -- she picked us up, we went to
22 Enterprise, then we dropped her off to her car
23 and then we went to the Economy Inn.

24 Q. The Economy Inn?

25 A. Yes.

1 Q. And what did you do at the Economy Inn?

2 A. He gave me money to give to Nikki and he
3 -- I am not sure if he called or Nikki called
4 but he was on the phone with Nikki and he had
5 the music turned up with the video recording
6 again.

7 Q. The recording of Minor Victim

8 A. Yes.

9 Q. Was that played again for her?

10 A. Yes.

11 Q. What did you do then?

12 A. He told me to get on the I, and he told me
13 to goes to The Battery.

14 Q. So is that what you did?

15 A. Yes.

16 Q. And once you got to The Battery, what
17 happened?

18 A. He told me to get out of the car and get
19 the kids out of the car and start walking, to
20 look for somebody who I felt that I just tell
21 that I was -- that somebody was missing, a
22 little boy was missing.

23 Q. Now, were you supposed to take another
24 child with you?

25 A. Yes, my sister's.

1 Q. Did you do that?

2 A. No.

3 Q. Why not?

4 A. My sister said he couldn't go.

5 Q. So she wouldn't let him go?

6 A. Yes.

7 Q. Ms. Trotman, I am going to show you what
8 has been marked as State's Exhibit 70.

9 SOLICITOR HERRING-LASH: May I
10 approach, Your Honor?

11 THE COURT: Yes, you may.

12 DIRECT EXAMINATION CONTINUED

13 BY SOLICITOR HERRING-LASH:

14 Q. Can you recognize what that is?

15 A. Yes.

16 Q. What is that?

17 A. Phone records.

18 Q. And can you see any records on there that
19 you recognize?

20 A. Yes.

21 Q. What numbers do you recognize?

22 A. Nikki's, mine and Latrina's.

23 SOLICITOR HERRING-LASH: Your
24 Honor, at this time we would offer State's
25 Exhibit 5 into evidence.

1 THE COURT: Any objection?

2 MR. FALK: Your Honor, I would
3 object at this time without further
4 authentication that that is a phone record.

5 SOLICITOR HERRING-LASH: May we
6 approach, Your Honor?

7 THE COURT: Yes.

8 (OFF RECORD BENCH CONFERENCE)

9 THE COURT: In addition to the same
10 sidebar, the objection is based on some
11 additional testimony that will come later but
12 it is admitted as State's Exhibit 70. Thank
13 you.

14 (SO ENTERED AS STATE'S EXHIBIT 70)

15 DIRECT EXAMINATION CONTINUED

16 BY SOLICITOR HERRING-LASH:

17 Q. You can look at this (Exhibit 70) or turn
18 around, whichever is more convenient. Which
19 numbers do you recognize, again?

20 A. My number, Latrina Harrison's and Nikki's.

21 Q. What is your number?

22 A. 297-3329.

23 Q. What is Nikki's number?

24 A. 735-2943.

25 Q. And what is Latrina's number?

1 A. 202-9069.

2 Q. I am going to show you what has been
3 marked as State's Exhibit 2. Do you recognize
4 what this is?

5 A. Phone records.

6 SOLICITOR HERRING-LASH: Your
7 Honor, subject to a witness verifying this,
8 we would offer this into evidence.

9 THE COURT: The same sidebar, it's
10 admitted to further verification of authenti-
11 cation.

12 (SO ENTERED AS STATE'S EXHIBIT 2)

13 DIRECT EXAMINATION CONTINUED

14 BY SOLICITOR HERRING-LASH:

15 Q. Looking at this, Ms. Trotman, there is a
16 number on here that is the owner of the phone,
17 that the itemized detail is for. What is that
18 number?

19 A. 539-6213.

20 Q. Who number is that?

21 A. Roger's.

22 Q. Now going back to the one day for those
23 phone records that you have, what you're
24 looking at is Roger's phone records.

25 A. (Affirmative nod).

- 1 Q. And you said your number is the 297?
- 2 A. Yes, ma'am.
- 3 Q. What is this date of these phone calls?
- 4 A. The 6th of July.
- 5 Q. Whose number is 735?
- 6 A. Nikki's.
- 7 Q. How many times that day does Mr. Williams
- 8 call you?
- 9 A. (Upon review), where it has "Charleston,
- 10 SC", is that me calling or ---
- 11 Q. It says "Incoming", that is you calling
- 12 him. Well, let's go -- what time did you leave
- 13 to go to The Battery? Let's do it that way,
- 14 because there are so many.
- 15 A. I am not really sure.
- 16 Q. Was it early morning, midmorning or
- 17 afternoon.
- 18 A. Afternoon.
- 19 Q. Okay, starting around 5:30, are there
- 20 phone calls back and forth between you and
- 21 Mr. Williams and Nikki?
- 22 A. Yes.
- 23 Q. And from looking at it, how long do those
- 24 go on?
- 25 A. The whole time.

1 Q. Do you know what time you finally leave to
2 go to the police station?

3 A. I'm not sure.

4 Q. Was it -- when did the phone calls end?

5 A. At 8:20.

6 Q. Does that sound like about when you went?

7 A. Yes, 8:20.

8 Q. And what were those conversations about?

9 A. What to do when I got on The Battery, what
10 to say, who to call, and when to call.

11 Q. And what?

12 A. And when to call.

13 Q. And when you got on The Battery, what
14 happened?

15 A. I did what he told me. I found somebody
16 and I asked them if they saw a little boy
17 running around? Then she helped me try to look
18 for him and stuff -- and she -- my phone was
19 going dead, so I used her phone to call 911.

20 Q. Was the plan for you to call 911?

21 A. Yes.

22 Q. So when you called 911, what happened?

23 A. I told her that a child was missing, and I
24 told her where I was, and they came to me.

25 Q. Did the police come and talk to you?

1 A. Yes.

2 Q. While you were at The Battery talking to
3 the police, did you talk to Roger on the
4 officer's phone?

5 A. Yes.

6 Q. What did Roger say to you during that
7 conversation?

8 A. "You better help find my son."

9 Q. What did you think about that?

10 A. Confused.

11 Q. Why?

12 A. Because we already knew what happened and
13 I didn't know how he -- it was like he flipped
14 the whole thing around.

15 Q. What do you mean, flipped the whole thing
16 around?

17 A. Like trying to blame everything on me.

18 Q. And do you know if he knew that you were
19 on the officer's phone?

20 A. Yes.

21 Q. How do you know that?

22 A. Because I asked him why he was talking to
23 me and he said 'whose phone are you on?' And
24 I said the detective's phone. And he said,
25 "Exactly." He told me that his sister was

1 coming down there, that he'd already called
2 her.

3 Q. And did -- was there a plan for him to
4 come?

5 A. No.

6 Q. From The Battery, what happened to you?

7 A. Went to the police station.

8 Q. When you got there, were you interviewed?

9 A. Yes.

10 Q. About how long did the first interview
11 take; do you know?

12 A. A very long time.

13 Q. And did you lie?

14 A. Yes.

15 Q. What lie did you tell?

16 A. I went along with the story that Roger
17 told me to tell them, that he was missing on
18 The Battery. Then when they -- he told me that
19 they felt like I was lying to tell them that I
20 wanted a lawyer.

21 Q. Did you do that?

22 A. Yes.

23 Q. What happened after that?

24 A. They did not -- they still kept talking to
25 me. They were just telling me how they didn't

1 believe what I was saying and everything.

2 Somehow I started telling them what happened.

3 Q. Did they make -- who did you tell, do you
4 know who that person was?

5 A. An FBI agent and another man was in there.

6 Q. Who did you talk to for the longest amount
7 of time?

8 A. The FBI agent.

9 Q. And at the time that you told the first
10 lie about The Battery, ---

11 A. Right.

12 Q. --- do you have any idea about when you
13 started telling the lie about the steps?

14 A. When they didn't believe me.

15 Q. Did you know where Roger was at that time?

16 A. No.

17 Q. Did anybody ever tell you?

18 A. No.

19 Q. Did they tell you that he had been
20 arrested?

21 A. Yes.

22 Q. When was that?

23 A. I don't remember. It was late.

24 Q. What did you tell them after the steps?

25 A. That I went with my sister and when I came

1 back home, he was gone; that Roger said he was
2 with his mother.

3 Q. That Roger said he was with his mother?

4 A. Yes.

5 Q. What did you tell them about that?

6 A. A lie.

7 Q. What did you tell them after that lie?

8 A. I told them something -- I can't remember
9 how I got on this specifically but I told them
10 where the body was.

11 Q. Where the body was?

12 A. Yes.

13 Q. Did you tell them where the body was
14 before you told them the truth about you
15 hitting him?

16 A. Yes.

17 Q. And did you actually take them to the
18 body?

19 A. Yes.

20 Q. How were you able to find it?

21 A. They gave me maps at first to see if I
22 could try to figure out where it was. I
23 couldn't because the both sites that they gave
24 me looked the same. So they asked me if I --
25 if they could take me out there, would I

1 remember. I told them yes.

2 Q. Do you remember how you were able to tell
3 them about the body?

4 A. (No response).

5 Q. I mean, did you tell them about the death
6 or just the body?

7 A. I am not sure. I know that I told them
8 about the body.

9 Q. Did you go with them?

10 A. Yes.

11 Q. And where did they take you after they
12 found the body?

13 A. Berkeley County.

14 Q. Were you interviewed again in Berkeley
15 County?

16 A. Yes.

17 Q. Did you continue to lie?

18 A. At first, then I told the truth.

19 Q. What lie did you tell them at Berkeley
20 County?

21 A. About him falling down the stairs, that
22 **Minor** pushed him.

23 Q. So you told them that **Minor** pushed him?

24 A. Yeah.

25 Q. And did they continue to talk to you?

1 A. Yes.

2 Q. Do you have any idea when it was that you
3 finally told them what had happened?

4 A. In that same interview. I am not sure of
5 the time or anything but I know that I told him
6 the truth at the end.

7 Q. When you were having that interview, did
8 you tell them about Roger hitting him also?

9 A. Yes.

10 Q. Do you know -- did you tell them about the
11 seizures?

12 A. Yes.

13 Q. Do you remember how you described the
14 seizures?

15 A. No.

16 SOLICITOR HERRING-LASH: Your
17 Honor, may I approach the witness?

18 THE COURT: You may.

19 DIRECT EXAMINATION CONTINUED

20 BY SOLICITOR HERRING-LASH:

21 Q. Ms. Trotman, I am going to show you
22 something -- I don't want you to read it aloud,
23 but if you saw a transcript of your interview,
24 would that refresh your recollection of what
25 you told the officers.

1 THE COURT: Hold on just a second.
2 Mr. Falk, do you want this marked for
3 identification? Do you have a copy of this
4 transcript, as well?

5 MR. FALK: No, Your Honor, I don't
6 have a copy of the transcript.

7 THE COURT: All right. You need to
8 probably mark it for identification, ID Only,
9 so that the record will be reflective of what
10 you're showing here.

11 SOLICITOR HERRING-LASH: What is
12 the next number?

13 COURT REPORTER: Exhibit 71.

14 THE COURT: All right. State's
15 Exhibit 71 for ID Only.

16 (SO ENTERED AS STATE'S EXHIBIT 71 - ID ONLY)

17 SOLICITOR HERRING-LASH: May I
18 approach her?

19 THE COURT: You may.

20 DIRECT EXAMINATION CONTINUED

21 BY SOLICITOR HERRING-LASH:

22 Q. Just read this page.

23 THE COURT: Read it to yourself,
24 ma'am.

25 DIRECT EXAMINATION CONTINUED

1 BY SOLICITOR HERRING-LASH:

2 Q. Yeah, read it to yourself.

3 A. (Reviewing).

4 Q. Does that refresh your recollection of
5 what you said to the officers?

6 A. Yes.

7 Q. How did you describe these seizures to the
8 officers?

9 A. That he was straining, grunting and
10 shaking his legs.

11 Q. Shaking his legs?

12 A. Yes.

13 Q. And you gave several descriptions of the
14 seizures, did you not?

15 A. Yes, sir.

16 Q. By the end of that interview, you had told
17 them about you hitting him?

18 A. Yes.

19 Q. Grace, you have talked about several
20 conversations that you had with Mr. Williams
21 when he came home ---

22 A. Yes.

23 Q. --- the day of the death. Let's go back.

24 A. Yes.

25 Q. Did you ever ask him why he did not want

1 you to call 911?

2 A. Actually he told me why he didn't want me
3 to call, because he had bruises on his body.

4 Q. Who had bruises?

5 A. 'Dricus.

6 Q. How did that conversation come about?

7 A. He asked me what would I have done if they
8 was to go to the hospital and he was to die.

9 Q. And what?

10 A. And he was to die there with bruises on
11 his body, what would I have done. And I told
12 him that I wouldn't know what to do.

13 Q. Then what did he say?

14 A. He told me about the story of the
15 constable and he told me that if the girl had
16 never said anything that they would have got
17 away with it.

18 Q. What story about the constable?

19 A. That he got killed and his body was
20 dropped out there in the country. He told me
21 that if the girl never said anything that they
22 would have got away with it. So he told me,
23 like, 'maybe I should take you out too, so I
24 don't have to worry about you saying anything.'

25 Q. How did you feel about that?

1 A. Terrified.

2 Q. So when you were at this police station
3 talking to this officer, what were you feeling
4 then?

5 A. Still scared.

6 Q. Why did you end up telling him what you
7 did?

8 A. I owed that to **Minor Victim** and I needed to
9 get it off my chest.

10 Q. After finally -- and that conversation
11 ended, and they left you in the room, what did
12 you do?

13 A. Prayed.

14 Q. Why did you pray?

15 A. Because I was changing my life over to God
16 when he died and I knew that God could get me
17 through anything.

18 Q. Has that helped?

19 A. Yes.

20 Q. And you said like you felt that you owed
21 this to 'Dricus?

22 A. Yes.

23 Q. What do you mean by that?

24 A. Because I didn't do the things I should
25 have done, like called the ambulance. I didn't

1 do that, so I could at least tell the truth
2 about what was happening.

3 Q. Now, that evening, were you arrested?

4 A. Yes.

5 Q. Ms. Trotman, I am going to show you what
6 has been marked as State's Exhibit 55.

7 SOLICITOR HERRING-LASH: May I
8 approach the witness, Your Honor?

9 THE COURT: Yes.

10 DIRECT EXAMINATION CONTINUED

11 BY SOLICITOR HERRING-LASH:

12 Q. Do you recognize this?

13 A. Yes.

14 Q. What is that?

15 A. My inmate picture.

16 Q. Your what picture?

17 A. Inmate picture.

18 Q. Okay. When was that taken?

19 A. When I got arrested in Charleston County.

20 SOLICITOR HERRING-LASH: Your
21 Honor, I would offer into evidence at this
22 time, State's Exhibit 55.

23 THE COURT: Any objection?

24 MR. FALK: No objection.

25 THE COURT: Without objection, it is

1 admitted as State's Exhibit 55.

2 (SO ENTERED AS STATE'S EXHIBIT 55)

3 SOLICITOR HERRING-LASH: May I

4 publish it, Your Honor?

5 THE COURT: You may.

6 DIRECT EXAMINATION CONTINUED

7 BY SOLICITOR HERRING-LASH:

8 Q. Ms. Trotman, is that the picture of you
9 that night?

10 A. Yes.

11 Q. And did another officer come to -- well,
12 where did you go after Berkeley County?

13 A. Charleston County.

14 Q. Charleston County jail?

15 A. Yes.

16 Q. Did another officer come to the Charleston
17 County jail that night to talk to you?

18 A. Yes.

19 Q. What was that about?

20 A. Lowe's. Where he had gone to buy the
21 cement and trash can, who took him, uh, and I
22 think that's all -- and did he ever tell them
23 what was going on.

24 Q. And did you give a statement to that
25 officer?

1 A. Yes.

2 Q. And, Ms. Trotman, have you pled guilty in
3 this case?

4 A. Yes.

5 Q. What did you plead guilty to?

6 A. Because I knew what was going on, I saw
7 everything and I didn't do anything about it.
8 I didn't call the ambulance neither of the
9 times that he had the seizures.

10 Q. And you also hit him?

11 A. Yes.

12 Q. And that's why you pled guilty?

13 A. Yes.

14 Q. And you have an agreement with this
15 office?

16 A. Yes.

17 Q. And what is that?

18 A. To tell the truth.

19 Q. Why are you testifying?

20 A. Because he don't need to get away with it.

21 SOLICITOR HERRING-LASH: Court's
22 indulgence one moment?

23 THE COURT: Certainly.

24 SOLICITOR HERRING-LASH: Ms.

25 Trotman, those are all the questions that I

1 have. You need to answer any from Mr. Falk.

2 THE COURT: All right, at this
3 point I am going to take a recess for lunch.
4 I expect you have a lengthy cross-examination?

5 MR. FALK: Yes, sir.

6 THE COURT: Ladies and Gentlemen, I
7 am going to let you go to lunch. Please do not
8 begin your deliberations, do not discuss the
9 case among yourselves and while you're out,
10 certainly do not allow anyone to talk to you
11 about serving on this jury or to talk about the
12 case in your presence. I'd ask you to return
13 to your jury room, please, by 2:00 o'clock and
14 we will resume the trial at that time. Thank
15 you. Everyone else remain seated while the jury
16 departs.

17 (JURY OUT @ 12:28 P.M.)

18 THE COURT: Ms. Trotman, during this
19 recess -- of course you're in custody, but
20 you're not at liberty to talk with anyone
21 involved in this case, any of the attorneys or
22 the investigators. Okay?

23 THE WITNESS: Okay.

24 THE COURT: We will see you at
25 2:00 o'clock. Anything from the State before

1 recessing?

2 SOLICITOR WILLIAMS: Yeah, just one
3 thing, Your Honor. The T-Mobile representative
4 is here. She has flown in and her flight out
5 is at 3:30, so we would ask if we could take
6 her very quickly out of order before Mr. Falk
7 starts his cross.

8 THE COURT: Any objection to doing
9 that before you cross your cross examination?

10 MR. FALK: None at all, Your Honor.

11 THE COURT: Very well.

12 SOLICITOR WILLIAMS: Thank you.

13 THE COURT: Anything else from the
14 State?

15 SOLICITOR WILLIAMS: Nothing from
16 the State.

17 THE COURT: Anything from ---

18 MR. FALK: Nothing from the
19 defense, Your Honor.

20 THE COURT: All right. I have
21 observed a person that had to leave or has
22 left the courtroom twice, emotionally upset.
23 I understand, I am aware of that. But I am
24 not going to allow that anymore because it is
25 disruptive, number one. But, number two, it is

1 calling attention to something which does not
2 need to happen. So anyone that is here, that's
3 part of the family or in support of the
4 victims, and you can't control yourself --
5 I understand that and I respect you, -- but
6 you're going to have to remain outside the
7 courtroom during testimony that will be
8 obviously emotionally disturbing. We may have
9 reached a point -- but I am sure there may be
10 some more, with certainly this witness. Keep
11 that in mind because any more outbursts like
12 that, I am going to deal with that person
13 because that is contempt of court. Okay? I
14 am not trying to be harsh but I am going to
15 keep this trial on an even keel and -- it's
16 very emotional but we are going to keep proper
17 decorum in this courtroom.

18 Thank you very much. We will be at-
19 ease until 2:00 o'clock.

20 (LUNCH RECESS)

21 (DEFENDANT PRESENT)

22 THE COURT: Let the record reflect
23 that Mr. Williams is present. State ready?

24 SOLICITOR WILLIAMS: Yes, sir.

25 THE COURT: Defense ready, Mr. Falk?

1 MR. FALK: Yes, Your Honor.

2 THE COURT: All right, let's bring
3 in our jury, please.

4 (JURY IN @ 2:05 P.M.)

5 THE COURT: Thank you, Ladies and
6 Gentlemen. I hope that you had a good lunch.
7 We are ready to continue. During the recess, I
8 was advised that there is a witness who is here
9 and we have a limited window of opportunity to
10 present that. That is not uncommon, it happens
11 -- I won't say frequently but it certainly
12 happens on occasion. We will accommodate that
13 witness' schedule by taking them out of order.
14 I understand the State wishes to do that, is
15 that correct?

16 SOLICITOR WILLIAMS: Yes, please,
17 Your Honor.

18 THE COURT: And, Mr. Falk, you are
19 in agreement with that?

20 MR. FALK: Yes, Your Honor.

21 THE COURT: Very well. You may
22 proceed.

23 SOLICITOR WILLIAMS: Thank you, Your
24 Honor. The State calls Susan Johnson.

25 (WITNESS TAKES STAND)

1 SUSAN JOHNSON, being duly sworn to
2 tell the truth, the whole truth and nothing but
3 the truth, testified as follows:

4 DIRECT EXAMINATION

5 BY SOLICITOR WILLIAMS:

6 Q. Ms. Johnson, where do you work?

7 A. T-Mobile.

8 Q. What do you do there?

9 A. I am the custodian of records.

10 Q. As your duties, are you familiar with
11 records kept in the ordinary course of
12 business?

13 A. Yes, I am.

14 Q. And did you review some documents for this
15 case?

16 A. Yes, I did.

17 SOLICITOR WILLIAMS: I am going to
18 show Mr. Falk and the witness what has been
19 marked as State's Exhibit 1.

20 MR. FALK: (Upon review), yes.

21 SOLICITOR WILLIAMS: May I approach?

22 THE COURT: You may.

23 DIRECT EXAMINATION CONTINUED

24 BY SOLICITOR WILLIAMS:

25 Q. Ms. Johnson, if you would just look at

1 this record and tell me what it is?

2 A. Call detail records as well as cell site
3 information.

4 Q. What phone number is that for?

5 A. [REDACTED]

6 Q. And what are the dates that are included
7 in that particular record?

8 A. June 1st, 2010 through June 9th, 2010.

9 SOLICITOR WILLIAMS: Your Honor, at
10 this time we would offer State's Exhibit 1 into
11 evidence.

12 THE COURT: Any objection?

13 MR. FALK: No objection.

14 THE COURT: Without objection, it is
15 admitted.

16 (SO ENTERED AS STATE'S EXHIBIT 1)

17 SOLICITOR WILLIAMS: May I publish?

18 THE COURT: You may.

19 DIRECT EXAMINATION CONTINUED

20 BY SOLICITOR WILLIAMS:

21 Q. Ms. Johnson, there is going to be a
22 portion of that record that comes behind you;
23 can you read that?

24 A. Yes.

25 Q. Okay. If you could just explain to the

1 jury what those columns are?

2 A. The first column is the cellular telephone
3 number that the records were subpoenaed
4 on.

5 The next column is the date on which is
6 the date that the call or text message was
7 placed or received.

8 The next column is destination. This tell
9 us if it was an incoming call or an outgoing
10 call. If it was an outgoing call, you're going
11 to see a city and state listed. If it is an
12 incoming call, it's going to state the word
13 "Incoming."

14 The time is the time that the call was
15 placed or received.

16 Then the phone number, which is the number
17 that either called into the cell phone or the
18 cell phone called out to.

19 Then the next column is the call type.
20 Down at the bottom of the first page of our
21 cell phone records is a legend and it will tell
22 you which each alphabet letter stands for.

23 Q. I guess that we don't have that legend on
24 there.

25 A. It's on the first.

1 Q. When you say the time that the call either
2 came in or was made, is that in military time?

3 A. Yes.

4 Q. And what time zone are the phone calls in?

5 A. The time zone is the market where the
6 calls were placed.

7 Q. So for this record, if this were South
8 Carolina, the time zone for the phone calls
9 would be Eastern time?

10 A. Correct.

11 Q. What about text messages?

12 A. Text messages are on Pacific time.

13 Q. So it doesn't matter whose record it is or
14 where they're making calls, the text messages
15 are always going to be in Pacific time?

16 A. Correct.

17 Q. Then what is that last -- could you
18 explain what that last column is?

19 A. The last column is -- actually there are
20 two columns. There is the number of minutes,
21 which is what we bill the calls at. We bill in
22 one-minute increments. So if a phone call is
23 fifty-two seconds, we're going to round it up
24 and bill it at one minute. If the phone call
25 is one minute fifty-two seconds, we will bill

1 it at two minutes.

2 Then the last column is the originating
3 cell site. That's the cell ID number, which is
4 an internal number that we use that tells us
5 where that cell tower is located that the call
6 originated off of.

7 Q. Does that correlate to cell phone towers?

8 A. Yes.

9 Q. Depending on where the phone is, it would
10 ping off of a particular tower?

11 A. Yes.

12 Q. Does that help locate where the phone is
13 at a particular time?

14 A. Yes.

15 SOLICITOR WILLIAMS: I don't have
16 any further questions. Thank you.

17 THE COURT: Cross examine?

18 MR. FALK: Yes, sir.

19 CROSS EXAMINATION

20 BY MR. FALK:

21 Q. If it says -- do you have the entire
22 exhibit in front of you. Okay, if you could
23 just turn around and see the first five digit
24 number that is in that last column, where it
25 says 51073 Summerville?

1 A. Yes.

2 Q. That means that the -- maybe I wasn't
3 paying attention. If it is an incoming call, or
4 an outgoing (sic) call, who is the person in
5 the cell at that time? The person placing the
6 call, the person receiving the call or the
7 person whose bill that is?

8 A. The person whose phone this is.

9 Q. Just so that I understand. So somebody
10 could place that call, because it says that is
11 an incoming call, if they had -- had a -- their
12 bill would be something different, possibly, if
13 they were in another part of the state when
14 they placed the call. Is that correct?
15 Because it would be a different tower?

16 A. Well, if I was calling you and these are
17 my phone records, this would show only where
18 I was. It wouldn't show where you were.

19 Q. So my tower list looks different than
20 yours if we are on the phone?

21 A. Correct.

22 Q. And you do not -- I believe that the State
23 has answered my question, but do you know where
24 these locations are, other than saying it is
25 Summerville?

1 A. No, I do not.

2 MR. FALK: No questions.

3 THE COURT: Redirect?

4 SOLICITOR WILLIAMS: No, sir.

5 THE COURT: Do you wish this witness
6 to be excused?

7 SOLICITOR WILLIAMS: Please.

8 THE COURT: Any objection?

9 MR. FALK: No objection.

10 THE COURT: Thank you. You may step
11 down and you are free to leave.

12 (WITNESS STEPS DOWN)

13 THE COURT: Is this the only witness
14 out of order, Ms. Williams?

15 SOLICITOR WILLIAMS: Yes, Your
16 Honor.

17 THE COURT: Very well, we need to
18 bring in -- return the witness to the stand
19 please.

20 (WITNESS TAKES STAND)

21 THE COURT: Ms. Trotman, pull that
22 mic close to you so that you can speak into
23 that microphone to the best of your ability, so
24 it will amplify your voice.

25 THE WITNESS: (Complies).

1 THE COURT: I would remind you that
2 you are still under oath.

3 THE WITNESS: Yes, sir.

4 THE COURT: You may cross examine,
5 Mr. Falk.

6 GRACE TROTMAN, having been previously
7 sworn, testified as follows:

8 CROSS EXAMINATION

9 BY MR. FALK:

10 Q. Just a couple of points from your earlier
11 testimony. You had said that 'Dricus was in
12 school prior to coming to live with you?

13 A. Yes.

14 Q. But he was two years old; is that correct?

15 A. Yes.

16 Q. So that was a preschool that he was at?

17 A. (Affirmative nod), I believe so.

18 Q. Is there a free preschool near where you
19 lived?

20 A. No.

21 Q. So if he was going to go to school, it was
22 going to be something that was going to cost?
23 Somebody was going to have to pay for that. Is
24 that correct?

25 A. I am not sure.

1 Q. You also testified that Roger Williams is
2 the reason by you got fired from your job at
3 Hill-Rom; is that correct?

4 A. Yes.

5 Q. But -- were you drawing unemployment after
6 being terminated from Hill-Rom?

7 A. Yes.

8 Q. So were you terminated for cause or were
9 you terminated because they were reducing
10 employment?

11 A. No, they tried to keep me but they told me
12 that they couldn't, that they had to go -- they
13 had to go against policy to terminate me.

14 Q. So they were still going to pay you
15 unemployment?

16 A. No. At the time, I wasn't receiving
17 unemployment as soon as I got fired. It took
18 time.

19 Q. When did you -- okay. So you started
20 receiving unemployment benefits after being
21 fired from Hill-Rom?

22 A. Yes.

23 Q. Do you recall how long you received those?

24 A. I believe for like two years.

25 Q. Earlier in your testimony you had said

1 something about the week before **Minor Victim** died
2 that you had went to get your hair done.

3 A. Um-humm.

4 Q. Do you remember what day that was of that
5 week?

6 A. No.

7 Q. Do you recall your car being repossessed
8 during that week?

9 A. I am not sure.

10 Q. Do you know if you went to get your hair
11 done who would have driven you?

12 A. Yeah, I had my car.

13 Q. Now, prior to meeting Roger Williams or
14 getting to know Roger Williams, you were
15 friends with Joseph Robinson; is that correct?

16 A. Yes.

17 Q. You refer to him as one of Roger's home-
18 boys; is that correct?

19 A. Yes.

20 Q. Okay. So y'all worked together; is that
21 correct?

22 A. Yes.

23 Q. Intimate together?

24 A. Yes.

25 Q. Okay. And you were living with Mr.

1 Robinson, is that correct?

2 A. No.

3 Q. Where were y'all living?

4 A. I was living in my apartment on Summer-
5 field Apartments. Me and his sister were
6 living together.

7 Q. You and his sister were living together?

8 A. Joe's sister, yes.

9 Q. So then you quit seeing Mr. Robinson and
10 you started going out with his friend; is that
11 correct?

12 A. Yes.

13 Q. So sometime you started seeing Mr.
14 Williams, so I guess the beginning of 2007 is
15 when you started seeing him seriously; is that
16 correct?

17 A. I started seeing him seriously in November
18 of 2006 and I found out that I was pregnant in
19 January ---

20 Q. Okay.

21 A. --- of 2007.

22 Q. Now, sometime in 2007 -- sometime after
23 **Minor** was born, y'all separated; is that right?
24 Or you moved someplace else, is that correct?

25 A. I moved across the street to a friend's

1 house.

2 Q. Who was that?

3 A. Keisha -- (pause) -- Ladson.

4 Q. Okay. Where were you living at that time?

5 A. That was Dorchester Village, right across
6 the street from my apartment.

7 Q. So you and [Minor] moved?

8 A. Before I had her, I moved here.

9 Q. Okay. Now, when you moved out, Roger
10 Williams was in -- was he still seeing Ms.
11 Washington?

12 A. At the time -- I'm not sure.

13 Q. Because he was seeing Ms. Washington in
14 January 2007, is that correct?

15 A. Yes.

16 Q. So when did you find out that he had a
17 child that was three months difference in age
18 from [Minor]?

19 A. I moved in with him in February of 2007
20 and, I think, a month later I was told by him
21 that she called and said that she was a month
22 pregnant.

23 Q. Now, you've given -- since you were --
24 since the July 4th weekend of 2010, you've given
25 several statement; is that not correct?

1 A. Yes.

2 Q. For example, on July 7th you gave a
3 statement to an FBI agent ---

4 A. Yes.

5 Q. --- named Cynthia McCants; is that
6 correct?

7 A. Yes.

8 Q. Then you gave another statement to an
9 Officer Baggett later that afternoon; is that
10 correct?

11 A. Yes.

12 Q. Then on August 31st, 2010, about two months
13 later, did somebody from DSS come in and speak
14 with you?

15 A. Yes.

16 Q. Did you speak with her?

17 A. Yes.

18 Q. Did you give a statement to her?

19 A. Yes.

20 Q. Then later, prior to entering a plea in
21 this case, you gave a statement to the
22 prosecution; is that correct?

23 A. Yes.

24 Q. Now, are you aware that many of those
25 statements have been video recorded?

1 A. Yes.

2 Q. So we would be able to see anything that
3 you said?

4 A. Yes.

5 Q. So then you've made, up to this point,
6 probably four different statements; is that
7 correct?

8 A. Yes.

9 Q. And then you just testified that this
10 would be the fifth statement?

11 A. (Affirmative nod).

12 Q. Do you have an explanation for why --
13 let's go back to some of the specifics in some
14 of the statements. You'd testified earlier
15 about a seizure.

16 A. Yes.

17 Q. You were calling it the first seizure; is
18 that correct?

19 A. Yes.

20 Q. Your testimony here today was that you
21 didn't quite remember when that occurred; is
22 that correct?

23 A. (No verbal response).

24 Q. Of if it's not, do you remember when that
25 first seizure supposedly occurred?

1 A. No, I don't remember when it occurred.

2 Q. Do you know if it was within the week
3 prior to **Minor Victim** death?

4 A. Yes.

5 Q. So it was sometime in that week?

6 A. Yes.

7 Q. But you can't recall when?

8 A. No.

9 Q. Now, when you spoke with -- you spoke to
10 the DSS officer on August 31st, you had told
11 that person that that seizure happened on
12 Friday, June 4th. Do you recall saying that?

13 A. Yes.

14 Q. So you told her that the first seizure
15 happened on Friday; is that correct?

16 A. (No verbal response).

17 Q. I think that's what you just said.

18 A. Yes.

19 Q. Okay. And do you recall telling the DSS
20 officer that the second event happened on that
21 Saturday?

22 A. I don't recall that.

23 Q. Do you know when the second event
24 happened?

25 A. I know it was the next day after the first

1 seizure.

2 Q. So if the first seizure was on Friday the
3 second one was on Saturday?

4 A. I am not sure.

5 Q. You remember later that day -- you said
6 that you recall talking to Officer Baggett
7 later that day; is that ---

8 A. Berkeley County, yes.

9 Q. Now, you told him -- let me back up, I've
10 gotten it confused. The day that you were
11 arrested, on July 7th, you made a statement to
12 Officer Baggett. That was after you talked to
13 Officer McCants.

14 A. Yes.

15 Q. And at that time you told Officer Baggett
16 that he had that first seizure on Monday of
17 that week.

18 A. I am not really sure what day it was. I
19 know it happened within a week's time.

20 Q. Beg your pardon?

21 A. I am not sure when it happened. I know
22 that it happened in the week between his death,
23 like right after (sic) his death. It was the
24 week before.

25 Q. So are you saying that you don't recall

1 now when it happened?

2 A. I know it was the week up to his death.

3 Q. Do you have any explanation as to why on
4 July 7th you said it was on Monday and then two
5 months later you said it was on Friday?

6 A. No, I don't.

7 Q. Do you recall talking to the prosecutors
8 in this case on November 11th? Or do you recall
9 talking to the prosecutors when you were made a
10 proffer?

11 A. Yes.

12 Q. Do you recall when the seizure occurred at
13 that time, do you recall what you told them?

14 A. I am not sure.

15 Q. So what -- what I am trying to understand
16 now is, do you not know when the seizure
17 occurred or -- do you think that you knew at
18 the time and have since forgotten? Is that
19 what your testimony is?

20 A. All I can remember is that it was in the
21 week to his death. I don't know what day that
22 it happened, but I know that it was within the
23 week of his death.

24 Q. And what you're calling the second
25 seizure, that then happened within that same

1 week; is that correct?

2 A. Yes.

3 Q. Now, when you're calling the second
4 seizure -- what you're calling the second
5 seizure, it sounds to me as though he just
6 didn't want to wake up; is that correct?

7 A. Yes.

8 Q. So you tried to rouse him and he just
9 didn't want to get up?

10 A. He never did that before. It was always
11 easy to wake him up.

12 Q. Okay. Now, we have already spoken that
13 you talked to Officer McCants on July 7th?

14 A. Yes.

15 Q. That was the FBI agent?

16 A. Yes.

17 Q. Now, you told Officer McCants that
18 **Minor Victim** fell down the stairs?

19 A. Yes.

20 Q. So that was a lie?

21 A. Yes.

22 Q. Okay. So was most of what you told
23 Officer McCants a lie?

24 A. Yes.

25 Q. Did you ask Officer McCants what the

- 1 penalty was for lying to a federal officer?
- 2 A. I don't remember.
- 3 Q. Were you concerned about misleading a
4 federal officer?
- 5 A. (No verbal response).
- 6 Q. Did you care that you were lying to a
7 federal officer?
- 8 A. Yes.
- 9 Q. But you went ahead?
- 10 A. Yes.
- 11 Q. Then when you said that you talked to
12 Officer Baggett after talking to Officer
13 McCants ---
- 14 A. Yes.
- 15 Q. And, again, you told Officer Baggett that
16 'Dricus fell down the stairs?
- 17 A. I was going along with the story. I was
18 too scared ---
- 19 Q. Pardon?
- 20 A. I said I was going along with the story,
21 and I was still scared.
- 22 Q. This is the story that you and Roger came
23 up with?
- 24 A. Yes.
- 25 Q. Now, then you also told us earlier about

1 something that happened on that Sunday night;
2 is that correct?

3 A. Yes.

4 Q. You said that **Minor Victim** had his third
5 seizure on that Sunday night.

6 A. I am not sure.

7 Q. Do you saying that you don't recall saying
8 that earlier this afternoon?

9 A. I remember saying that he went in the room
10 with him after he pooped on the floor and there
11 like a lot of beating and stuff in the room,
12 against the wall. I never said that I saw a
13 seizure.

14 Q. So your testimony is that there was not a
15 seizure on Sunday?

16 A. I don't know if it was.

17 Q. Is your testimony that he showed any signs
18 that he had a seizure?

19 A. Not that I know of. When I went in the
20 room, he was just sitting there and it was like
21 he was in a daze.

22 Q. Now, Roger wasn't at home on Sunday night;
23 is that correct?

24 A. Yes, he was.

25 Q. He didn't sleep there on Sunday night, did

- 1 he?
- 2 A. No.
- 3 Q. So you were watching 'Dricus while he was
4 out?
- 5 A. Yes.
- 6 Q. So you were watching Minor Victim most of the
7 time; is that not correct?
- 8 A. Yes.
- 9 Q. You were really the main caregiver, is
10 that correct?
- 11 A. Yes.
- 12 Q. Would you say that he was there a couple
13 of hours a week?
- 14 A. On Sunday, Monday and Tuesday, those are
15 the days that he usually stays home. The rest
16 of the week he always be gone.
- 17 Q. But he was not there Sunday night?
- 18 A. He was there Sunday.
- 19 Q. But you don't, or he wasn't there on
20 Sunday night?
- 21 A. He was there Sunday.
- 22 Q. Okay. Did he sleep in the house on Sunday
23 night?
- 24 A. No.
- 25 Q. Now, your testimony today is, as you just

1 said, that you heard a lot of commotion in the
2 other room.

3 A. Yes.

4 Q. But that has not always been your
5 testimony; is that correct? You've said --
6 you've made other statements about what
7 happened on Sunday night; is that not correct?

8 A. I am not sure.

9 Q. If I told you that you told Officer
10 McCants and that you told Officer Baggett that
11 Roger Williams hit him in the head on Sunday
12 night, would that refresh your memory?

13 A. Not really.

14 Q. So you're saying now that you don't --
15 that you never witnessed Mr. Williams striking
16 **Minor Victim** on Sunday; is that correct?

17 A. No. I just heard it.

18 Q. Do you have an explanation for why you
19 told them that he'd hit him in the head?

20 A. No, sir. I don't know why.

21 MR. FALK: One moment, please.

22 THE COURT: Okay.

23 MR. FALK: May I approach the
24 witness?

25 THE COURT: Yes, you may.

1 CROSS EXAMINATION CONTINUED

2 BY MR. FALK:

3 Q. (Tenders document to witness).

4 THE COURT: For the record, Mr.
5 Falk, you are showing her an exhibit that has
6 been marked -- previously marked?

7 MR. FALK: Yes, this is the exhibit
8 that was previously marked ---

9 THE COURT: Exhibit 71, for ID Only.

10 MR. FALK: Yes, sir.

11 THE COURT: ID Only.

12 MR. FALK: May I approach the
13 witness?

14 THE COURT: You may, sir.

15 CROSS EXAMINATION CONTINUED

16 BY MR. FALK:

17 Q. I don't want you to read this for the
18 jury, but read from there down to there.

19 A. (Review).

20 Q. So having had an opportunity to review
21 that part of the interrogation, do you now
22 recall telling Officer Baggett that Roger hit
23 him in the head?

24 A. Yes.

25 Q. Do you have a explanation -- was that then

1 a lie that you told Officer Baggett?

2 A. No, it wasn't a lie. It's just that I got
3 the two seizures that happened before mixed up
4 with that one.

5 Q. That was the third seizure that you had
6 talked to Mr. Baggett about?

7 A. Yes.

8 Q. You had already told him about the one
9 that happened on Monday.

10 A. Well, I am not sure what day that it
11 happened on.

12 MR. FALK: One moment, please.

13 THE COURT: Certainly.

14 MR. FALK: I think that it might
15 be easiest just to find it on the tape. Shall
16 I play the tape for her?

17 THE COURT: Approach, please.

18 (OFF RECORD BENCH CONFERENCE)

19 CROSS EXAMINATION CONTINUED

20 BY MR. FALK:

21 Q. You testified earlier that **Minor** and
22 **Minor Victim** are three months apart; is that
23 correct?

24 A. Like a month and a half.

25 Q. They are close in age?

1 A. A month and a half.

2 Q. They are a month and a half apart?

3 A. (Affirmative nod).

4 Q. Now, that must have made you somewhat
5 jealous of Miss Washington; didn't it?

6 A. No.

7 Q. You were raising her child while she was
8 off doing something else? Isn't that correct?

9 A. While she was doing what?

10 Q. She was not taking care of the child at
11 this time; is that correct?

12 A. (No verbal response).

13 Q. Because **Minor Victim** was at your house?

14 A. Right.

15 Q. So she was off doing something else?

16 A. Offering to do something else?

17 Q. Excuse me. That she was just off doing
18 something else. She wasn't taking care of the
19 child at that time, is that correct?

20 A. Right, because I had him.

21 Q. So every time that you see **Minor Victim**
22 that's going to remind you that Roger Williams
23 and Miss Washington were together; is that
24 correct?

25 A. In a way, yeah.

1 Q. And that didn't upset you?

2 A. No.

3 Q. And you knew that Mr. Williams and Ms.
4 Washington, that wasn't just a one-time thing.
5 They had a continuing relationship; is that
6 correct?

7 A. When me and Box stopped talking for about
8 three weeks, that's when he and Nikki were
9 together. That's all I know of.

10 Q. That was after ---

11 A. --- I found out that I was pregnant.

12 Q. Right. So he was with her before and then
13 he was with her after; is that correct?

14 A. No. I don't know about all that.

15 Q. You said that you found that they -- that
16 when y'all were not together, when you and
17 Roger were not together, that's when ---

18 A. --- he met Nikki.

19 Q. Yes. So did you have anyone there to help
20 you babysit Minor Victim during the day?

21 A. No.

22 Q. So you were watching him all day?

23 A. Yes.

24 Q. And most nights. Is that correct?

25 A. Yes.

1 Q. At times Roger was off with somebody else;
2 is that correct?

3 A. I am not sure.

4 Q. Again, I want to take you back to when you
5 gave a statement to Mr. Baggett. You had
6 suggested that -- well, he had suggested to you
7 that you kinda snapped. Is that correct?

8 A. He convinced me that I snapped. I never
9 came out and said that I snapped.

10 MR. FALK: May I approach?

11 THE COURT: Yes.

12 CROSS EXAMINATION CONTINUED

13 BY MR. FALK:

14 Q. Can you read from (Line) 21 here on Page
15 100, on Exhibit 71, down to the bottom of this
16 page.

17 A. (Reviewing).

18 MR. FALK: Your Honor, for the
19 record, she is reading Line 21 on Page 100 of
20 Exhibit 71 down through the end of Page 103.

21 THE COURT: Thank you.

22 THE WITNESS: (Reviewing).

23 CROSS EXAMINATION CONTINUED

24 BY MR. FALK:

25 Q. Having had a chance to recall your earlier

1 statement, do you remember saying that you had
2 snapped?

3 A. I only said I snapped because he brought
4 it to my attention. I never just came out and
5 said that I snapped.

6 Q. But did you -- you said that you snapped.
7 You said that you hit Minor Victim hard and you
8 said that his head hit the wall. Is that not
9 correct?

10 A. I told him that and then I told him that
11 I don't think that I hit him too hard, that I
12 just popped him on his arm.

13 Q. But during that time, didn't you say
14 that you wound up pretty hard, like this
15 (demonstrating), and came and ---

16 A. No.

17 Q. I will find that. One moment please.

18 MR. FALK: May I approach again?

19 THE COURT: Yes.

20 CROSS EXAMINATION CONTINUED

21 BY MR. FALK:

22 Q. Line 18 down to 25.

23 A. (Review).

24 THE COURT: You can go ahead and ask
25 the questions.

1 CROSS EXAMINATION CONTINUED

2 BY MR. FALK:

3 Q. Do you recall now that you said that you
4 hit him kinda hard into the wall?

5 A. I did say that in the ---

6 THE COURT: You need to speak up,
7 ma'am.

8 THE WITNESS: I did say that in the
9 interview.

10 CROSS EXAMINATION CONTINUED

11 BY MR. FALK:

12 Q. Did you see in that interview where it
13 says "(indicating)", in parenthesis.

14 A. Yes.

15 Q. Now, do you recall how you hit him and how
16 he hit the -- how his head hit the wall?

17 A. Yes, I remember that but I didn't wind
18 back and do all that. I just popped him on his
19 arm.

20 Q. You're saying that you did not lean back
21 like this?

22 A. No.

23 Q. You didn't show his head spinning, hitting
24 the wall?

25 A. No.

1 MR. FALK: Your Honor, I think
2 it's my opportunity now to show her the
3 demonstration on the tape.

4 THE COURT: Approach, please.

5 (OFF RECORD BENCH CONFERENCE)

6 CROSS EXAMINATION CONTINUED

7 BY MR. FALK:

8 Q. Please, could you demonstrate how you hit

9 Minor Victim

10 A. I held his hand and I popped him on this
11 arm.

12 Q. So your testimony is not that you raised
13 your arm back to hit him?

14 A. No.

15 Q. And your testimony is that you didn't show
16 his head hitting the wall; is that correct?

17 A. I showed how he fell to the floor and fell
18 back and hit his head on the wall.

19 Q. You testified earlier, you said that you
20 were glad -- excuse me. When you testified
21 earlier this afternoon, you said that you had
22 said a prayer after talking with them?

23 A. Yes.

24 Q. Did you pray for strength to finally tell
25 the truth, is that part of what your prayer

1 was?

2 A. No. I felt relieved. I knew that God
3 could help me get through anything, so I prayed
4 to him about everything and I left it in his
5 hands.

6 Q. Were you praying that God give you the
7 strength to tell the truth just then?

8 A. I don't remember what my prayer was about.

9 Q. Were you telling the truth when you told
10 Officer Baggett that he hit the wall?

11 A. Yes.

12 Q. Were you telling the truth that you
13 snapped?

14 A. No.

15 Q. So that was a lie?

16 A. I never snapped. He brought up the word
17 "snapped". It never came out of my mouth that
18 I snapped. I never said that. I never just
19 came out and said that. He brought it to my
20 attention.

21 Q. Now, you finally admitted taking some
22 responsibility in the death of 'Dricus.

23 A. Right.

24 Q. Said that he had -- that you had snapped.

25 A. No. I never just came out and said that I

1 snapped.

2 Q. After he told you, after he reminded you
3 of all the stress that you were under, after he
4 reminded you that you were watching somebody
5 else's child, and that you -- that Roger was
6 never home and there was all that stress going
7 on, he reminded you, said 'Wouldn't that make
8 you snap?' And you admitted to that. Is that
9 correct?

10 A. Would that make me snap? That would make
11 anybody snap, but I didn't snap.

12 Q. Okay. During the course of all the
13 statements that you have given, several times
14 you said that [Minor] pushed [Minor Victim] into the
15 wall; is that not correct?

16 A. Yes.

17 Q. Did [Minor] push him into the wall?

18 A. She has before; but that day, no.

19 Q. So when you said that, was that then a
20 lie?

21 A. Yes.

22 Q. Because you did not want to take any
23 responsibility for the death; is that correct?

24 A. I was still scared. Not saying that I
25 didn't want to take responsibility for what

1 happened, for what I did. But I still just
2 wanted -- I was still just scared and was
3 trying to, like, come out and tell the truth at
4 the same time.

5 Q. I'm sorry. You were scared of telling the
6 truth?

7 A. No. I said that I was trying to get it
8 out, but sometimes it takes time for stuff like
9 that to come out.

10 Q. Well, six times during your interview with
11 Officer Baggett you said that [Minor] pushed him
12 into the wall. Does that sound correct?

13 A. Yes, I know.

14 Q. So in your ability to tell the truth, you
15 were going to try and blame your two year old
16 child for the death of [Minor Victim] Is that
17 correct?

18 A. No.

19 Q. Did you not say that [Minor Victim] was pushed
20 into the wall by [Minor]

21 A. Yes.

22 Q. Didn't Officer Baggett suggest to you that
23 that statement was going to be around for
24 twenty years and [Minor] could eventually read
25 that; isn't that correct?

1 A. I am not sure.

2 Q. So [Minor] would eventually know that her
3 mother tried to blame her for the death of
4 [Minor Victim] is that not correct?

5 A. I'm not understanding what you're saying.

6 Q. Because you snapped and hit -- you pushed
7 [Minor Victim] into the wall, is that not correct?

8 A. I didn't push him.

9 Q. So you are saying that you struck him and
10 he hit the wall?

11 A. I popped him on his arm. He fell to the
12 floor and he lost his balance and he hit his
13 head on the wall.

14 Q. So he lost his -- did his bottom hit the
15 floor?

16 A. Yes.

17 Q. And so then his -- the front of his head
18 hit the wall, the floor or the -- I mean the
19 front of his head, the side, what?

20 A. The back.

21 Q. So he fell to his bottom and you're saying
22 that his head went ---

23 A. Back.

24 Q. How far away from the wall was he?

25 THE COURT: When?

1 MR. FALK: When he fell.

2 CROSS EXAMINATION CONTINUED

3 BY MR. FALK:

4 Q. Approximately -- when he fell on Monday
5 after you popped him on the arm and his bottom
6 hit the wall -- his bottom hit the floor, how
7 far away from the wall was his head?

8 A. I am not sure.

9 Q. Would it be the distance of your foot?

10 A. I am not sure.

11 Q. Did you see him hit the wall?

12 A. Yes.

13 Q. How far back did he fall?

14 A. I don't know.

15 Q. Now, -- all right, after he fell, did you
16 say that he had a seizure again?

17 A. Yes.

18 Q. Then you started to do CPR? You put him
19 on the sofa first, is that correct?

20 A. No. I laid him right where he was. I
21 laid him on the floor and I did CPR.

22 Q. And he caught a breath, is that correct?

23 A. I heard him breathing, yes.

24 Q. And then you left, is that not correct?

25 A. Yes.

1 Q. Went over to Marilyn Cox; is that not
2 correct?

3 A. No.

4 Q. You went outside ---

5 A. I went to the next-door neighbor's to get
6 a phone.

7 Q. Who was the next-door neighbor?

8 A. The O'Neills. I don't know them like
9 that, I just use their phone.

10 Q. Did you ever speak with Ms. Cox?

11 A. Not that day, no.

12 Q. So whose telephone did you call Roger at
13 work from?

14 A. The next-door neighbor.

15 Q. And that's the O'Neills?

16 A. Yeah.

17 Q. Why didn't you take **Minor Victim** with you?

18 A. I don't know.

19 Q. You heard one breath sound and then you
20 left him on the sofa, is that what your
21 testimony is?

22 A. When I saw that he was breathing, his
23 heart was still beating, I laid him on the
24 couch and I ran outside to go find a phone.

25 Q. And you said that you never came back

1 inside the house until Roger got back; is that
2 correct?

3 A. Yes.

4 Q. So that was how long? Fifty minutes?
5 Forty minutes?

6 A. I don't recall.

7 Q. Were you not concerned about this child?

8 A. Yes, because I went to go find another
9 phone to try to still call Box on his cell
10 phone. He wasn't answering.

11 Q. Why didn't you call the ambulance?

12 A. Because he told me not to.

13 Q. But you'd caused the death -- you'd just
14 caused his child to hit the wall, you'd just
15 caused his child to then, as you said, have a
16 seizure, but then you didn't think it was
17 important to call an ambulance?

18 A. I told him that I wanted to call the
19 ambulance and he told me not to.

20 Q. Why wasn't that your first call?

21 A. Because I was always accustomed to calling
22 Box every time something happened.

23 Q. Then you made another telephone call when
24 you got to another phone?

25 A. Yes. When I gave her back her phone, I

1 went down to two houses to a man's house. I
2 rang his doorbell and I asked if I could use
3 his cell phone.

4 Q. But you still didn't call 911?

5 A. No. I called Box.

6 Q. In the meantime, you hadn't checked on how
7 the child was doing?

8 A. No.

9 Q. You've told us earlier about disciplining
10 **Minor Victim** and that you never hit him; is that
11 not correct? Until you asked for permission.

12 A. Yeah, when he first started coming to see
13 us, I had not hit him.

14 Q. And you testified earlier that you'd never
15 hit him with anything; is that correct?

16 A. No.

17 Q. Then you told Officer Baggett that you hit
18 him with a KoolAid spoon; is that not correct?

19 A. I don't remember telling him that I hit
20 him with a KoolAid spoon.

21 Q. One moment.

22 MR. FALK: Your Honor, could we
23 have five minutes?

24 THE COURT: Ladies and Gentlemen, I
25 am going to let you go to your jury room. Do

1 not begin your deliberations, don't discuss the
2 case. We will be with you in just a moment.

3 (JURY OUT @ 2:53 P.M.)

4 THE COURT: I am going to allow you
5 some leeway, Mr. Falk. But under 611(a), you
6 really and truly -- this person has already
7 admitted pleading guilty to the crime that your
8 questions are about. So all of this, really
9 and truly, is not really germane. And it's not
10 contradictory, because her ultimate pleading
11 guilty is pleading guilty to what happened on
12 that day. She is guilty of everything that
13 you've just said. She has admitted that. So
14 she is not contradicting it.

15 I don't understand what we are doing
16 here. It really doesn't make any difference if
17 she did or didn't. She can't recall it. It's
18 there, she's going to read it and -- why don't
19 you just read it to her, 'Did you say such and
20 such?' If she denies saying that, fine. I am
21 not going to say that opens the door to the
22 introduction of the transcript. So -- but we
23 really are just getting -- under 611(a) this is
24 going a little bit too far now, I believe. I
25 will give you five minutes.

1 (BRIEF RECESS)

2 (DEFENDANT PRESENT)

3 THE COURT: Ready to continue, Mr.
4 Falk?

5 MR. FALK: Yes, Your Honor.

6 THE COURT: Let's bring in our jury.

7 (JURY IN @ 3:04 P.M.)

8 THE COURT: Thank you very much,
9 Ladies and Gentlemen. Mr. Bradshaw, I notice
10 that you have occupied that seat. Have they
11 selected you as the presiding juror, sir?

12 JUROR NUMBER 13: I just ran out of
13 chairs to sit in. But I'll do it.

14 THE COURT: I think that they have
15 done it sort of vicariously. That will be your
16 seat for the balance of the trial. Thank you,
17 Ladies and Gentlemen. I appreciate that.

18 Mr. Falk, thank you, sir. You may
19 resume your examination, sir.

20 CROSS EXAMINATION RESUMED

21 BY MR. FALK:

22 Q. Before the break we were talking about the
23 discussion that I believe that you had with
24 Officer Baggett about the spoon.

25 A. Um-humm.

1 Q. Do you recall saying whether or not you
2 ever used a spoon to discipline the children?

3 A. I don't recall.

4 Q. So when you told him, (reading):

5 *"I'll have the spoon. Not hitting them, just*
6 *me having the spoon they'll straighten up. I*
7 *didn't really have to do anything with the*
8 *spoon because this is me. I'll say that 'I'm*
9 *about to go get the spoon', and I will get it,*
10 *'you better straighten up.' They would stop*
11 *because they knew the spoon."*

12 A. All right.

13 Q. You remember saying that now?

14 A. Yes.

15 Q. Do you remember further telling Officer
16 Baggett that you hit the children twice with
17 the spoon?

18 A. No, I don't remember that.

19 Q. So when Officer Baggett asked you, "So did
20 you hit him with the spoon?" and you answered,
21 "Yes." When he asked you how many times "did
22 you hit him with the spoon", your answer was
23 "twice on the legs, him and Minor my daughter."
24 Is that -- does that refresh your memory?

25 A. No.

1 Q. So are you saying that you didn't say it?

2 A. I don't remember.

3 Q. Thank you. Now, you were saying that -- I
4 am not sure that I remember your explanation.

5 Why didn't you just move out if you didn't
6 enjoy living with Roger?

7 A. There were several times that I moved out.

8 Q. Okay, so why didn't you -- did you move
9 out in June?

10 A. What year?

11 Q. 2010?

12 A. I did in July, but we were still together
13 then.

14 Q. But you always had a place to go, is that
15 not correct?

16 A. In my mind I didn't.

17 Q. One time you went to your friend's house
18 across the street; is that correct?

19 A. That's when -- that was like in 2007.

20 Q. And you went to the Deas house, is that
21 correct?

22 A. Yes.

23 Q. Did you ever tell any of your neighbors
24 that you were worried about Roger?

25 A. I kept all that to myself.

1 Q. You have said that Roger was at work on
2 that Monday morning; is that correct?

3 A. Yes.

4 Q. And you don't recall if he left from your
5 house that morning. I believe that was your
6 testimony.

7 A. Yes.

8 Q. Okay. And when this incident happened
9 with **Minor** and **Minor Victim** he wasn't in the house?

10 A. No.

11 Q. So the only one that witnessed it was you?

12 A. Right.

13 Q. If both children were fighting, did you
14 pop **Minor**

15 A. Yes.

16 Q. Did she fall?

17 A. No.

18 Q. On July 4th you had already moved out of
19 the house, right?

20 A. Yes.

21 Q. You weren't staying with Roger; is that
22 correct?

23 A. No.

24 Q. So why did you get involved in that whole
25 story about **Minor Victim** and The Battery?

1 A. Because Box told me that we had to come up
2 with a way to file a missing child report,
3 because Nikki and her family wanted 'Dricus.

4 Q. But you weren't with Box at the time; is
5 that correct?

6 A. No, he was calling me on the phone.

7 Q. You were at the Deas?

8 A. Yes.

9 Q. And they could have taken care of you, is
10 that correct?

11 A. Yes.

12 Q. So the real reason that you were getting
13 involved in the story was because you wanted to
14 cover up your role in the death; is that not
15 correct?

16 A. No.

17 Q. Because when you called Box that Monday,
18 you really told him that he wasn't breathing;
19 is that correct?

20 A. Yes.

21 MR. FALK: One moment.

22 THE COURT: Certainly.

23 MR. FALK: I just have a few more
24 questions.

25 CROSS EXAMINATION CONTINUED

1 BY MR. FALK:

2 Q. Do you recall calling Roger on the tele-
3 phone on the day that you went down to The
4 Battery?

5 A. Yes.

6 Q. After 6:00 p.m., you called him thirty
7 times or more?

8 A. I don't know how many times that I called
9 him.

10 Q. Would it surprise you that you called him
11 thirty times?

12 A. No.

13 Q. What would you have been talking about?

14 A. What to do.

15 Q. And any of the police officers that you
16 saw down on The Battery, did you tell them that
17 you were scared or that you were worried?

18 A. No, I didn't tell them any of that.

19 MR. FALK: No more questions.

20 THE COURT: Redirect?

21 REDIRECT EXAMINATION

22 BY SOLICITOR HERRING-LASH:

23 Q. Ms. Trotman, I just have a few questions.
24 You said that you always called Box first.

25 A. Yes. I was always accustomed to calling

1 him first, wherever I went. If I was leaving
2 the house to go to the store, I always had to
3 call him.

4 Q. Why?

5 A. Because he always wanted me to. He always
6 -- it seemed like he had to always know where I
7 was at.

8 Q. What happened if he didn't?

9 A. Get in trouble.

10 Q. What do you mean "get in trouble"?

11 A. Like either he be cursing me out, bringing
12 me down, or he be hitting me.

13 Q. Now, was Nikki the only other woman that
14 Box had a relationship with during the time
15 that you were with him?

16 A. No.

17 Q. Do you know how many there were?

18 A. No.

19 Q. Do you remember what time you got the
20 Charleston City Police Department the night
21 of the 6th, and they started interviewing you?

22 A. No.

23 SOLICITOR HERRING-LASH: Your
24 Honor, I am going to use this to refresh her
25 memory. If we could mark it for ID.

1 THE COURT: Exhibit 71?

2 COURT REPORTER: Exhibit 72.

3 SOLICITOR HERRING-LASH: For ID
4 purposes only.

5 THE COURT: Very well.

6 (SO ENTERED AS STATE'S EXHIBIT 72 - ID ONLY)

7 REDIRECT EXAMINATION CONTINUED

8 BY SOLICITOR HERRING-LASH:

9 Q. Ms. Trotman, I am going to show you the
10 beginning of the transcript. There is a time,
11 beginning and ending of this first interview.
12 Read that to yourself and see if that refreshes
13 your memory about what time your first
14 interview started and began -- I mean started
15 and ended. Sorry.

16 A. (Review).

17 Q. Do you see the time?

18 A. (Affirmative nod).

19 Q. Does that refresh your memory?

20 A. All I know is that it was late.

21 Q. Well, did you read the time on here?

22 A. Yes.

23 Q. What time was it?

24 A. 10:28.

25 Q. And what time did it end?

1 A. 11:35.

2 Q. Did you have a second interview at the
3 Charleston Police Department that evening?

4 A. (No verbal response).

5 Q. Do you remember that?

6 A. Yes.

7 Q. Do you remember what time that began and
8 ended?

9 A. No.

10 SOLICITOR HERRING-LASH: Your
11 Honor, just to refresh her memory, for ID
12 purposes only, State's Exhibit 73.

13 THE COURT: Okay.

14 (SO ENTERED AS STATE'S EXHIBIT 73 - ID ONLY)

15 REDIRECT EXAMINATION

16 BY SOLICITOR HERRING-LASH:

17 Q. Ms. Trotman, I am going to show you this.
18 If you will, just read the time that this
19 interview began.

20 A. At 12:51 A.M.

21 Q. Was this interview with Agent McCants,
22 mainly?

23 A. Yes.

24 Q. And did this interview end after you took
25 them to the body?

1 A. I'm not sure.

2 Q. Were you talking to them up to the time
3 that you took them to the body?

4 A. Yes.

5 Q. So you didn't go to sleep from the time
6 that your interview began at 10:28 until they
7 found -- until you went with the officers to
8 the body the next afternoon?

9 A. Yes.

10 Q. After that, is that when -- after that
11 interview -- or after that, did you have your
12 interview with Baggett?

13 A. Yes.

14 Q. Did you get to sleep any during that time?

15 A. A little bit, yeah.

16 Q. Where?

17 A. In the office.

18 SOLICITOR HERRING-LASH: Those are
19 all the questions that I have, Your Honor.

20 THE COURT: Recross, Mr. Falk?

21 MR. FALK: Yes, sir.

22 RECROSS EXAMINATION

23 BY MR. FALK:

24 Q. So your interview with Officer Baggett was
25 after you'd showed them where the body was; is

1 that correct?

2 A. Yes.

3 Q. Thank you.

4 THE COURT: You may come down.

5 (WITNESS STEPS DOWN)

6 THE COURT: Call your next witness,
7 please.

8 SOLICITOR WILLIAMS: Shaneeka
9 Washington.

10 (WITNESS TAKES STAND)

11 SHANEEKA WASHINGTON, being duly sworn
12 to tell the truth, the whole truth and nothing
13 but the truth, testified as follows:

14 DIRECT EXAMINATION

15 BY SOLICITOR WILLIAMS:

16 Q. Shaneeka, where do you work?

17 A. The College of Charleston.

18 Q. How long have you worked there?

19 A. Going on six years.

20 Q. Where do you live?

21 A. Charleston, South Carolina.

22 Q. How far did you get in school?

23 A. Tenth.

24 Q. How do you know Minor Victim

25 A. My son.

- 1 Q. And who is the father of Minor Victim
- 2 A. Box.
- 3 Q. When you say "Box", is that Roger
- 4 Williams?
- 5 A. Yes.
- 6 Q. How did you meet Box?
- 7 A. At the mall.
- 8 Q. And do remember about when that was?
- 9 A. 2006.
- 10 Q. Was he living with Grace Trotman at that
- 11 time?
- 12 A. Not that I know of.
- 13 Q. At some time, did you realize that he was
- 14 living with her?
- 15 A. Yes.
- 16 Q. How often did you see Box before -- in the
- 17 beginning?
- 18 A. A lot. I can't recall.
- 19 Q. Where would y'all go?
- 20 A. At his trailer in Summerville or sometimes
- 21 he'd come to my house.
- 22 Q. Did you go out?
- 23 A. Yes.
- 24 Q. Where would you go?
- 25 A. California Dreaming.

1 Q. Was he working at the clubs yet?

2 A. No.

3 Q. And were you still together when **Minor Victim**
4 was born?

5 A. We were communicating.

6 Q. Were you still a couple?

7 A. Huh?

8 Q. Were you still a couple, like boyfriend/
9 girlfriend?

10 A. No.

11 Q. Why did you break up?

12 A. Well, we started talking because I wasn't
13 -- well, my birthday was coming and I didn't
14 want to go out there to the trailer. I wanted
15 to go to the club and stay with my friends. He
16 called me out a name, and I didn't want to talk
17 to him no more.

18 Q. So he was upset that you were going out
19 with friends?

20 A. Yeah.

21 Q. Did you let him know when **Minor Victim** -- when
22 you found out that you were pregnant?

23 A. Yeah.

24 Q. And what was his response?

25 A. That he hadn't spoken to me in a couple of

1 days and that that could be anybody's baby.

2 Q. Did you continue to try to tell him that
3 it was his child?

4 A. Yes.

5 Q. Did you get any better response during
6 your pregnancy?

7 A. No. Not in -- so one day when I was in
8 CVS and I saw that a test came out, that was
9 called Identical DNA, I called him and asked
10 him about it, if he wanted to do it.

11 Q. How old was **Minor Victim** at that time?

12 A. He was still one.

13 Q. One?

14 A. Um-humm.

15 Q. Before that time, had you tried to prove
16 that he was the father any other way?

17 A. Yes, through DSS.

18 Q. Tell me the steps that you took trying to
19 prove that he was the father, through DSS.

20 A. Every time we had a meeting to where we
21 would do the test, he would never show up.
22 So, like, they had to keep rescheduling.

23 Q. What was the purpose of the DSS
24 proceedings? What were you trying to do?

25 A. To determine that he was the father.

1 Q. Were you trying to get child support?

2 A. Yes.

3 Q. Were you ever able to get child support?

4 A. No.

5 Q. So at some point when **Minor Victim** is one, you
6 find out about this test at the drugstore?

7 A. Yes.

8 Q. Tell me how that happens, how do you and
9 Box figure out that **Minor Victim** is his child?

10 A. When I told him about it, he said that he
11 was willing to do it. So I bought the test.
12 One day he just decided to rent a hotel room
13 and me, him and 'Dricus met up.

14 Q. How does the test work?

15 A. It had Q-tips -- it had three sets of
16 everything: one for the child, one for a mother
17 and one for a father. You have to swab the
18 mouth and drop it in an envelope with the
19 person's name and mail it off; set up a
20 password.

21 Q. Did you determine, based on that test,
22 that he was the father?

23 A. Yes.

24 Q. Before that time, during **Minor Victim** first
25 year, did anyone else care for him besides you

1 and your family?

2 A. Yes.

3 Q. Who was that?

4 A. Miss Connie and her family.

5 Q. What is Miss Connie's last name?

6 A. Huger.

7 Q. How old was **Minor Victim** when he started going
8 over there?

9 A. I can't remember. He was a little baby.

10 Q. How did they feel about him?

11 A. They love him.

12 Q. Did they help you as well?

13 A. Yes.

14 Q. What kinds of things would they do to help
15 you and **Minor Victim**?

16 A. (Emotional) -- like buying Pampers, or
17 with a ride, or babysit.

18 Q. Did she got to the doctor's office with
19 you?

20 A. Yes.

21 Q. Did she help take him to school?

22 A. Yes.

23 Q. How often would **Minor Victim** go to the doctor?

24 A. Only when he had a doctor's appointment.

25 Q. For his well visits?

- 1 A. Yes, ma'am.
- 2 Q. Did he have any serious medical issues?
- 3 A. No.
- 4 Q. Did you ever see him fall on the floor,
5 shake, and have a seizure?
- 6 A. No.
- 7 Q. Did he have any health issues at all.
- 8 A. Just eczema. That's it, nothing.
- 9 Q. Eczema, like dry skin?
- 10 A. Yes.
- 11 Q. Now, was there a time when **Minor Victim**
12 started spending time with Box?
- 13 A. Yeah.
- 14 Q. Do you remember about when that was?
- 15 A. That was when -- was 2007.
- 16 Q. When was **Minor Victim** born, again?
- 17 A. May 8th -- I mean **[REDACTED]**
- 18 Q. 2007?
- 19 A. Yeah.
- 20 Q. So he found out that he was his a year
21 later?
- 22 A. Yes, ma'am.
- 23 Q. So when did he start going over there?
- 24 A. Right after he found out -- when Box found
25 out that he was his.

1 Q. So what year would that be? 2008?

2 A. Yeah. Sorry.

3 Q. How often would he see him?

4 A. He -- it started off on weekends.

5 Q. How would the child be exchanged? How
6 would he get to Roger Williams' house?

7 A. Me and Grace would meet at Northwoods
8 Mall.

9 Q. And what was your relationship like with
10 her?

11 A. She was okay.

12 Q. And in the beginning, how long -- you said
13 that he would spend weekends?

14 A. Yes.

15 Q. Did he ever spend any longer?

16 A. Yes.

17 Q. When did he start going over there for
18 longer?

19 A. If he was up there and Box didn't wanted
20 to bring him back, that's the only reason.

21 Q. Why would Box not bring him back?

22 A. He was telling me that they were bonding
23 and, you know, he was just getting to know him,
24 that he wanted to spend more time.

25 Q. Did **Minor Victim** ever miss school because of

1 this?

2 A. Yes.

3 Q. What did Box think about **Minor Victim** going to
4 school?

5 A. He didn't want him to go.

6 Q. Why?

7 A. He say that he can teach him at home.

8 Q. What was **Minor Victim** like at that point, in
9 terms of his development?

10 A. Smart.

11 Q. Could he speak really well?

12 A. He could speak as clear as I am speaking
13 now.

14 Q. Did he know any songs?

15 A. He knew a lot of church songs and -- like,
16 one R&B song.

17 Q. What was the song that he sang the most,
18 what was his favorite song?

19 A. *Yes, Jesus Loves Me.*

20 Q. Did he sing that song a lot?

21 A. Yes.

22 Q. When he first started going over to --
23 well, let me backtrack a little. You said that
24 he didn't want him to go to school. How many
25 times did he make him miss school?

1 A. I can't remember.

2 Q. More than three times?

3 A. About five.

4 Q. How did that make you feel?

5 A. Upset.

6 Q. And when he first started going over to
7 Box's house, did he give you information about
8 how he felt about **Minor Victim**

9 A. He started asking me like why does he
10 stand the way he does.

11 Q. What did he mean? How was he standing?
12 Was he saying that he 'stands like a girl'
13 or ---

14 A. That's what he said.

15 Q. What did he say that he was going to do to
16 resolve that?

17 A. Teach him how to be a man.

18 Q. Did he ever say that he was going to "man
19 him up"?

20 A. Yeah.

21 Q. Did **Minor Victim** develop a little dance?

22 A. Yeah.

23 Q. What was that called?

24 A. He called it the "man dance."

25 Q. What did it look like?

1 A. (Illustrating).

2 Q. And that was after you started hearing
3 from Mr. Williams that the boy was acting like
4 a little girl?

5 A. Yes.

6 Q. How many times did he tell you that he was
7 upset about **Minor Victim** acting like a girl?

8 A. It seemed like every time he went over
9 there.

10 Q. Now, after he started going over there,
11 did you ever notice any marks on him?

12 A. Yes.

13 Q. What kind of marks?

14 A. One time he had a pink mark on his bottom,
15 looked like a slash mark. Another time he had
16 scratches. Another time he had like a small
17 burn on his arm. One time he had a knot.
18 Another -- the last time he had a black eye,
19 here and here.

20 Q. And what did Roger tell you about those
21 marks?

22 A. **Minor**

23 SOLICITOR WILLIAMS: Your Honor, I
24 am going to show defense counsel what has been
25 marked as State's Exhibit 3, (displaying to Mr.

1 Falk). May I approach?

2 THE COURT: You may.

3 DIRECT EXAMINATION CONTINUED

4 BY SOLICITOR WILLIAMS:

5 Q. What is this a picture of?

6 A. (Emotional) -- Minor Victim

7 Q. Can you see any of the marks on the child
8 in that picture?

9 A. Yes.

10 Q. What can you see?

11 A. (Emotional) --

12 THE COURT: Ms. Washington, do we
13 need to take a break?

14 THE WITNESS: A black eye.

15 DIRECT EXAMINATION CONTINUED

16 BY SOLICITOR WILLIAMS:

17 Q. What else?

18 A. A knot on his head.

19 Q. Did you do anything to try to cover up the
20 black eye for the picture?

21 A. No. I only put cocoa butter on it.

22 SOLICITOR WILLIAMS: Your Honor, at
23 this time we would offer State's Exhibit 3 into
24 evidence.

25 THE COURT: Any objection?

1 MR. FALK: No, Your Honor.

2 THE COURT: Without objection,
3 State's Exhibit 3, a photo, is admitted.

4 (SO ENTERED AS STATE'S EXHIBIT 3)

5 SOLICITOR WILLIAMS: Permission to
6 publish?

7 THE COURT: You may.

8 SOLICITOR WILLIAMS: This does not
9 show up on the overhead, so I am going to ask
10 if we could just pass it around.

11 THE COURT: Ladies and Gentlemen,
12 again, any item that is introduced into
13 evidence will accompany you to your jury room.
14 It is not uncommon for them to pass it. You
15 can glance at it but you'll have more
16 opportunity to study it in detail when you
17 begin your deliberations, if need be. You may
18 continue your examination.

19 SOLICITOR WILLIAMS: Thank you, Your
20 Honor.

21 DIRECT EXAMINATION CONTINUED

22 BY SOLICITOR WILLIAMS:

23 Q. Now, at some point did you -- did Minor Victim
24 go over there for a longer visit?

25 A. Yes.

1 Q. What was going on then? Why was he
2 supposed to go over there for a longer visit?

3 A. Because I was trying to get an apartment
4 in Columbia and to find a job.

5 Q. So what was the arrangement?

6 A. That both of my kids go stay with their
7 fathers for the summer.

8 Q. So you have another child?

9 A. Yes.

10 Q. Who is that?

11 A. Leah.

12 Q. So she was going to go stay with her
13 father?

14 A. Yes.

15 Q. So what month do you remember, if you
16 remember, was he supposed to go to Box's house?

17 A. In May.

18 Q. And did he?

19 A. Yes.

20 Q. Now, in the past when **Minor Victim** had to go
21 to Box's house, did he want to go?

22 A. No.

23 Q. What did he do when it was time to go to
24 Roger's house?

25 A. Cry.

1 Q. And you dropped him off in May. Did you
2 have any contact with him during that month?

3 A. Yes.

4 Q. What kind of contact?

5 A. Talking to him over the phone.

6 Q. And at some point -- well, when was he
7 supposed to stay until?

8 A. Huh?

9 Q. When was he supposed to stay -- when were
10 you supposed to get him back?

11 A. Before school started.

12 Q. Which would have been what month?

13 A. August.

14 Q. And did that change for you at some point?

15 A. Yes.

16 Q. Why?

17 A. Because he is not here.

18 Q. Did you want to get him earlier than
19 August at some point?

20 A. Yes.

21 Q. Why was that?

22 A. Because, uh, I told him that if I was
23 going to let them have him for the summer, they
24 -- we would have to be able to talk to him
25 every day. And after a while he wasn't letting

1 me talk to him.

2 Q. What would happen when you would call?

3 A. He always had a story.

4 Q. Did you ever hear **Minor Victim**

5 A. Yes.

6 Q. Where would you hear him?

7 A. In the background.

8 Q. What was he doing?

9 A. Either playing or crying.

10 Q. So what did you do in July to try to get

11 **Minor Victim**

12 A. When I finally was able to get some time
13 off from the new job, I came down to
14 Charleston.

15 Q. What did you do next?

16 A. I called him because I wanted him for the
17 4th of July. He wouldn't let me get him.

18 Q. So what was his response?

19 A. They're bonding and that's their first 4th
20 of July and he had fireworks, and stuff like
21 that.

22 Q. So where did you go to try to get

23 **Minor Victim** What did you do?

24 A. Miss Connie gave me a ride to Summerville,
25 to the house that they last drop him off to.

1 Q. Is that the house where they lived?

2 A. Yes.

3 Q. And **Minor Victim** was living there?

4 A. No. Only visiting.

5 Q. Visiting?

6 A. Yes.

7 Q. Did you know exactly where the house was?

8 A. No, because I only went there once.

9 Q. And what happened when you got to the
10 house.

11 A. It looked like no one was staying there.

12 Q. And when you would talk about these
13 arrangements, trying to talk to **Minor Victim** and
14 trying to get to the house, who was it that you
15 were talking to mostly?

16 A. Box.

17 Q. What happened after you got to the house
18 and it looked empty?

19 A. We called the police.

20 Q. What happened with that?

21 A. I told them that **Minor Victim** had been
22 kidnaped and they say that 'if he is with his
23 father, it is not a kidnaping' and that I would
24 have to go to the court, to the courthouse and
25 get something in writing stating that he

1 couldn't have him on a certain day.

2 Q. What did you do next?

3 A. So we went home. And the next day, uh, we
4 called -- well, I called Box and made up this
5 story and told him that if he didn't return
6 **Minor Victim** on the third day that they would issue
7 a warrant for his apartment.

8 Q. Was that true?

9 A. No.

10 Q. And did you see Box anywhere else around
11 that period of time?

12 A. Yes.

13 Q. Where was that?

14 A. I don't remember what day, but since then
15 -- like when I spoke to him, he was telling me
16 that if I wanted **Minor Victim** to come like a party
17 and that after the party was over that he would
18 give me a ride to go and get **Minor Victim** and take
19 us home.

20 Q. So did you go to this party?

21 A. Yeah, my friend -- her and her friend took
22 me over there.

23 Q. Where was it?

24 A. Sky Lounge.

25 Q. So it was a club?

1 A. Yes.

2 Q. So what happened with that?

3 A. When we got there he was just "too busy".
4 He looked different. And he told me that he
5 needed to tell me something and not to leave.

6 Q. He looked different?

7 A. (Affirmative nod).

8 Q. Like how?

9 A. Like tired or like something was wrong.

10 Q. So did he ever talk to you that night?

11 A. No.

12 Q. So what happened the next day?

13 A. That's the day that we told him about the
14 warrant.

15 Q. So what do you do next to try to get

16 **Minor Victim**

17 A. At first he was just telling me different
18 stories. He was saying, like, **Minor Victim** was at
19 Carowinds with Grace. We kept calling each
20 other back and forth, so she can at least bring
21 him. That's basically what took place almost
22 the whole day. It got to the point to where I
23 just kept making him -- that we were still
24 talking to the people and that's when he was,
25 like, 'Where do y'all want to meet her at?'

1 She's finally here.' We told him Burger King
2 on Rivers Avenue, since she didn't know
3 anything about downtown.

4 Q. And did she meet you at Burger King?

5 A. No.

6 Q. Why couldn't he meet you?

7 A. I don't know.

8 Q. But he was the one that you were talking
9 to?

10 A. Yes.

11 Q. So then where did you go, after Burger
12 King?

13 A. Grace somehow ended up on The Battery,
14 saying that she didn't really know where she
15 was at. That's when we got in the car and
16 hurried up downtown.

17 Q. Who were you with at this point?

18 A. My mama and my sisters.

19 Q. How many days had it been since you'd
20 first went to the house looking for **Minor Victim**
21 and when you wound up at The Battery.

22 A. It may have been two days.

23 Q. So what happens at The Battery?

24 A. When I found -- we were talking back and
25 forth, me and Grace, and I even heard **Minor Victim**

1 in the background and asked her to talk to him.
2 She said she would put him on the phone but she
3 can't -- that she is driving and her phone is
4 going dead. So, like, we had to really hang
5 up. When we got on The Battery, I called her
6 to let her know that we were there, to try to
7 find out where she was. She hung up the phone,
8 then called right back crying and saying that
9 **Minor Victim** is missing and she don't know where he
10 is at.

11 Q. Did you finally get to see Grace Trotman?

12 A. Yes.

13 Q. How did that go?

14 A. I just looked her in her face and asked
15 her -- (emotional) -- where he at. When she
16 said -- (emotional).

17 Q. Why was Roger not at The Battery? Did he
18 ever tell you why he couldn't come down there?

19 A. He said that he had warrants.

20 Q. And was there any conflict or any physical
21 contact between your family and Grace Trotman?

22 A. I don't remember.

23 Q. And at some point do you talk to law
24 enforcement?

25 A. Yes.

- 1 Q. What happened with that?
- 2 A. Basically they couldn't find him anywhere
3 out there.
- 4 Q. How long did you stay down there?
- 5 A. Until dark.
- 6 Q. Then where did you go after that?
- 7 A. To the police station.
- 8 Q. How long did you stay down there?
- 9 A. I can't remember.
- 10 Q. At some point do you leave and go -- were
11 you living in Columbia at this point?
- 12 A. Yes.
- 13 Q. Did you leave to go back to Columbia or
14 did you go somewhere else?
- 15 A. My mom's house.
- 16 Q. Where does she live?
- 17 A. East Bay Street.
- 18 Q. Did you see where Grace Trotman went?
- 19 A. No.
- 20 Q. Did you see if anybody from Roger
21 Williams' family was down there?
- 22 A. Yes.
- 23 Q. Who was that?
- 24 A. A girl who said that she was his sister.
- 25 Q. What was she doing?

1 A. Talking to someone on the phone, telling
2 them everything that was going on.

3 Q. Was she talking to Box?

4 A. Could have been him.

5 Q. Now, at some point after you go home did
6 you find out what happened to Minor Victim

7 A. I don't think that it was that same day.

8 Q. When was it?

9 A. Maybe the day after.

10 Q. How did you find out?

11 A. Because people were calling me.

12 Q. What people?

13 A. Looking at the news.

14 Q. They had seen the story on the news?

15 A. Yes.

16 Q. Is that how you found out that your son
17 was dead?

18 A. Yes.

19 Q. After Mr. Williams was arrested, did you
20 hear from him again?

21 A. Yes.

22 Q. How many times?

23 A. A lot.

24 Q. How was he calling you?

25 A. From jail.

1 Q. Did you -- was it him calling you?

2 A. No.

3 Q. How did that work?

4 A. Someone must have been calling for him and
5 he would be on the phone.

6 Q. Did you eventually get that to stop?

7 A. Yeah, I changed my number.

8 Q. Did he tell you why he put your son in a
9 trash can with concrete?

10 A. Yes.

11 Q. What was his explanation?

12 A. Because it would keep him from keep going
13 and picking him up and trying to hug him.

14 Q. He had to put him in concrete so that he
15 wouldn't pick him up and hug him?

16 A. He wouldn't be able to grab him like --
17 pick him up.

18 Q. And did he say what happened to Minor Victim

19 A. Not exactly.

20 Q. Did he say that he fell down the stairs?

21 A. No.

22 Q. Do you remember saying that you thought
23 that he told you that he fell down the stairs?

24 A. No.

25 SOLICITOR WILLIAMS: Court's

1 indulgence for just a second.

2 THE COURT: Certainly.

3 SOLICITOR WILLIAMS: Please answer
4 any questions that ---

5 THE COURT: Cross examine?

6 CROSS EXAMINATION

7 BY MR. FALK:

8 Q. Ms. Washington, I am sorry to have to ask
9 you these questions. I know that you have been
10 through a lot. I will try to make this as
11 brief as possible.

12 Once it was clear -- after the paternity
13 test that y'all did in the hotel, that's when
14 Roger knew for sure that **Minor Victim** was his son;
15 is that correct?

16 A. (Affirmative nod).

17 Q. Was there any other kind of testing done
18 before that?

19 A. I don't know.

20 Q. Did you take part in any kind of testing?

21 A. No.

22 Q. Thank you. Once he acknowledged that he
23 was his son, was he always willing to have
24 **Minor Victim** come and spend time with him?

25 A. Oh, you talking about that. Yes.

1 Q. Now, you had talked earlier about this
2 conversation about "manning up." Was -- did
3 Mr. Williams have sort of joking attitude when
4 he was having that conversation?

5 A. (No verbal response).

6 Q. You say that he was trying to "man up"
7 **Minor Victim** is that correct?

8 A. He was just talking regular.

9 Q. I mean, you didn't take it too seriously,
10 did you?

11 A. No.

12 Q. Because you also thought it was okay for
13 him to spend time with Roger, didn't you?

14 A. Yes.

15 Q. The photograph that you've seen, and you
16 don't need to look at it again, but about when
17 was that taken?

18 A. (No verbal response).

19 Q. How about this, you said some time in
20 maybe the Spring of 2010?

21 A. (No verbal response).

22 Q. Was it before you moved to Columbia?

23 A. Yes.

24 Q. So you said that you thought that there
25 was some bruising on him and they'd said that

1 [Minor] had done it; is that not correct?

2 A. Yes.

3 Q. That seemed believable to you, didn't it?

4 A. Yes.

5 Q. Because certainly if you'd had any kind of
6 concerns, you wouldn't have sent [Minor Victim] back
7 there; is that correct?

8 A. We argued about it.

9 Q. Did you realize how much time that Grace
10 Trotman was spending with [Minor Victim] when he was
11 at their house?

12 A. Yes.

13 Q. So you knew that Mr. Williams was going to
14 be gone most of the time?

15 A. Yes.

16 Q. You had said that she would telephone him
17 while he was -- you said that you had telephon-
18 ed Mr. Williams while [Minor Victim] was staying
19 there; is that correct?

20 A. Yes.

21 Q. Now, what telephone number would you have
22 been calling from? Let me narrow it down.
23 Let's say in June when he was there for that
24 extended period of time. What number would you
25 have been calling from?

1 A. The last four digits were 2943.

2 Q. And what number would you have been
3 calling to?

4 A. I don't remember.

5 Q. Was it maybe the one that you had your
6 speed dial for Roger, or something?

7 A. Yes. His number.

8 Q. Okay. Did you ever try to reach him at
9 any other numbers?

10 A. I called Grace's phone before, a couple of
11 times.

12 Q. Just a couple of times?

13 A. Yes.

14 Q. On July 5th, you said that y'all were
15 together at a party or something?

16 A. Yes.

17 Q. And at that time he said that he wanted to
18 -- Roger Williams said that he wanted to talk
19 to you; is that correct?

20 A. Yes.

21 Q. Did he say that he had something important
22 that he needed to talk to you about?

23 A. Yes.

24 Q. Did he then try to call you a couple of
25 times after that, like the next day?

1 A. I believe that when I got in the car, he
2 asked me why did I leave.

3 Q. That was on the 5th?

4 A. Yeah, the same night.

5 Q. Then on the 6th, did he try calling you?

6 A. I think -- I believe that I called him
7 first.

8 Q. Did he tell you that he wanted to get
9 together with him because he had something
10 important to tell you?

11 A. No, by then I told him -- I was telling
12 him about a warrant.

13 MR. FALK: One moment, please.

14 THE COURT: Sure.

15 CROSS EXAMINATION CONTINUED

16 BY MR. FALK:

17 Q. In March of 2010, that's when you were
18 moving to Columbia; is that right?

19 A. Yes.

20 Q. You were trying to get a job and get
21 reorganized up there?

22 A. Yes.

23 Q. Did he ever offer for you to come and stay
24 with him?

25 A. Not that I remember.

1 Q. Okay. But he offered for **Minor Victim** to come
2 at that time?

3 A. Maybe **Minor Victim** but not me.

4 MR. FALK: No further questions.

5 THE COURT: Redirect?

6 SOLICITOR WILLIAMS: Nothing
7 further, Your Honor.

8 THE COURT: You may come down.

9 Thank you, ma'am.

10 (WITNESS TAKES STAND)

11 SOLICITOR HERRING-LASH: Your
12 Honor, I forgot to ask if Ms. Trotman can be
13 released so that they can take her back to
14 Charleston, from Berkeley.

15 THE COURT: Any objection?

16 MR. FALK: We may call her again.

17 THE COURT: If you do, just give us
18 notice to have her transported.

19 MR. FALK: Is she not in ---

20 THE COURT: She is being detained in
21 Charleston and they're waiting to take her
22 back. You're not going to call her today?

23 MR. FALK: Not today.

24 THE COURT: That's fine. We can
25 have her returned if you need to. Call your

1 next witness, Solicitor.

2 SOLICITOR WILLIAMS: Kimberly Evans.

3 (WITNESS TAKES STAND)

4 KIMBERLY EVANS, being duly sworn to
5 tell the truth, the whole truth and nothing but
6 the truth, testified as follows:

7 DIRECT EXAMINATION

8 BY SOLICITOR WILLIAMS:

9 Q. Ms. Evans, do you know Grace Trotman?

10 A. Yes.

11 Q. And do you know Roger Williams?

12 A. Yes.

13 Q. When did you meet Grace Trotman?

14 A. I met her in 2003.

15 Q. How old was she then?

16 A. She was, I believe, seventeen.

17 Q. Where was she living at that time?

18 A. With her aunt and uncle.

19 Q. Had she always lived with them?

20 A. No.

21 Q. Where did she live before that?

22 A. I am not sure. She was in and out of
23 foster care.

24 Q. And how did you know her?

25 A. Because we went to school together.

- 1 Q. At that time, did she know Roger Williams?
- 2 A. No.
- 3 Q. What was she like then?
- 4 A. A happy, outgoing person.
- 5 Q. Was she going to school for anything?
- 6 A. She was in Voc -- we were in high school
7 but she was in the vocational career school for
8 cosmetology.
- 9 Q. Did she eventually get her own place?
- 10 A. Yes.
- 11 Q. And did she have her own vehicle?
- 12 A. Yes, before we got out of high school --
13 before she got out of high school, because she
14 graduated before me, she did have her own
15 place.
- 16 Q. Did she have a job?
- 17 A. Yes.
- 18 Q. Taking care of herself?
- 19 A. Yes.
- 20 Q. Do you feel like you knew her pretty well?
- 21 A. Yes.
- 22 Q. Did you see her on a regular basis?
- 23 A. Yes.
- 24 Q. Did you notice any changes about her when
25 she met Mr. Williams?

- 1 A. Yes.
- 2 Q. Do you remember about when that was?
- 3 A. She met him, I believe that it was 2006.
- 4 Q. What were the changes?
- 5 A. At first it was all good but after she had
6 a baby then it started changing.
- 7 Q. When she found out that she was pregnant,
8 what was his attitude toward the baby?
- 9 A. He didn't know if it was his or not.
- 10 Q. And at some point did he accept that it
11 was his?
- 12 A. Yes.
- 13 Q. And after she had the baby, what happened?
- 14 A. After she had the baby -- I mean, they was
15 living together. I know she was in and out of
16 apartments.
- 17 Q. Why?
- 18 A. They didn't really have a steady place to
19 live and they would argue a lot.
- 20 Q. After her first child was born, do you
21 know the name of that child?
- 22 A. Yes, Yasura.
- 23 Q. They go by Minor
- 24 A. Yes.
- 25 Q. After Minor was born, did she move away

1 from Mr. Williams?

2 A. For a little while, then they got back
3 together.

4 Q. Was there a time when she had to move away
5 from him when she was pregnant?

6 A. When she was pregnant, she was staying
7 with another girl.

8 Q. Why was that?

9 A. They didn't have any place to go and
10 somebody else was supposedly staying in the
11 apartment that she had.

12 Q. Did you ever have to take her to the
13 hospital?

14 A. Yes.

15 Q. Tell me about that?

16 A. On the 4th of July, she came to my house
17 when I was living in Summerville. She was
18 living in Dorchester Village in Charleston.
19 She came to my house, crying saying that he hit
20 her. I took her to -- she was pregnant at the
21 time with Yasura and I took her to the
22 emergency room.

23 Q. What happened there?

24 A. We got there. She said she fell. They
25 said she had a mild concussion and then they

1 let her go.

2 MR. FALK: Your Honor, hearsay.

3 THE COURT: Sustained.

4 DIRECT EXAMINATION CONTINUED

5 BY SOLICITOR WILLIAMS:

6 Q. At some point did you learn of **Minor Victim**
7 Williams' existence?

8 A. Yes.

9 Q. Did you ever see him?

10 A. I seen him once.

11 Q. And at that time with this couple, did you
12 ever go over to their home?

13 A. Once.

14 Q. Who was there when you went to their home?

15 A. It was Grace, it was Roger, it was Yasura,
16 **Minor** and **Minor Victim**

17 Q. And why did you go over there?

18 A. To visit with Grace.

19 Q. Had you ever gone over to their homes
20 before?

21 A. Yes.

22 Q. For what purpose?

23 A. Sometimes to go visit her and then he
24 would have me come over sometimes to cook for
25 his parties.

1 Q. Did he hire you?

2 A. Not really hire but, yeah, he would pay
3 me.

4 Q. This particular time, tell me what you
5 observed? Did you get an opportunity to see
6 Mr. Williams with **Minor Victim**

7 A. Yes.

8 Q. Can you tell me what you observed about
9 that interaction?

10 A. **Minor Victim** was kind of standoffish, so he
11 was -- he would like play with hisself, and he
12 would play with **Minor** too, but he was a little
13 standoffish.

14 Q. Did you see him talk with **Minor Victim**

15 A. Yes.

16 Q. Can you think of a particular incident
17 when you observed that and what happened?

18 A. When I went over there, I was pregnant at
19 the time and I went over there to visit her.
20 They were -- all the kids was there, she was
21 there, he was there. And, uh, I remember him
22 laying on the floor eating spaghetti.

23 Q. Where were **Minor Victim** and the other
24 children?

25 A. They were right there playing.

- 1 Q. Was anyone else eating?
- 2 A. No, just him.
- 3 Q. Did he offer food to anyone else?
- 4 A. He offered to them.
- 5 Q. How did he do that?
- 6 A. He told them to come over, to get some if
- 7 they wanted some.
- 8 Q. And did they?
- 9 A. **Minor** did.
- 10 Q. What about **Minor Victim**
- 11 A. He didn't.
- 12 Q. So did he get any food?
- 13 A. No.
- 14 Q. And did you ever see Mr. Williams
- 15 discipline **Minor Victim**
- 16 A. No.
- 17 Q. Did you ever see him put his hands on him?
- 18 A. I seen him grab his arm but he didn't,
- 19 like, hit him or anything.
- 20 Q. And did you ever hear him call him any
- 21 names?
- 22 A. He called him "Soft."
- 23 Q. In what context was it that he was calling
- 24 him soft?
- 25 A. Because him and **Minor** were -- **Minor** hit him

1 and he didn't want to fight her, so he said
2 that he was being soft because he didn't want
3 to fight back.

4 Q. Was he telling [Minor] to hit him, for him to
5 hit her back?

6 A. Yeah.

7 Q. And [Minor Victim] did not?

8 A. No.

9 Q. Did he say anything else besides calling
10 [Minor Victim] soft?

11 A. He just said 'you soft, I gonna get you
12 out of that, you been around your mom too
13 long.'

14 Q. I'm sorry, could you repeat that?

15 A. He said he was soft and that he was gonna
16 get him out of that, that he's been around his
17 mom too long.

18 Q. Did he touch him at all?

19 A. He grabbed him, grabbed him by his arm and
20 was like, you know, 'You soft. I gonna get you
21 out of that. You been around your mom too
22 long.'

23 Q. And there was a time when you gave some
24 interviews to the news, is that correct?

25 A. Yes.

1 Q. Did you do that using your own name?

2 A. No.

3 Q. What about your own voice?

4 A. No.

5 Q. Why was that?

6 A. Because I just didn't want to be involved.
7 I didn't want people calling me and questioning
8 me about what happened.

9 Q. Were you afraid?

10 A. No.

11 SOLICITOR WILLIAMS: Court's
12 indulgence for just a moment.

13 DIRECT EXAMINATION CONTINUED

14 BY SOLICITOR WILLIAMS:

15 Q. When you saw **Minor** and **Minor Victim** inter-
16 acting, can you just explain specifically what
17 you saw that day?

18 A. Well, **Minor** basically hit him, pushed him
19 down, started dragging him across the floor.

20 Q. What would **Minor Victim** do?

21 A. Cry. Nothing.

22 Q. And what would the parents in the home do?
23 What would Grace and Mr. Williams do?

24 A. Nothing.

25 Q. And the time when you took Ms. Trotman to

1 the hospital, did you observe injuries on her?

2 A. No.

3 SOLICITOR WILLIAMS: Please answer
4 any questions the defense may have.

5 THE COURT: Cross examine?

6 MR. FALK: No questions, Your
7 Honor. She may be excused.

8 THE COURT: You may come down and
9 you may be excused.

10 (WITNESS STEPS DOWN)

11 THE COURT: All right, Ladies and
12 Gentlemen, at this point we will take a recess
13 for about ten minutes. Do not begin your
14 deliberations, don't discuss the case. We will
15 be with you shortly.

16 (JURY OUT @ 4:02 P.M.)

17 THE COURT: Anything from the State
18 before we recess?

19 SOLICITOR WILLIAMS: No, Your Honor.

20 THE COURT: Anything from the
21 defendant?

22 MR. FALK: No, Your Honor.

23 THE COURT: Thank you very much. We
24 will be at-ease for about ten minutes, please.

25 (BRIEF RECESS)

1 (DEFENDANT PRESENT)

2 THE COURT: Ready, Solicitor?

3 SOLICITOR WILLIAMS: Yes, sir.

4 MR. FALK: Defense ready, Mr. Falk.

5 MR. FALK: Yes, Your Honor.

6 THE COURT: Invite the jury to
7 return.

8 (JURY IN @ 4:16 P.M.)

9 THE COURT: Thank you, Ladies and
10 Gentlemen. We are ready to continue.
11 Solicitor, you may call your next witness.

12 SOLICITOR WILLIAMS: Thank you, Your
13 Honor. The State calls Dean Kokinda.

14 (WITNESS TAKES STAND)

15 DEAN KOKINDA, being duly sworn to tell
16 the truth, the whole truth and nothing but the
17 truth, testified as follows:

18 DIRECT EXAMINATION

19 BY SOLICITOR WILLIAMS:

20 Q. Is it Lieutenant Kokinda?

21 A. Yes, ma'am.

22 Q. Where do you work?

23 A. With the Berkeley County Sheriff's Office.

24 Q. How long have you worked there?

25 A. Twenty-three years.

1 Q. What do you do there?

2 A. I am the lieutenant over the forensic
3 services division.

4 Q. And do you have any -- what does that
5 mean, what do you actually do?

6 A. We store the evidence and we process crime
7 scenes. We do some analyses.

8 Q. Do you have any special agent training or
9 schooling in that area?

10 A. I've had training in crime scene, finger-
11 prints analysis, shooting reconstruction, death
12 investigations, ---

13 Q. How many crime scenes would you say that
14 you have processed in your career?

15 A. Probably would be in the thousands.

16 Q. And were you working in this capacity on
17 July 7th, 2010?

18 A. Yes, I was.

19 Q. And did you respond to a call involving
20 this case?

21 A. Yes, I did.

22 Q. Where did you respond, specifically?

23 A. I responded to Orangeburg County,
24 Lansdowne Road located in Bowman.

25 Q. Can you describe that area for us?

1 A. Lansdowne Road, I believe that it is Exit
2 165 on I-26, heading towards Columbia. It's
3 approximately two-tenths of a mile from the off
4 ramp. It is a very rural area

5 Q. What type of call was this?

6 A. It was to recover an object that had been
7 in the woods, a trash can that was filled with
8 cement.

9 Q. And when you first found out about the
10 case, what kind of case was it?

11 A. Initially it was a missing persons case.

12 Q. Do you remember about what time it was on
13 July 7th that you finally get to this particular
14 crime scene?

15 A. It was approximately 1:00 p.m.

16 Q. And when you got to the location, what did
17 you see? Could you describe the scene?

18 A. There was an abandoned single-wide
19 trailer. Behind the trailer there was a wooded
20 area and approximately twenty-five feet into
21 that wooded area was a blue plastic 35-gallon
22 trash can that was full of cement. Around that
23 area was just a bunch of trash, household items
24 that it looks like the people that lived in
25 that trash might have threw into the woods.

1 Q. It was a dump site?

2 A. Yes.

3 Q. How far from the interstate was this
4 particular dump site?

5 A. If you get off I-26, you go approximately
6 two-tenths of a mile to where Lansdowne Road,
7 then you go approximately seven-tenths of a
8 mile down Lansdowne Road.

9 Q. And did you know how that location was found,
10 how the item was found at that location?

11 A. Yes, a Grace Trotman took the
12 investigators there.

13 Q. And when you arrived, who was there?

14 A. There were several people from Orangeburg
15 County and Berkeley County.

16 Q. Could you describe how many law
17 enforcement people were there?

18 A. Hummm, probably eight to ten.

19 Q. And did you eventually get a good look at
20 the trash can?

21 A. Yes, when I got there, they advised me
22 what they had. I went back and inspected the
23 area. As we walked back there, the blue trash
24 can was located approximately twenty-five feet
25 in the woods. It was covered with an old

1 recliner that had moss on it. When I looked
2 down at the trash can, there was a small slit
3 on the side, like the trash can had split on
4 the side. The cement was protruding about an
5 inch, two inches from the top of there. In
6 that slit, I could see what looked like to be
7 decomposing flesh.

8 Q. And what else?

9 A. There was some insect activity, some
10 maggots.

11 SOLICITOR WILLIAMS: Your Honor, I
12 am going to show Defense Counsel what has been
13 marked as State's Exhibits 24, 25, 26, 27, 28
14 and 29.

15 THE COURT: Okay.

16 MR. FALK: (Review)

17 SOLICITOR WILLIAMS: May I approach?

18 THE COURT: You May.

19 DIRECT EXAMINATION CONTINUED

20 BY SOLICITOR WILLIAMS:

21 Q. Lieutenant Kokinda, I want to show you
22 what has been marked as State's Exhibits 24
23 through 29. Could you please look at those?

24 A. (Upon review), these are photographs that
25 I took at that scene.

1 Q. And do those photographs accurately depict
2 the scene as you remember it that day?

3 A. Yes, they do.

4 SOLICITOR WILLIAMS: Your Honor, at
5 this time we would move State's Exhibit 24,
6 South Carolina 25, 26, 27, 28 and 29 into
7 evidence.

8 THE COURT: Any objection?

9 MR. FALK: Your Honor, we would
10 object to Exhibit 28 and Exhibit 29.

11 THE COURT: Let me see it. What is
12 the basis of your objection?

13 MR. FALK: Your Honor, we believe
14 that it is relevant -- more prejudicial than.

15 THE COURT: I sustain the objection
16 as to 29. Subject to objection, 28 is
17 admissible)

18 SOLICITOR WILLIAMS: Thank you.

19 (SO ENTERED AS STATE'S EXHIBIT 24)

20 (SO ENTERED AS STATE'S EXHIBIT 25)

21 (SO ENTERED AS STATE'S EXHIBIT 26)

22 (SO ENTERED AS STATE'S EXHIBIT 27)

23 (SO ENTERED AS STATE'S EXHIBIT 28)

24 (SO ENTERED AS STATE'S EXHIBIT 29 - ID ONLY)

25 THE COURT: State's Exhibit 29 is

1 for ID Only. Just leave it with Ms. Garrison
2 (court reporter).

3 SOLICITOR WILLIAMS: Permission to
4 publish?

5 THE COURT: You may.

6 DIRECT EXAMINATION CONTINUED

7 BY SOLICITOR WILLIAMS:

8 Q. Please publish 24. I believe that you
9 have a laser pointer in front of you there,
10 Lieutenant Kokinda. Can you just kind of show
11 us where the road is, where the interstate was
12 and about where the body was found in relation
13 to that picture?

14 A. This photograph was taken from next to the
15 road back towards the wooded area.

16 This area of the photograph would be the
17 front of the trailer.

18 The opening that goes back to the wooded
19 area, where the trash can was found, would be
20 right here.

21 Q. Okay. Was there any kind of road or dirt
22 or pathway to access the back?

23 A. Into the wooded area?

24 Q. From the road to there, how did you get
25 there? Was it just through the field or ---

1 A. Just through the yard, it was just
2 overgrown grass in the yard.

3 Q. It was pretty well hidden?

4 A. You couldn't see it from -- until you
5 walked back into the woods.

6 Q. Just tell us a little bit about this
7 picture, if you would?

8 A. Basically this is a picture taken slightly
9 more to the left, looking in this area that is
10 the entrance into the woods.

11 Q. Show us where on that picture about where
12 the trash can was found?

13 A. The approximate center is the entrance in,
14 so it was about twenty-five feet, slightly to
15 the right.

16 Q. State's Exhibit 27. This is kinda hard to
17 see. Can you just show the jury what we are
18 looking at here?

19 A. What you are looking at is the area where
20 the trash can was located. You've got this old
21 recliner, it's got moss growing on it, so it's
22 obviously been there for a while. Right
23 underneath, you'll see the very top of the
24 trash can.

25 Q. On the top there, what is that white

1 stuff?

2 A. In the top of the trash can?

3 Q. Um-humm.

4 A. That is cement.

5 Q. And, lastly, off to the left there, what
6 is that?

7 A. This is a photograph with the recliner
8 removed. The recliner is now located to the
9 left of the trash can.

10 Q. Who moved that?

11 A. I did.

12 Q. Can you show us -- is that the trash can?

13 A. Yes, and you've got cement protruding from
14 the top. Towards the bottom and on the side
15 you can see the split.

16 Q. Is that were you saw the insect activity?

17 A. Yes.

18 Q. What was the odor like?

19 A. There was an obvious odor of decomposition
20 about when you got five feet from the trash
21 can.

22 Q. At some point was this body removed from
23 this crime scene?

24 A. Yes. What we decided to do at that time,
25 because we realized that we had a body inside

1 this trash can, in case the cement -- we did
2 want to try to crack the cement open there at
3 the scene, so we transported the trash can,
4 body and cement, as one whole unit, to MUSC so
5 that they could open it up and do an autopsy.

6 Q. How heavy, can you give us some idea of
7 how heavy it was?

8 A. Approximately 400 pounds. We ended up
9 having to use a front end loader to load it
10 from the ground up onto the back of a truck.

11 Q. If you know, where was that truck then
12 taken?

13 A. It as taken down to MUSC.

14 Q. Was there somebody from your department
15 following it?

16 A. Sergeant Alteri from our office followed
17 it down.

18 SOLICITOR WILLIAMS: Beg the court's
19 indulgence.

20 THE COURT: Certainly.

21 SOLICITOR WILLIAMS: Thank you,
22 Lieutenant Kokinda. Please answer any
23 questions that the defense may have.

24 THE COURT: Cross examine?

25 MR. FALK: No questions.

1 THE COURT: Thank you. You may step
2 down. Do you wish the witness to be excused?

3 SOLICITOR WILLIAMS: Yes, please.

4 THE COURT: Any objection?

5 MR. FALK: No objection.

6 THE COURT: You are free to leave,
7 Lieutenant. Thank you.

8 (WITNESS STEPS DOWN)

9 THE COURT: Please call your next
10 witness.

11 SOLICITOR WILLIAMS: Sergeant
12 Alteri.

13 (WITNESS TAKES STAND)

14 GENO ALTERI, being duly sworn to tell
15 the truth, the whole truth and nothing but the
16 truth, testified as follows:

17 DIRECT EXAMINATION

18 BY SOLICITOR WILLIAMS:

19 Q. Are you Sergeant Alteri?

20 A. Yes, ma'am.

21 Q. Where do you work?

22 A. Berkeley County Sheriff's Office.

23 Q. How long have you worked there?

24 A. Sixteen years.

25 Q. What are your present duties?

1 A. I am a sergeant in the criminal
2 investigative division.

3 Q. Were you working in that capacity on July
4 7th, 2010?

5 A. Yes, ma'am.

6 Q. And did you respond to a scene in
7 Orangeburg County, somewhere near Vance, South
8 Carolina?

9 A. Yes, ma'am.

10 Q. What was the purpose of that?

11 A. I was asked to respond out there in
12 reference to locating a possible body at that
13 time.

14 Q. Was Dean Kokinda out there as well?

15 A. Yes, ma'am.

16 Q. What did you actually do out there?

17 A. When I first arrived, I talked with
18 Lieutenant Kokinda at the time and he requested
19 that I assist him in taking measurements to
20 kind of coordinate where the body was located,
21 or the trash can. And helped him load the body
22 into the pickup truck with Orangeburg. We
23 ended up having to use the backhoe because it
24 was too heavy for us to lift, to put it in the
25 back of Orangeburg County's truck.

1 Q. And then what did you do next?

2 A. From that location, I just followed behind
3 Orangeburg County to MUSC to deliver the trash
4 can. We turned it over to the morgue.

5 Q. When you arrived at MUSC, did you observe
6 how the body was removed from the truck and
7 into the building?

8 A. Yes, ma'am. We had to maneuver an
9 electric forklift that was man-powered as far
10 as follow behind it or whatever. They'd raise
11 it up and we would kind of roll it onto the
12 forks, then we would have to help push this
13 forklift up the ramp because it didn't have
14 enough power to get the weight of this trash
15 can to the top. So we were all behind it, just
16 pushing it up.

17 Q. After that, did you then leave MUSC?

18 A. Yes, ma'am.

19 Q. Did you have any further involvement in
20 the case?

21 A. Not to my knowledge.

22 SOLICITOR WILLIAMS: Thank you,
23 Sergeant Alteri. No further questions.

24 THE COURT: Cross examine?

25 MR. FALK: No questions, Your

1 Honor.

2 THE COURT: Do you wish him to be
3 excused?

4 SOLICITOR WILLIAMS: Please.

5 THE COURT: You are free to leave.
6 Thank you, sir.

7 (WITNESS STEPS DOWN)

8 THE COURT: Call your next witness,
9 please.

10 SOLICITOR WILLIAMS: We call
11 Detective Murphy, Kevin Murphy.

12 (WITNESS TAKES STAND)

13 KEVIN MURPHY, being duly sworn to tell
14 the truth, the whole truth and nothing but the
15 truth, testified as follows:

16 DIRECT EXAMINATION

17 BY SOLICITOR WILLIAMS:

18 Q. Detective Murphy, what is your rank with
19 the Berkeley County Sheriff's Office?

20 A. I am a detective corporal, ma'am.

21 Q. How long have you worked there?

22 A. About ten years.

23 Q. What do you do there?

24 A. Right now I am assigned to internet crimes
25 against children, and white collar crime.

1 Q. Okay. Were you working as an investigator
2 for the Berkeley County Sheriff's Office on
3 July 7th, 2010?

4 A. I was.

5 Q. Did you respond to MUSC regarding the case
6 at hand?

7 A. I did

8 Q. And when you got there, what were you --
9 what was your purpose in being there?

10 A. We were called to be there when the
11 autopsy was performed.

12 Q. Was there some -- were you trying to
13 determine if you could get an identification,
14 an initial identification?

15 A. Yes, ma'am.

16 Q. So you were aware of what had happened up
17 to this point?

18 A. Yes, ma'am.

19 Q. And that body had been found?

20 A. Yes, ma'am.

21 Q. So you were waiting to see if it was the
22 body of the child?

23 A. Yes, ma'am.

24 Q. Did you in fact observe the autopsy?

25 A. I did.

1 Q. Where was this being conducted?

2 A. It was in the morgue at the Medical
3 University of South Carolina, in Charleston.

4 Q. Did you have any idea if that was typical,
5 if that is where they always did it?

6 A. This specific location was not, because
7 they ran into difficulty in transporting the
8 heavy load up to the floor where they normally
9 do it.

10 Q. And did you watch them try to extract the
11 remains from the trash can?

12 A. Yes, ma'am.

13 Q. How was that accomplished?

14 A. The concrete had separated itself circular
15 -- if you would stand the trash can up, there
16 was a top and a bottom and somewhere in the
17 middle it had separated itself.

18 The doctor -- I believe that he said
19 that he had to call around and ask some of his
20 colleagues what their recommendations were for
21 some of the procedures.

22 They removed, cut away the plastic
23 trash can. And like I said, the block of
24 concrete had separated in the middle. He used
25 a hammer and some sort of chisel, for lack of a

1 better description, to chip away at the parts
2 of the concrete that hadn't separated.

3 He was able to separate the bottom.
4 At that time we could see that there were trash
5 bags, plastic trash bags which the body had
6 been wrapped in, and it kept the body from
7 being directly involved in the concrete. So
8 once he separated the bottom part, it was a lot
9 easier for him to reach up and separate the
10 rest of the bag from the concrete.

11 Q. What was your responsibility to be in
12 terms of the search, whether the search was
13 going to go on or, you know, the rest of the
14 investigation?

15 A. I am not sure that I understand the
16 question.

17 Q. Were you supposed to do anything after you
18 found out if they could identify that there was
19 something in this trash can?

20 A. We were in communication by cell phone
21 with the other detectives that were working the
22 case and we were able to confirm to them that
23 the doctor did -- that it did appear that it
24 was a male child. And from other parts of the
25 remains, he was able to match up to the general

1 description of the little boy.

2 Q. So what about the remains was he able to
3 identify?

4 A. I believe the way that -- the particulars
5 of the hair, the way that the hair was done. I
6 believe that there was something unusual about
7 the teeth that was prominent, that he was able
8 to identify. Then, of course, that it was a
9 male child generally fitting the age
10 description.

11 Q. At this point did the search continue?
12 Did you communicate to someone in Berkeley
13 County that you ---

14 A. We called back to the -- I don't remember
15 exactly who I spoke with but I was in contact
16 with the people working the case and told them
17 that the preliminary information received from
18 the medical examiner was that he felt that that
19 was the body of the little boy that they were
20 looking for.

21 Q. Then did you watch that?

22 A. (Affirmative nod), I was there for the
23 whole procedure.

24 Q. Had you ever seen anything like this?

25 A. No, ma'am.

1 SOLICITOR WILLIAMS: No further
2 questions.

3 THE COURT: Cross?

4 MR. FALK: No questions.

5 THE COURT: Thank you, you may come
6 down, sir. Do you wish the witness to be
7 excused?

8 SOLICITOR WILLIAMS: Yes, please.

9 (WITNESS STEPS DOWN)

10 THE COURT: Call you next witness.

11 SOLICITOR WILLIAMS: The State would
12 call Crystal Spence.

13 THE COURT: Approach, please, while
14 Ms. Spence is entering.

15 (OFF RECORD BENCH CONFERENCE)

16 (WITNESS TAKES STAND)

17 CRYSTAL SPENCE, being duly sworn to
18 tell the truth, the whole truth and nothing but
19 the truth, testified as follows:

20 DIRECT EXAMINATION

21 BY SOLICITOR WILLIAMS:

22 Q. Ms. Spence, who do you work for?

23 A. Berkeley County Sheriff's Office.

24 Q. What do you do for them?

25 A. Crime scene processing.

1 Q. How long have you been doing that?

2 A. Since September of 2000.

3 Q. What kind of tasks do you do?

4 A. Log in evidence that is turned in by
5 detectives and deputies, transport evidence to
6 other facilities for processing, processing
7 crime scenes.

8 Q. Do you have training and experience in
9 that field?

10 A. Yes, ma'am.

11 Q. And were you working in that capacity in
12 July of 2010?

13 A. Yes, I was.

14 Q. Did you respond to crimes scenes regarding
15 this case?

16 A. Yes, I did.

17 Q. Where did you go?

18 A. To the initial residence.

19 Q. What is that address?

20 A. London (phonetic). I am not sure of that
21 address.

22 Q. Could it have been Longbourne?

23 A. Longbourne, (affirmative nod). That's it.

24 Q. What city was it in?

25 A. Summerville.

1 Q. Do you remember about what time that was?

2 A. Approximately 11:30.

3 Q. On what date? Was that July 7th?

4 A. The 7th.

5 Q. What did you do there?

6 A. I met Captain Ollic and Detective Murphy
7 and waited for SLED to arrive and we processed
8 the residence for any evidence, per a search
9 warrant.

10 Q. What types of evidence were being
11 processed?

12 A. Basically I stood and waited until SLED
13 did their photographs and then I ran through
14 and did a quick set of photographs. Then they
15 did all the rest of the processing.

16 Q. And did you observe any of the technics
17 that they were using?

18 A. No, ma'am. I stayed in the living room.

19 Q. And after going there, did you respond to
20 Home Depot for any reason?

21 A. Yes, I did.

22 Q. What did you do there?

23 A. Photographed a Load-n-Go truck and swabbed
24 several areas for blood, with negative results.

25 Q. How did you know -- what was the

1 significance of the particular truck that you
2 photographed?

3 A. Per the tag number and VIN number that I
4 was provided by Detective Corte.

5 Q. So were you looking for a specific truck?

6 A. Yes.

7 Q. One connected to the case?

8 A. Yes.

9 SOLICITOR WILLIAMS: I am going to
10 show defense counsel what has been marked as
11 State's Exhibit 52.

12 MR. FALK: (Review).

13 SOLICITOR WILLIAMS: May I approach,
14 Your Honor?

15 THE COURT: Yes, you may.

16 DIRECT EXAMINATION CONTINUED

17 BY SOLICITOR WILLIAMS:

18 Q. Ms. Spence, what is this a picture of?

19 A. This is the bed of the vehicle.

20 Q. Is that an accurate depiction of the way
21 that it looked that day?

22 SOLICITOR WILLIAMS: Your Honor, at
23 this time we would move State's Exhibit 52 into
24 evidence.

25 THE COURT: Any objection?

1 MR. FALK: No objection.

2 THE COURT: Without objection,
3 State's Exhibit 52, a photograph, is admitted.

4 (SO ENTERED AS STATE'S EXHIBIT 52)

5 SOLICITOR WILLIAMS: May we publish?

6 THE COURT: Yes.

7 DIRECT EXAMINATION CONTINUED

8 BY SOLICITOR WILLIAMS:

9 Q. If you would just turn around, Ms. Spence,
10 is this the truck that you photographed?

11 A. Yes, it is.

12 Q. And you said that it was called a Load-n-
13 Go. What does that mean?

14 A. I am not sure. That's what I was told.

15 Q. Did have any kind of rails or lift or
16 anything on it?

17 A. Not that I am aware of.

18 Q. After that, what was your involvement in
19 the case?

20 A. I attended the autopsy.

21 Q. Did you transport in the chain of evidence
22 any items from the autopsy?

23 A. Yes, I did.

24 Q. What were those items?

25 A. May I look at my report?

1 Q. Yes, please, to refresh your memory.

2 A. (Upon review), I was given a spleen smear,
3 two teeth, scalp hair, right radius, a CD of
4 the autopsy photos, four pieces of concrete, a
5 trash can, a red bag that was put around the
6 trash can and a plastic bag with duct tape that
7 was removed from the body.

8 SOLICITOR WILLIAMS: Your Honor, I
9 am going to mark this collectively as State's
10 Exhibit 74. May I approach?

11 THE COURT: You may.

12 DIRECT EXAMINATION CONTINUED

13 BY SOLICITOR WILLIAMS:

14 Q. Can you tell me what this is?

15 A. This is the bag that SLED puts the
16 evidence in and seals it in our presence when
17 items are taken to SLED.

18 Q. And is there an item number on there for
19 Berkeley County that tells you what is in
20 there?

21 A. Our case number is on there and the lab
22 number that SLED assigns to the case is on
23 here.

24 Q. Does that contain the items that you just
25 discussed, the teeth, the hair, the radial

1 bone? You can open it if you need to.

2 A. (Upon review), the right radius, spleen
3 smears -- yes, ma'am.

4 Q. So the spleen smear is in there, as well?

5 A. (Affirmative nod).

6 Q. And what did you do with these items after
7 you got from the autopsy?

8 A. Logged them into the evidence facility of
9 this agency.

10 Q. Do you know who got those next?

11 A. They were logged in until the day that
12 they were taken to SLED by Sharon Schuler.

13 Q. Okay. You said before that 133 Longbourne
14 was in Summerville. Do you know what county
15 that is in?

16 A. Berkeley County.

17 Q. Thank you.

18 SOLICITOR WILLIAMS: No further
19 questions.

20 THE COURT: Cross examine.

21 MR. FALK: No questions, Your
22 Honor.

23 THE COURT: You may come down.

24 (WITNESS STEPS DOWN)

25 THE COURT: Call your next witness.

1 SOLICITOR WILLIAMS: Sharon Schuler.

2 THE COURT: Can y'all approach
3 please?

4 (OFF RECORD BENCH CONFERENCE)

5 THE COURT: Ladies and Gentlemen, I
6 have talked -- our Rules allow that at times
7 there may be stipulations as to chain of
8 custody witnesses. That's what we call the
9 witness that was last, 'I took this property,
10 I put it someplace.' This witness is a part of
11 that and I just conferred with them. There is
12 a stipulation as to the chain of custody until
13 it gets to SLED.

14 SOLICITOR WILLIAMS: I think he has
15 stipulated to even when it gets to SLED, just
16 to the analyst.

17 MR. FALK: That's right.

18 THE COURT: All right. That's fine.
19 So, thank you, Ms. Schuler. You are excused.

20 Ladies and Gentlemen, we need to take
21 up a matter out of your presence, so I would
22 ask you to go to your jury room. Don't begin
23 your deliberations. We will be with you as
24 quickly as we can.

25 (JURY OUT @ 4:50)

1 THE COURT: Who is the witness that
2 we are waiting on?

3 SOLICITOR WILLIAMS: Your Honor, we are
4 just waiting on our last witness. It's Morris
5 Clark. He drove here in plenty of time but
6 apparently there was a wreck. He's on (Hwy)
7 52, just minutes away.

8 THE COURT: You said last witness?
9 You mean you don't have any more witnesses
10 today?

11 SOLICITOR WILLIAMS: We don't, Your
12 Honor. But you'd like to go past 5:00
13 tomorrow, we can make sure that ---

14 THE COURT: I mentioned to y'all
15 that that is one of the things that I wanted to
16 do. Just keep that in mind. We need to sit
17 down and talk too, about the number of
18 witnesses for tomorrow, after we finish today.

19 SOLICITOR WILLIAMS: Yes, sir.

20 THE COURT: All right. We will be
21 at-ease. Just let us know when he arrives.

22 SOLICITOR WILLIAMS: Thank you.

23 THE COURT: Thank you, Ms. Williams.

24 (BRIEF RECESS)

25 (DEFENDANT PRESENT)

1 THE COURT: Let the record reflect
2 that Mr. Williams is present. Is the State
3 ready to continue?

4 SOLICITOR WILLIAMS: Yes, sir.

5 THE COURT: Mr. Falk?

6 MR. FALK: Yes, Your Honor.

7 THE COURT: All right, let's bring
8 in our jury, please.

9 (JURY IN @ 4:59 P.M.)

10 THE COURT: Thank you very much,
11 Ladies and Gentlemen. We are ready to
12 continue. Solicitor, you may call your next
13 witness.

14 SOLICITOR WILLIAMS: Thank you, Your
15 Honor. The State calls Morris Clark.

16 (WITNESS TAKES STAND)

17 MORRIS CLARK, being duly sworn to tell
18 the truth, the whole truth and nothing but the
19 truth, testified as follows:

20 DIRECT EXAMINATION

21 BY SOLICITOR WILLIAMS:

22 Q. Mr. Clark, where do you work?

23 A. MOCS South Atlanta, for New Orleans Cold
24 Storage.

25 Q. Were you working there in June of 2010?

1 A. Yes, I was.

2 Q. Did you supervise a man named Roger
3 Williams?

4 A. Yes, I did.

5 Q. What did he do there?

6 A. He was a hustler, they get paid by
7 contract labor.

8 Q. What exactly did he do?

9 A. Basically what it is, they load containers
10 for export to different countries.

11 Q. Do you remember the day of June 7th, 2010?

12 A. Within reason after looking at all the
13 paperwork and everything.

14 Q. What time, if you remember, did Mr.
15 Williams arrive at work?

16 A. He was there at his regular time, which is
17 8:00 o'clock. They start work at 8:00.

18 Q. When do they work until?

19 A. Until we are finished. Sometimes we start
20 earlier, depending on customer demand. What it
21 basically is is we're a service-oriented
22 industry. We are -- we work on production.

23 Q. Did anything unusual happen that day?

24 A. Yes, it did. I got a phone call from a
25 young lady and she asked for Roger Williams.

1 I said, 'Is this an emergency?'

2 She said, 'Yes, it is.'

3 I said, 'What is the nature of the
4 emergency?'

5 She said, 'His son is not breathing.'

6 I paged him to the shipping office. He
7 came in, used the phone.

8 Probably about ten minutes later the same
9 lady called back, sobbing, saying that 'His
10 son still ain't breathing. I need to talk to
11 Roger.'

12 Roger say to me that 'I am calling a
13 partner of mine. I have to leave. My son is
14 sick.'

15 I said, 'Okay.'

16 Q. What was her demeanor like, in both calls?

17 A. The first one, it's hard to speculate.

18 But the second one, I could hear her sobbing.

19 Q. And what was his demeanor like when he was
20 on the phone?

21 A. Very uneventful.

22 Q. What did he do in between the calls?

23 A. He went back to work until his ride showed
24 up.

25 Q. And do you remember about how long it was

1 before he left?

2 A. I would say anywhere between ten to twenty
3 minutes, just ballparking.

4 Q. Do you remember what the phone number was
5 at the business at the time that the call came
6 in?

7 A. No. We don't have caller ID.

8 Q. I mean the phone number for your business.

9 A. Oh, yes.

10 Q. What would that be?

11 A. [REDACTED]

12 Q. Do you remember specifically what time the
13 call came in?

14 A. I do not.

15 Q. Would it refresh your memory to look at a
16 call log to see that number and see what time
17 the number came in?

18 A. Okay, that would be fine.

19 SOLICITOR WILLIAMS: May I approach,
20 Your Honor?

21 THE COURT: Yes, you may.

22 DIRECT EXAMINATION CONTINUED

23 BY SOLICITOR WILLIAMS:

24 Q. If you just look three lines down, do you
25 see the phone number for NOCS?

1 A. Yes, I do.

2 Q. What time does that call come in?

3 A. 10:37.

4 Q. And would it refresh your memory to look
5 at a signout sheet for NOCS to know
6 specifically what time that Mr. Roger Williams
7 left that day?

8 A. Yes. I made a copy but I do not have the
9 original.

10 SOLICITOR WILLIAMS: Your Honor, I
11 am going to show defense counsel what has been
12 marked as State's Exhibit 9.

13 MR. FALK: (Review)

14 SOLICITOR WILLIAMS: May I approach?

15 THE COURT: You may.

16 DIRECT EXAMINATION CONTINUED

17 BY SOLICITOR WILLIAMS:

18 Q. Do you recognize this?

19 A. Yes, I do.

20 Q. This is our sign-in sign-out sheet. We
21 have three different ones: one for our
22 employees, visitors and contractors.

23 Q. Is that a record that is kept in the
24 ordinary course of your business?

25 A. Yes, we do it for -- we don't keep it like

1 seven or eight years, nothing like that. We
2 just keep it like a reference point.

3 Q. Do you use them every day?

4 A. We use them every day.

5 SOLICITOR WILLIAMS: Your Honor, at
6 this time we would ask that State's Exhibit 9
7 be entered into evidence.

8 THE COURT: Any objection?

9 MR. FALK: No objection.

10 THE COURT: Without objection,
11 State's Exhibit 9 is admitted.

12 (SO ENTERED AS STATE'S EXHIBIT 9)

13 DIRECT EXAMINATION CONTINUED

14 BY SOLICITOR WILLIAMS:

15 Q. What time does it say that Mr. Williams
16 left?

17 A. It has like 12:21 down here. The
18 handwriting is a little rough, it would be
19 11:21, or 12:21, probably 11:21.

20 Q. Okay. That was after the 10:37 call?

21 A. Correction, I'm looking at the wrong one.
22 It was 11:00 o'clock when he left.

23 Q. Okay. When was the next time that you --
24 well, did Mr. Williams say anything about the
25 call?

1 A. No, he didn't.

2 Q. When was the next time that you saw Mr.
3 Williams at work?

4 A. The very next morning.

5 Q. And do you remember if he worked days
6 after that, as well?

7 A. Yes, he did. He was at work every day.

8 Q. Did anything seem out of the ordinary?

9 A. Nothing whatsoever. His demeanor was the
10 same, he came in, did his job, he didn't say a
11 whole lot.

12 SOLICITOR WILLIAMS: No further
13 questions, Your Honor.

14 THE COURT: Cross examine?

15 MR. FALK: No questions, Your
16 Honor.

17 THE COURT: Do you wish for this
18 witness to be excused?

19 SOLICITOR WILLIAMS: Please, Your
20 Honor.

21 THE COURT: Any objection?

22 MR. FALK: No objection.

23 THE COURT: You are also free to
24 leave. You may step down.

25 (WITNESS STEPS DOWN)

1 THE COURT: Is this a stopping
2 point?

3 SOLICITOR WILLIAMS: May we approach?

4 THE COURT: You may.

5 (OFF RECORD BENCH CONFERENCE)

6 THE COURT: Call your next witness.

7 SOLICITOR WILLIAMS: The State calls
8 Katie Schuler.

9 (WITNESS TAKES STAND)

10 KATIE SCHULER, being duly sworn to
11 tell the truth, the whole truth and nothing but
12 the truth, testified as follows:

13 DIRECT EXAMINATION

14 BY SOLICITOR WILLIAMS:

15 Q. Ms. Schuler, who do you work for?

16 A. I work for the Hill-Finklea Detention
17 Center.

18 Q. As part of your duties for Hill-Finklea,
19 do you do anything with the jail tapes?

20 A. Yes, ma'am.

21 Q. What does that mean, the jail tapes?

22 A. I process all of the inmates phone
23 recordings, their phone time requests.

24 Q. Is there some system in place to identify
25 which inmates are making certain calls?

1 A. Yes, ma'am. They have a PIN number they
2 use to -- when they go to put in their -- when
3 they go to process a phone call, they put in
4 their PIN number, which is their month and the
5 date that they were born and the last four of
6 their social.

7 Q. How do you identify a call, how do you
8 pull a call for a particular inmate based on
9 that PIN number?

10 A. You can pull it by the PIN number, by
11 their account number or by their name.

12 Q. Did you receive a subpoena for jail tapes
13 in this case?

14 A. Yes, ma'am.

15 Q. And did you pull any tapes for Roger
16 Williams for the months of July and August
17 of 2010?

18 A. The records that I pulled for Roger
19 Williams was on 2/26/12 through 3/1/12.

20 Q. Did you pull some records earlier, from
21 the old system?

22 A. Yes, ma'am.

23 Q. 2010?

24 A. Yes, ma'am.

25 Q. Is that system no longer in place?

1 A. Yes, ma'am, it's not. We switched over
2 8/18/10, we switched over to the new web-based
3 system.

4 Q. So for records for July and August of
5 2010, that would have been on which system?

6 A. That would have been on the old system.

7 Q. And if we were to try to get tapes for Mr.
8 Williams now for back in 2010, would that be
9 possible?

10 A. No, ma'am.

11 Q. Did you review some items in this case
12 involving a subpoena and some tapes from Mr.
13 Williams?

14 A. Yes, ma'am.

15 SOLICITOR WILLIAMS: Your Honor, may
16 I approach? I am going to show defense counsel
17 what is marked as State's Exhibit 11.

18 MR. FALK: (Review).

19 SOLICITOR WILLIAMS: May I approach?

20 THE COURT: You may.

21 DIRECT EXAMINATION CONTINUED

22 BY SOLICITOR WILLIAMS:

23 Q. What is that?

24 A. That is a recording that I made for a
25 subpoena that I received for Mr. Williams.

1 Q. That corresponds with his PIN number?

2 A. Yes, ma'am.

3 Q. Is there any way when you pull a recording
4 for an inmate to edit it or change it or delete
5 any part of it?

6 A. No, ma'am.

7 Q. Why is that?

8 A. The securities (sic) who we go with with
9 our phone recordings, they have a system that
10 we can't add or delete anything. So when we
11 burn it, it is exactly how the inmate has made
12 their call.

13 Q. The conversation that you listened to, was
14 that from beginning to end? Like, is there any
15 -- is it cut off in the middle? Is it from the
16 time that the calls starts until the time the
17 call ends?

18 A. Yes, ma'am.

19 Q. You didn't make any changes?

20 A. No, ma'am.

21 Q. How do you know that that tape is from
22 this PIN number, the one that you listened to?

23 A. Could you repeat the question?

24 Q. How do you know that the tape that I just
25 showed you is the recording that you listened

1 to of the conversation from his PIN number?

2 A. Because I recorded it and this is my
3 signature and handwriting on this CD.

4 Q. So you put some kind of identifying mark
5 on it?

6 A. Yes, ma'am. Both of these are my
7 signature.

8 Q. Thank you.

9 SOLICITOR WILLIAMS: No further
10 questions.

11 THE COURT: Do you have any
12 questions of this witness.

13 MR. FALK: Yes, sir.

14 CROSS EXAMINATION

15 BY MR. FALK:

16 Q. Just a couple of questions. Is it
17 possible to delete some of the -- you say that
18 you can't delete any portion of a call but is
19 it possible to delete the call from that log?

20 A. No, sir.

21 Q. So did you prepare any kind of -- in
22 addition to those tapes, did you prepare any
23 logs that go along with that?

24 A. No, sir. The only thing that I did was
25 they asked for the recordings and I give them

1 the timeframe that, you know, they needed, that
2 they asked for.

3 MR. FALK: No further questions.
4 Thank you.

5 THE COURT: Redirect?

6 SOLICITOR WILLIAMS: No, Your Honor.

7 THE COURT: You may come down. Do
8 you wish this witness to be excused? Ms.
9 Williams, do you wish for her to be excused?

10 SOLICITOR WILLIAMS: Please, Your
11 Honor.

12 THE COURT: Any objection?

13 MR. FALK: No objection.

14 THE COURT: You are free to leave.

15 (WITNESS STEPS DOWN)

16 THE COURT: At this point, Ladies
17 and Gentlemen, we will recess for the evening.
18 Please remember that you still are not at
19 liberty to discuss this case among yourselves,
20 nor are you permitted to talk with anyone
21 outside of the courtroom, including someone at
22 home. You are not to review any newspaper
23 articles or watch any news accounts of this
24 proceeding. Again, I will ask you the same
25 question in the morning as we started today.

1 I hope that you have a good evening. I ask
2 that you please be in your jury room by 9:00
3 o'clock. Have a good evening. Thank you.

4 Everyone else remain seated until the
5 jury departs, please.

6 (JURY OUT @ 5:15 P.M.)

7 THE COURT: Anything from the State
8 before we recess?

9 SOLICITOR WILLIAMS: No, Your Honor.

10 THE COURT: Anything from the
11 defendant?

12 MR. FALK: No, Your Honor.

13 THE COURT: Thank you. We will be
14 at-ease. Let's talk up here just a second for
15 planning purposes.

16 (OFF RECORD BENCH CONFERENCE)

17 (COURT IN RECESS)

18 (TRANSCRIPT CONTINUED NEXT PAGE)

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1 he was psychologically upset, that he was
2 having problems that day. I think that's what
3 makes it relevant. We just wanted to bring
4 that to Your Honor's attention so that you
5 wouldn't think we were trying to add cumulative
6 evidence about the concrete. It really is not
7 about the concrete. It's just about his
8 demeanor.

9 THE COURT: Well, -- Mr. Falk, do
10 you object to this?

11 MR. FALK: Your Honor, I think that
12 it is about the concrete.

13 THE COURT: You know that's -- while
14 there is certainly testimony of the concrete,
15 there's no testimony other than the -- at least
16 to my knowledge at this point, other than the
17 codefendant who testified about what
18 transpired. Her credibility was challenged
19 pretty vigorously by very proper cross-
20 examination.

21 I don't have any problem with
22 corroborative evidence, ever. Cumulative is
23 when you corroborate it multiple times and it
24 is an issue that is really a nonissue.

25 But in this particular case, for me

1 not only is it relevant to show demeanor, which
2 I think is very germane, given the testimony
3 from the employees describing his demeanor.
4 That's further corroboration, it links that
5 description as well. So I think it is
6 significant for that purpose as well, that the
7 probative value outweighs possible prejudice.

8 I think it is further significant in
9 that it is confirmatory that this is some plan
10 and it -- it goes really more to -- as we know,
11 when you read the statute, the mindset of the
12 accused. It is very critical because it goes
13 to him, it goes to what was intended in the
14 first place. In this particular case, it
15 further supports an indifference to human life,
16 I think. When that is displayed, that a jury
17 could infer that from that type of testimony.

18 So I think it has significant
19 probative value. I am certainly cognizant of
20 the prejudice, but I think the prejudice is
21 outweighed significantly by the probative value
22 of those issues that I just mentioned,
23 especially the credibility of the witness who
24 testified specifically as to concrete.

25 MR. FALK: Do you want me to then

1 object again or ---

2 THE COURT: Well, you just need to
3 object, noting our argument previously placed
4 on the record.

5 MR. FALK: Okay.

6 THE COURT: So your objection as to
7 relevance, then it shifts to the 403 analysis;
8 which that which I've just done, I think,
9 satisfies the analysis that I believe that I am
10 required to make. I find it to be relevant and
11 I find the probative value outweighs the
12 prejudice.

13 MR. FALK: I understand, Your
14 Honor.

15 THE COURT: Absolutely. Just say
16 'we object to this testimony' or the tape based
17 on the previous argument. If you wish to
18 supplement it at that point, just let me know
19 and we'll be happy to put further argument on
20 the record, Mr. Falk.

21 SOLICITOR WILLIAMS: And, Your
22 Honor, secondly -- and we didn't realize this
23 until this morning, Mr. Falk has now told me
24 that he has an objection to a jail tape that
25 the State had told him we were planning to

1 introduce. I understand what his objection is.
2 I am not sure if you want to hear arguments
3 about that until ---

4 THE COURT: When is that coming in?

5 SOLICITOR WILLIAMS: There is a witness
6 that is available today. We can wait until a
7 break so you'll have an opportunity to listen
8 to it.

9 THE COURT: No, I don't need to -- I
10 just -- right now it is five after 9:00, and
11 unless it is with this first witness let's deal
12 with that at a later point.

13 SOLICITOR WILLIAMS: And then we
14 have a stipulation -- but we can put those on
15 the record whenever Your Honor ---

16 THE COURT: All right. Are we ready
17 to commence now?

18 SOLICITOR WILLIAMS: Yes, Your
19 Honor, the State is ready.

20 THE COURT: Mr. Falk?

21 MR. FALK: Defense is ready.

22 THE COURT: Very well, let the
23 record reflect that the defendant is present.
24 Good morning, Mr. Williams.

25 DEFENDANT: Good morning.

1 THE COURT: All right, let's bring
2 in our jury, please.

3 (JURY IN @ 9:05 A.M.)

4 THE COURT: Good morning, Ladies and
5 Gentlemen. I hope that you had a good evening.
6 Thank you for a very full day yesterday and
7 your attention to this matter.

8 I want to thank you now -- I told the
9 bailiff -- and I don't fault anyone, this is
10 not a fault, goodness I run late too sometimes.
11 But I want to commend you because it is not
12 always that we have a jury that is all
13 together, fourteen persons, ready to go before
14 the time to start. That speaks again volumes
15 about you and your acceptance of
16 responsibility. I thank you for that. I
17 really do.

18 Each of you made a commitment -- and
19 of course we have a similar oath. I now ask
20 you if each of you do solemnly swear or affirm
21 that you have honored the court's instruction
22 by not talking with anyone about this case, not
23 permitting anyone to talk with you about this
24 case, not reviewing any articles, newspapers or
25 otherwise, or viewing any news accounts of this

1 case. If you have honored that, please say "I
2 do."

3 (AFFIRMATIVE RESPONSES)

4 THE COURT: Any member of the panel
5 who could not make that commitment for any
6 reason, please raise your hand. (No response).
7 Thank you very much.

8 We are ready now to continue. If you
9 will, give you attention to the first witness
10 this morning. Good morning, Solicitor, you may
11 call your first witness this morning.

12 SOLICITOR WILLIAMS: State would
13 call Hugh O'Neill.

14 (WITNESS TAKES STAND)

15 HUGH O'NEILL, being duly sworn to tell
16 the truth, the whole truth and nothing but the
17 truth, testified as follows:

18 DIRECT EXAMINATION

19 BY SOLICITOR WILLIAMS:

20 Q. Mr. O'Neill, where are you currently
21 employed?

22 A. Fatz Café.

23 Q. How long have you worked there?

24 A. Two years.

25 Q. Where do you live?

1 A. At 131 Longbourne Way in Summerville.

2 Q. At some point did you live next-door to
3 Roger Williams and Grace Trotman?

4 A. Yes.

5 Q. Was that back in 2010?

6 A. Yes.

7 Q. Did you have an opportunity to see them
8 when they lived there?

9 A. Not a whole lot, to be honest with you.

10 Q. Could you tell how many people lived in
11 the home?

12 A. The only remembrance, my remembrance would
13 be the male, the female, two little kids.

14 Q. Did you see a baby, as well?

15 A. Like a rare -- in the car seat, when they
16 were putting it in the car seat.

17 Q. Can you describe the two children that you
18 did see, and about how old they were?

19 A. Uh, a male and a female. The boy was a
20 little smaller than the girl. So maybe it
21 looked like she was three, he was two; or four
22 and two.

23 Q. Did you have any kind of interaction with
24 Grace Trotman sometime in July of 2010?

25 A. She came over, kind of in a panic, and

1 asked to borrow our phone. She needed to use
2 the phone.

3 Q. Did she say what she had to use it for?

4 A. Just that she needed to call him, she had
5 to call her boyfriend.

6 Q. What kind of phone did she borrow?

7 A. It's our house phone, cordless.

8 Q. I am going to show you what has been
9 previously marked as State's Exhibit 6.

10 SOLICITOR WILLIAMS: May I approach,
11 Your Honor?

12 THE COURT: You may.

13 DIRECT EXAMINATION CONTINUED

14 BY SOLICITOR WILLIAMS:

15 Q. Can you tell me what that is?

16 A. That is the front of the house next door.

17 Q. Can you see where your house is in this
18 picture?

19 A. Yes. Right there, (indicating).

20 Q. Is that what the house looked like in
21 July?

22 A. Yes.

23 SOLICITOR WILLIAMS: Can you
24 (technician) put State's Exhibit 6 on the
25 screen?

1 MASON WEST: (Complies)

2 DIRECT EXAMINATION CONTINUED

3 BY SOLICITOR WILLIAMS:

4 Q. If you could just turn around and point to
5 kind of where your house would be and how close
6 your house would be to ---

7 A. The house is right here. See the porch
8 right there?

9 Q. Okay. So about how many feet away?

10 A. If I had to describe it, maybe fifteen
11 yards, twelve yards.

12 Q. On that day, did you -- when did you get
13 your phone back?

14 A. She had it for maybe five or ten minutes.

15 Q. Five or ten minutes?

16 A. (Affirmative nod), roughly.

17 Q. And after you got the phone back, did you
18 get any calls?

19 A. Yes, he had called back and asked to speak
20 to her.

21 Q. When you say "he", who are you talking
22 about?

23 A. The gentleman, Robert or -- (indicating
24 defense table).

25 Q. Roger?

1 A. Roger, yes.

2 Q. You are pointing over here, are you
3 pointing to the Defendant, Roger Williams?

4 A. Yes, ma'am.

5 Q. What did he say?

6 A. Just that he needed to speak to her.

7 Q. What was his tone like?

8 A. Not -- there wasn't any way to really
9 describe it. He just asked to speak to her.

10 Q. Was it -- you described her tone before.
11 Was it like hers?

12 A. No.

13 Q. On any other occasion did you have an
14 opportunity -- well, let me just backtrack for
15 a second. What was your phone number back
16 then?

17 A. It was [REDACTED]

18 Q. Do you remember about what time it was
19 when she came to borrow the phone?

20 A. Off the top of my head, two years ago, I'd
21 say somewhere between 10:00 and 12:00. I know
22 from working late that night and waking up that
23 it was somewhere around that time.

24 Q. Did you ever have an occasion besides that
25 day to observe the children in the home, or Mr.

1 Williams or Ms. Trotman?

2 A. I'd say the only real time that I even
3 kind of engaged at all would be one time where
4 she had left the house, she was driving away
5 and the two kids were -- I was out cutting my
6 grass and the two kids were in the middle of
7 the street, kind of like walking down the
8 street. My view would be that they were going
9 down there to try to find her, catch her. Had
10 to go out in the street and bring them back.
11 He had come out the back -- Roger had come out
12 the back of the house and just told them, 'I
13 told you kids to stay in the yard.' That was
14 really it.

15 Q. How did he talk to kids?

16 A. I'd say the conversation was more like
17 talking to a young adult than it would be
18 talking to toddlers.

19 Q. And after that time that Ms. Trotman
20 borrowed your phone, did you ever see the
21 little boy again?

22 A. No.

23 SOLICITOR WILLIAMS: Beg the court's
24 indulgence. Thank you, Mr. O'Neill.

25 THE COURT: Cross examine?

1 MR. FALK: I just have one
2 question.

3 THE COURT: Sure.

4 CROSS EXAMINATION

5 BY MR. FALK:

6 Q. I believe that this is -- is it your
7 testimony that this conversation took place in
8 July of 2010?

9 A. (No verbal response).

10 Q. I guess what I am saying is, could they
11 have taken place in June of 2010?

12 A. (No verbal response).

13 MR. FALK: I think you said July.

14 SOLICITOR WILLIAMS: Oh, I mis-
15 spoke. I meant to say June.

16 THE WITNESS: Yeah, I was going
17 to say -- it was June, (affirmative nod).

18 MR. FALK: Okay. I thought I heard
19 July.

20 CROSS EXAMINATION CONTINUED

21 BY MR. FALK:

22 Q. Did you see Ms. Trotman go back in the
23 house?

24 A. I didn't actually see her go back in the
25 house. She gave me the phone and then I just

1 went back in my house. I didn't really pay
2 much attention to that.

3 MR. FALK: Thank you.

4 THE COURT: Redirect?

5 SOLICITOR WILLIAMS: No, Your Honor.

6 THE COURT: You may come down. Do
7 you wish for Mr. O'Neill to be excused?

8 SOLICITOR WILLIAMS: Please, Your
9 Honor.

10 THE COURT: Any objection?

11 MR. FALK: No objection.

12 THE COURT: You are free to leave.
13 Thank you very much.

14 (WITNESS STEPS DOWN)

15 THE COURT: Call your next witness,
16 please.

17 SOLICITOR HERRING-LASH: The State
18 would call Avis Clark.

19 (WITNESS TAKES STAND)

20 AVIS CLARK, being duly sworn to tell
21 the truth, the whole truth and nothing but the
22 truth, testified, as follows:

23 DIRECT EXAMINATION

24 BY SOLICITOR HERRING-LASH:

25 Q. Ms. Clark, where do you live?

1 A. I live in Leesville, South Carolina.

2 Q. Have you always lived there?

3 A. I did live in Walterboro from '07 to 2011.

4 Q. You need to speak into that microphone so
5 that we can understand you.

6 A. Okay.

7 Q. Do you know Grace Trotman?

8 A. Yes, ma'am.

9 Q. How long have you known her?

10 A. Since 2003.

11 Q. Are y'all good friends?

12 A. Yes.

13 Q. And did you meet Roger Williams?

14 A. Yes. Once.

15 Q. Tell us about that?

16 A. We met in a nightclub. It was just a
17 quick introduction. She just told me, 'This is
18 Box. Box, this is Avis.'

19 Q. Did you see Grace a lot after she started
20 living with Mr. Williams?

21 A. No, not after they started living
22 together. I didn't see her that much.

23 Q. Did you talk to her occasionally?

24 A. Occasionally.

25 Q. And did you meet her daughter, Minor

1 A. Yes.

2 Q. Did you ever meet **Minor Victim**?

3 A. No, no.

4 Q. Did you know about **Minor Victim**?

5 A. Yes.

6 Q. Did you ever go to Ms. Trotman's house at
7 133 Longbourne Avenue?

8 A. No, ma'am.

9 Q. Did you talk to her while she was living
10 there?

11 A. Yes.

12 Q. Do you remember the last conversation that
13 you had with her there?

14 A. The last conversation that I had with her
15 there was in June of 2010.

16 Q. How are you sure that it was in June of
17 2010?

18 A. Because their son 'King was nine months at
19 the time.

20 Q. So he turned nine months old that June?

21 A. (Affirmative nod), she sent me pictures of
22 him.

23 Q. And when you talked to her, was **Minor Victim**
24 there?

25 A. Yes.

1 Q. Was Roger Williams there?

2 A. Yes.

3 Q. And while you were talking to Grace, did
4 you hear anything in the background?

5 A. Just heard a lot of crying from kids, from
6 the kids. Like over the crying, I heard Roger
7 tell her to ---

8 MR. FALK: Your Honor, ---

9 THE COURT: What's the objection?

10 MR. FALK: Withdrawn.

11 DIRECT EXAMINATION CONTINUED

12 BY SOLICITOR HERRING-LASH:

13 Q. You heard Roger say what?

14 A. He told her to get off the phone, that she
15 didn't need to be on the phone, she should be
16 taking care of the kids.

17 Q. What did you hear after that?

18 A. We kind like continued our conversation,
19 like talking over him. The crying continued.
20 I heard in the background when he said, "Shut
21 the F up, Faggot, and stop crying." We still
22 kinda like continue the conversation. He
23 yelled again and told her to hang up the f'ing
24 phone. I heard sounds like the sound of
25 spanking, like pops. The crying stopped for a

1 second, then started back. He yelled again and
2 told her to hang up the phone and she just told
3 me quickly that she'd call me back.

4 Q. When you say that he said "f'ing", did he
5 say the word?

6 A. Yes, the word.

7 Q. You don't want to say that?

8 A. Right.

9 Q. Is that the last time that you talked to
10 Ms. Trotman?

11 A. Yes, that is the last time that I actually
12 spoke with her since she got incarcerated.

13 Q. Now, do you know a person named Ishmael
14 Rivers?

15 A. Yes, I do.

16 Q. And did Mr. Ishmael Rivers call you from
17 the Berkeley County jail?

18 A. Yes, ma'am, he did.

19 Q. Did you speak with Roger or hear Roger on
20 that conversation?

21 A. He was in the background. He wanted
22 Ishmael to tell me to try to get in touch with
23 someone named 'Trina.

24 Q. Before that, did Ishmael know that you
25 knew Roger?

1 A. No, ma'am.

2 SOLICITOR HERRING-LASH: Court's
3 indulgence.

4 THE COURT: Yes, ma'am.

5 SOLICITOR HERRING-LASH: Those are
6 all the question that I have, Mr. Clark. If
7 you would, answer any questions of Mr. Falk.

8 THE COURT: Cross examine?

9 CROSS EXAMINATION

10 BY MR. FALK:

11 Q. What telephone number did you call to
12 reach Grace Trotman?

13 A. Back then, I think it was [REDACTED]

14 Q. Okay. Could this call have taken place in
15 May or April? Are you sure that it was in
16 June?

17 A. I'm pretty sure that it was June because
18 at that time she sent me pictures, her son was
19 nine months old, and he would have been one in
20 September.

21 Q. You said you heard slapping in the
22 background, is that correct?

23 A. I am not sure that it was slapping, it was
24 like that sound (clapping hands). It could
25 have been a pop. I don't know exactly what it

1 was.

2 Q. So you couldn't really identify what it
3 was?

4 A. Right.

5 Q. You couldn't identify if he was making
6 contact with anybody?

7 A. I could identify that it was Roger's
8 voice.

9 Q. You couldn't identify ---

10 A. But I don't know which kid it was.

11 Q. Do you know if it was even a kid? He
12 could have been clapping hands, 'Stop! Stop!'

13 A. I don't think that it was clapping hands
14 because the crying quickly stopped as if it was
15 a pop. It stopped and then started back a
16 couple of seconds later.

17 Q. But you don't know?

18 A. But I can't say, because I couldn't see.

19 MR. FALK: Thank you.

20 THE COURT: Redirect?

21 SOLICITOR HERRING-LASH: No, Your
22 Honor. May she be released?

23 THE COURT: Any objection?

24 MR. FALK: No objection.

25 THE COURT: Thank you, ma'am. You

1 may come down, Ms. Clark. You are free to
2 leave.

3 (WITNESS STEPS DOWN)

4 SOLICITOR HERRING-LASH: The State
5 would call Ishmael Rivers.

6 (WITNESS TAKES STAND)

7 ISHMAEL RIVERS, being duly sworn to
8 tell the truth, the whole truth and nothing but
9 the truth, testified, as follows:

10 DIRECT EXAMINATION

11 BY SOLICITOR HERRING-LASH:

12 Q. Mr. Rivers, you are going to need to talk
13 into that microphone, the one in front of you,
14 because that chair won't move. This one right
15 here (indicating microphone). Where are you
16 from?

17 A. Georgetown.

18 Q. Did you contact our office back ---

19 A. No, ma'am.

20 Q. Were you transported to our office one
21 day?

22 A. Yes, ma'am.

23 Q. Do you know why you were being brought
24 there?

25 A. No, ma'am.

1 Q. Were you in the Berkeley County jail?

2 A. Around and about.

3 Q. While there, were you talking with and
4 receiving mail from Avis Clark?

5 A. Yes, ma'am.

6 Q. Where did Avis live?

7 A. St. George.

8 Q. How long have you known Avis Clark?

9 A. I not been knowing her all that long.

10 Q. But you have been talking with her during
11 the time you were incarcerated in the Hill-
12 Finklea Detention Center?

13 A. Yes, ma'am.

14 Q. Were you also incarcerated with Roger
15 Williams?

16 A. Yes, ma'am.

17 Q. Did he ask you about Avis?

18 A. Yeah.

19 Q. Was she his friend or whatever?

20 A. He has some friends. I don't know.

21 Q. When you were in jail with Mr. Williams,
22 is that when y'all started talking?

23 A. Yeah.

24 Q. Did Mr. Williams tell you what happened to
25 his son, Minor Victim

1 A. No, he be like the baby swallowed an
2 Ecstasy pill or something.

3 Q. Did he tell how the baby would have gotten
4 a pill of Ecstasy?

5 A. He said he got it off the floor.

6 Q. Did he tell you what happened because of
7 the child swallowing the pill?

8 A. The baby bust, whatever.

9 Q. Then what happened?

10 A. He said he put the baby in the trash can
11 and put cement over him, because he know what
12 happened about the Ecstasy.

13 SOLICITOR HERRING-LASH: Beg the
14 court's indulgence.

15 THE COURT: Yes, ma'am.

16 DIRECT EXAMINATION CONTINUED

17 BY SOLICITOR HERRING-LASH:

18 Q. Did Mr. Williams tell you or talk to you
19 about his relationship with Grace Trotman?

20 A. (Affirmative nod), little bit.

21 Q. What did he say about their relationship?

22 A. That he used to beat her up, whatever.

23 Q. Is that all that he said?

24 A. Yeah.

25 SOLICITOR HERRING-LASH: That's all

1 the questions that I have.

2 THE COURT: Cross examine?

3 CROSS EXAMINATION

4 BY MR. FALK:

5 Q. Mr. Rivers, what is your current sentence?

6 A. I ain't got no sentence.

7 Q. Are you in custody?

8 A. I'm in Conway on a bench warrant.

9 Q. So are you in on a contempt charge?

10 A. What is that?

11 Q. I'm trying to figure out what you're in
12 for on the bench warrant, you're awaiting ---

13 A. Waiting, yeah.

14 Q. Do you expect that if you testify here
15 today that you're going to get some help in
16 your trial?

17 A. No.

18 MR. FALK: No more questions.

19 THE COURT: Redirect?

20 SOLICITOR HERRING-LASH: No, sir.

21 May he be transported back to Georgetown.

22 THE COURT: Any objection?

23 MR. FALK: No objection.

24 THE COURT: Thank you, Mr. Rivers,
25 you may come down and you are excused.

1 (WITNESS STEPS DOWN)

2 THE COURT: Solicitor, call your
3 next witness.

4 SOLICITOR WILLIAMS: The State calls
5 Danielle Kott.

6 (WITNESS TAKES STAND)

7 DANIELLE KOTT, being duly sworn to
8 tell the truth, the whole truth and nothing but
9 the truth, testified as follows:

10 DIRECT EXAMINATION

11 BY SOLICITOR WILLIAMS:

12 Q. Ms. Kott, where were you living in June of
13 2010?

14 A. The address?

15 Q. (Affirmative nod).

16 A. 117 Netherfield Drive, Summerville.

17 Q. Where is that in relation to Longbourne.

18 A. My back yard touched their back yard.

19 Q. When you say "their", who are you talking
20 about?

21 A. Roger Williams and ---

22 THE COURT: Excuse me just a minute.

23 Ms. Kott, you are going to need to move closer
24 to that mic. Speak into it. Thank you so
25 much.

1 THE WITNESS: Roger and his
2 family.

3 DIRECT EXAMINATION CONTINUED

4 BY SOLICITOR WILLIAMS:

5 Q. Who was in that family as you saw them?

6 A. Grace, Minor Victim I don't know the
7 daughter's name and then a baby.

8 Q. How old was the daughter about?

9 A. The one that I don't know the name?

10 Q. Yeah.

11 A. I believe that she was three. She was a
12 little bit bigger than my daughter and my
13 daughter was three at that time.

14 SOLICITOR WILLIAMS: Your Honor, I
15 have already shown defense counsel State's
16 Exhibit 8. May I approach?

17 THE COURT: You may.

18 DIRECT EXAMINATION CONTINUED

19 BY SOLICITOR WILLIAMS:

20 Q. Ms. Kott, do you recognize what this is?

21 A. That's their back yard.

22 Q. Does that picture accurately reflect what
23 it looked like?

24 A. Not the way that I remember it, but --
25 (pause).

1 Q. What is different about it?

2 A. The grass is nice, kinda.

3 Q. But can you tell that it is their
4 backyard?

5 A. Kinda.

6 Q. Well, let me ask you this, how close were
7 your two backyards?

8 A. I mean, I could see it from when I sat on
9 my back porch. It was like within touching.

10 Q. So you had a clear view?

11 A. Yeah. There was a couple of trees in
12 front.

13 Q. Did you ever see the children up close?

14 A. Yes, ma'am.

15 Q. When was the last time that you saw the
16 children that you just described up close?

17 A. I don't remember the exact date. It
18 doesn't seem like it was that long ago, but ---

19 Q. Would it refresh your memory to review
20 your statement to tell the jury about when you
21 saw them?

22 A. I can explain what -- about the children.

23 Q. I am asking you if you remember when it
24 was?

25 A. It was probably at least two months

1 before, maybe a month and a half before, I
2 guess, the date he actually passed away.

3 Q. Would it refresh your memory to look at
4 your statement, so that you would know for
5 sure?

6 A. Maybe.

7 SOLICITOR WILLIAMS: Your Honor, may
8 I approach?

9 THE COURT: You may. Have it
10 marked, please, for identification.

11 SOLICITOR WILLIAMS: We will mark
12 this State's Exhibit 79.

13 COURT REPORTER: Seventy-five (75).

14 THE COURT: ID Only.

15 DIRECT EXAMINATION CONTINUED

16 BY SOLICITOR WILLIAMS:

17 Q. If you could just look at the date of your
18 statement and what you say in it.

19 A. (Upon review), it was about two months
20 before I wrote this.

21 Q. When did you write it?

22 A. July 8th, 2010.

23 Q. And does it say it was a month before in
24 the statement? At the month it says that it
25 was about a month before?

1 A. (Upon review), it says a month but it
2 seems like ---

3 Q. You think that your memory might have been
4 better back in July of 2010?

5 A. (Affirmative nod), probably.

6 Q. So about June of 2010, if we're going by
7 what your statement says?

8 A. If we're going by that, but I believe that
9 it was May.

10 MR. FALK: Your Honor, may we
11 approach?

12 THE COURT: Sure.

13 (OFF RECORD BENCH CONFERENCE)

14 THE COURT: We have had a sidebar
15 concerning the objection. If you will just
16 note the objection. At the appropriate time,
17 we can put it on the record. You may continue.

18 SOLICITOR WILLIAMS: Thank you, Your
19 Honor.

20 DIRECT EXAMINATION CONTINUED

21 BY SOLICITOR WILLIAMS:

22 Q. Where were you when you saw the children
23 up close?

24 A. I was playing out back with my children
25 and they came over to play.

1 Q. Did you see Grace Trotman at that time?

2 A. She had come over because, I guess, she
3 was going to bring them back. She was unaware
4 that they'd come over. I told her that it was
5 okay that they play.

6 Q. Did you make any observations of Minor Victim
7 Williams at that time?

8 A. I did. He had a large, I guess, goose egg
9 on his head and it had scabs on it. On his
10 back he had scratches. They were kind of deep
11 ones because they had thick scabs. They were
12 like down -- I could see -- his collar was
13 stretched out, so they were down a little bit.
14 And I don't know if was that time that I saw
15 him that he had a black eye or another time
16 that I saw him. I can't remember, but I
17 remember seeing him with a little bit of a
18 black eye.

19 SOLICITOR WILLIAMS: Court's
20 indulgence.

21 THE COURT: All right.

22 DIRECT EXAMINATION CONTINUED

23 BY SOLICITOR WILLIAMS:

24 Q. Did you ever observe Mr. Williams around
25 that same period of time?

1 A. It wasn't when I had seen the children,
2 and I don't remember how close or -- (pause).

3 SOLICITOR WILLIAMS: Nothing
4 further. Thank you.

5 THE COURT: Cross examine.

6 CROSS EXAMINATION

7 BY MR. FALK:

8 Q. You had said that you knew their daughter?

9 A. (Affirmative nod).

10 Q. You also said that she was bigger than
11 your daughter?

12 A. She was not tall-wise, she was just
13 thicker.

14 Q. Were they about the same age?

15 A. (Affirmative nod).

16 Q. Did she ever come over and play with your
17 daughter?

18 A. She came over the same time that Minor Victim
19 had come over.

20 Q. But did she ever come over by herself to
21 play with your daughter?

22 A. (Negative gesture).

23 COURT REPORTER: Was that a "no"?

24 THE WITNESS: (Affirmative nod),

25 "no."

1 CROSS EXAMINATION CONTINUED

2 BY MR. FALK:

3 Q. Did you think that their daughter was
4 aggressive?

5 Q. She was.

6 Q. Was she frequently being aggressive with
7 your daughter?

8 A. She had gotten upset because it was my
9 daughter's turn to go down the slide and she
10 wanted to go back down the slide instead of
11 taking turns. She put her hand in my
12 daughter's face and started to push her down.

13 Q. You said that you'd seen a large goose egg
14 right on the forehead?

15 A. Um-humm.

16 THE COURT: Was that a "yes"? You
17 need to say yes or no.

18 THE WITNESS: Oh, yes. Sorry.

19 THE COURT: That's no problem.

20 THE WITNESS: Yes.

21 CROSS EXAMINATION CONTINUED

22 BY MR. FALK:

23 Q. Somewhere on the front of the forehead?

24 A. Yes.

25 Q. Do you have any other children other than

1 your daughter?

2 A. I have a son.

3 Q. Has he ever fallen and gotten a bump on
4 his forehead?

5 A. Yes, but he has special needs as well.

6 Q. I'm sorry. Do you know of any other
7 children who have fallen and ---

8 A. I do. And I know how frequent -- how
9 accident prone children can be.

10 Q. So having a bump on the front of the
11 forehead didn't strike you as being anything
12 unusual; is that correct?

13 A. When put together with the other things
14 that I saw, a little bit. But, then again, it
15 could have just been a fall.

16 Q. And you said that you didn't see Roger
17 Williams around at this time; is that correct?

18 A. No, sir.

19 Q. Did you see much of him around at all?

20 A. Not really.

21 Q. Most of the time when you saw the children
22 together, was it with Grace? Ms. Trotman?

23 A. Yes.

24 MR. FALK: No further questions.

25 THE COURT: Redirect?

1 SOLICITOR WILLIAMS: No, Your Honor.

2 THE COURT: Do you wish the witness
3 to be excused?

4 SOLICITOR WILLIAMS: Please.

5 MR. FALK: No objection.

6 THE COURT: Thank you very much.
7 You are free to leave.

8 (WITNESS STEPS DOWN)

9 THE COURT: May I see that?

10 COURT REPORTER: (Tenders State's
11 Exhibit 75).

12 (OFF RECORD BENCH CONFERENCE)

13 THE COURT: Ladies and Gentlemen, I
14 have a matter of law that I need to take up out
15 of your presence. Please go to your jury room.
16 Do not discuss the case. We will be with as
17 quickly as we can.

18 (JURY OUT @ 9:41 A.M.)

19 THE COURT: All right, before we
20 hear concerning the matter of the next witness,
21 we had a sidebar during the testimony of Ms.
22 Kott. Mr. Falk advised that he anticipated
23 that Ms. Kott was going to testify, as she did,
24 concerning the bruises and the scrapes or
25 scratches on the child's back. The connection

1 was made at that time and discussed that he
2 believed that it was cumulative as well as not
3 relevant because it wasn't tied to anything
4 specific. The court overruled that objection,
5 finding that since the previous discussion was
6 about bruising to the child, and could not
7 recall any specific timeframe, this timeframe
8 was more consistent with the time that this
9 alleged incident occurred. For that reason,
10 the court found that it had probative value
11 and, I believe, that the probative value
12 outweighed the prejudice.

13 Furthermore, there was another
14 observation of additional bruising, which would
15 be consistent with the State's claim that this
16 is not the result of the death, that the death
17 was not the result of the single incident which
18 allegedly occurred on that particular day but
19 rather a cumulative situation.

20 So for those reasons, the court found
21 that the probative value outweighed the
22 prejudice and found it to be relevant.

23 The State agrees with this, as I
24 understand, that the objection, although not
25 made contemporaneously, preceded that and the

1 court is going to recognize that. The record
2 should reflect that that objection was timely
3 made by the defendant and should be preserved
4 for the purposes of review, should that become
5 necessary.

6 All right, I will be happy to hear --
7 anything further on that particular issue ---

8 MR. FALK: No, Your Honor. Thank
9 you.

10 THE COURT: --- from either the
11 State or the Defendant?

12 SOLICITOR WILLIAMS: Nothing from
13 the State.

14 THE COURT: All right. I will be
15 happy to hear from you now on the tape issue,
16 Mr. Falk, that you objected to.

17 MR. FALK: Your Honor, there are
18 two tapes suggested that they were going to
19 play. I have some concerns about 26, Track 3.
20 I think that it contains some hearsay statement
21 from Grace, possibly some testimony that would
22 -- uh, you know, if they wanted that testimony
23 in, they could have asked Grace. It's going to
24 be what Grace said to that other person on the
25 phone that Roger was talking to, said that

1 Grace said.

2 I also am concerned -- he talking to
3 -- first of all, he's talking about conver-
4 sations that he had with lawyers, so I believe
5 that he might have consulted with someone
6 originally, maybe a public defender. There
7 talk, 'my lawyer said this, my lawyer said
8 that.' I think that there are privileges there
9 that should be protected.

10 THE COURT: He's not talking with a
11 lawyer, he's talking with the mother of the
12 victim?

13 MR. FALK: Yes, he is.

14 THE COURT: I believe that waives
15 it, don't you?

16 MR. FALK: (No verbal response).

17 THE COURT: It's his privilege,
18 it's not the lawyer's. It is his and when he
19 discloses it, I believe that he waives it.
20 That is the problem with that issue.

21 MR. FALK: I appreciate that, Your
22 Honor. I am sure that the court knows about
23 this, but I think -- I don't want the jury to
24 think that I am getting paid \$40,000 to do this
25 case, or that I'm being paid \$20,000 to do this

1 case. That's what he is talking about, paying
2 his lawyer \$40,000 and \$20,000. The only way
3 for me to rebut that is to put him on the stand
4 and I don't want to put him on the stand.

5 THE COURT: What is the relevance of
6 what he is paying his lawyer?

7 SOLICITOR HERRING-LASH: Your
8 Honor, I don't know that it is relevant, it's
9 just something ---

10 THE COURT: I am not going to allow
11 that. I don't know what that has to do with
12 anything.

13 SOLICITOR HERRING-LASH: It is just
14 one sentence out of this entire tape.

15 THE COURT: We do it all the time in
16 depositions, when they are published in a
17 trial. If there is an objection made, we
18 redact it.

19 SOLICITOR WILLIAMS: And we could --
20 we didn't know until this morning, ---

21 THE COURT: I understand.

22 SOLICITOR HERRING-LASH: --- so we
23 didn't have time. We can try to redact that.

24 THE COURT: You can mute it.

25 SOLICITOR HERRING-LASH: We can mute

1 that part.

2 THE COURT: Fast-forward it. Really
3 and truly, you're going to see what is germane
4 that precedes it, because I don't know if all
5 of this -- what is it that you're trying to --
6 the conversations with Ms. Trotman, I am not
7 sure until I hear it whether they are offered
8 for the truth of the matter asserted, rather
9 than a response. Of course, Mr. Trotman has
10 already testified. If it is inconsistent or
11 corroborative of a previous statement,
12 certainly that statement has been attacked.
13 I think the 801(d)(1) exception would probably
14 apply.

15 SOLICITOR HERRING-LASH: I have a
16 transcript. Would you have to look at it?

17 THE COURT: I will be happy to.

18 SOLICITOR HERRING-LASH: It may --
19 the lawyer sentence is at the very, very
20 beginning. There are a few lines before that.
21 It's rather lengthy and he does talk about
22 bruises on the child, that he put bruises on
23 the child -- during that tape.

24 MR. FALK: It also says that Grace
25 said that there was a bruise on his chest.

1 THE COURT: (Upon review), all
2 right. And your objection? I would agree that
3 the first -- when you start it, you have to
4 start. The conversation, you can start it at
5 when -- I guess there's some starts with this,
6 something about it is being recorded.

7 SOLICITOR HERRING-LASH: Yes, Your
8 Honor

9 THE COURT: But the first
10 conversation, "Hello..." -- you can say,
11 "Hello, what's going on?", stop from there.
12 Come down to where he says, "Other than that,
13 everything's good because, boy, I am catching
14 hell..." -- so forth. There is nothing in
15 there that I find relevant at all. If it is,
16 the prejudice is outweighed by the probative
17 value. That is the first paragraph where it
18 talks about hiring a lawyer.

19 Now when you talk about the statements
20 made by Ms. Trotman, most of those statements
21 she testified to and she was subject to be
22 challenged, so I -- I find -- to me, I don't
23 believe that it is hearsay, number one, because
24 it is coming from him. But, number two,
25 801(d)(1) deals with that she is certainly

1 challenged as to what she said. You cross-
2 examined her. She has already testified
3 concerning that -- let me be sure that I am
4 quoting the right section.

5 Do you have any other specific
6 objection other than hearsay? Well, it is not
7 hearsay. His is certainly not. It's being
8 offered against him. That's 801(d)(2), because
9 it is his statement. It is 801(d)(1) from a
10 witness who has testified and certainly her
11 testimony was attacked and it's consistent with
12 the testimony that she gave, what he is saying
13 that she said.

14 SOLICITOR HERRING-LASH: Your
15 Honor, it would probably be easier if we just
16 started with, "Other than that ..." ---

17 THE COURT: That's fine.

18 SOLICITOR HERRING-LASH: He will
19 just need a moment to set it up to that point.

20 THE COURT: That's fine.

21 SOLICITOR HERRING-LASH: Because he
22 will have to ---

23 THE COURT: Let's just start with
24 that. That's fine. Any other objections?

25 MR. FALK: No, Your Honor.

1 THE COURT: All right. The rest of
2 the tape I find -- I haven't heard it. What is
3 the probative -- otherwise -- certainly the
4 last portion where he is talking about what
5 happened on the day ---

6 SOLICITOR HERRING-LASH: The last
7 portion is what we are really concerned about,
8 "It was Friday, I had Minor Minor Victim ..."

9 THE COURT: That being the case, I
10 don't know why you need to play all this other
11 stuff.

12 SOLICITOR HERRING-LASH: We will be
13 agreeable to start there.

14 THE COURT: That's fine. I think
15 all this other stuff about what's going on with
16 the cases and the conversations with the
17 lawyers, I don't know what that is relevant to
18 in this at all.

19 SOLICITOR HERRING-LASH: We just
20 didn't know if he would have an objection --
21 well, under the rule of completeness.

22 THE COURT: Do you want her to play
23 the whole thing?

24 MR. FALK: No, Your Honor.

25 THE COURT: Very well, you will

1 start -- that being the case, ---

2 SOLICITOR HERRING-LASH: "It was
3 Friday, I had ..." ---

4 THE COURT: Yeah, that is where it
5 would be started. That will eliminate all
6 these other stuff that supposedly was going on.
7 Yeah, I think that's where it ought to start
8 and play it to the end. I think that is the
9 really relevant portion.

10 SOLICITOR HERRING-LASH: Yes, Your
11 Honor. That's what we think too. Do you want
12 him to -- he'll need some time.

13 THE COURT: Go ahead and set that
14 up. We will be at-ease for about five minutes.

15 (BRIEF RECESS)

16 (DEFENDANT PRESENT)

17 THE COURT: Let the record reflect
18 that the Defendant is present. Ready, Mason?

19 MASON WEST: Yes, sir.

20 THE COURT: Defense ready?

21 MR. FALK: Yes, Your Honor.

22 THE COURT: Invite the jury to
23 return.

24 (JURY IN @ 10:10 A.M.)

25 THE COURT: Thank you, Ladies and

1 Gentlemen. As you have probably noticed,
2 from time to time we confer with a sidebar.
3 To do that to try and minimize the number of
4 times that you have to leave the courtroom.
5 There is nothing private or sacred about it,
6 it's just that they are matters that are not
7 for your consideration. Just as when you
8 decide the facts, no one will be present and
9 we follow the same format. You are the sole
10 judges of the facts and I am the sole judge
11 of the law.

12 Solicitor, please call your next
13 witness.

14 SOLICITOR HERRING-LASH: Yes, sir,
15 the State calls Lamona Smith.

16 (WITNESS TAKES STAND)

17 LAMONA SMITH, being duly sworn to tell
18 the truth, the whole truth and nothing but the
19 truth, testified, as follows:

20 DIRECT EXAMINATION

21 BY SOLICITOR HERRING-LASH:

22 Q. Ms. Smith, where do you live?

23 A. 7634 Hunters Ridge Lane, North Charleston,
24 South Carolina 29420.

25 Q. Where do you work?

- 1 A. I currently working for a company called
2 FSI, through a temp agency, Snelling.
- 3 Q. Are you related to Grace Trotman?
- 4 A. Yes, ma'am.
- 5 Q. How are you related to her?
- 6 A. I am her older sister.
- 7 Q. Do you also know Roger Williams?
- 8 A. Yes, ma'am.
- 9 Q. When did you meet him?
- 10 A. When she was pregnant with my niece, I met
11 him probably, maybe, when she was around six or
12 seven months pregnant.
- 13 Q. Did you visit with Roger and Grace in
14 their home, sometimes?
- 15 A. Once when she was pregnant and a couple of
16 times after.
- 17 Q. Did you know or meet Minor Victim
- 18 A. Yes, ma'am.
- 19 Q. How many times did you meet Minor Victim
- 20 A. I can count on my hand, probably about
21 five or six times.
- 22 Q. Did you visit with Grace when she lived on
23 Longbourne Way?
- 24 A. Yes, ma'am.
- 25 Q. Did you visit there when Minor Victim was

1 there for the summer?

2 A. Yes, ma'am.

3 Q. Was the air-conditioner working in the
4 house?

5 A. No, ma'am, it wasn't.

6 Q. Did you see Minor Victim that day?

7 A. Yes, ma'am, I did.

8 Q. Where was he?

9 A. He was in a room with his clothes off.
10 It was real hot. He was in there, laying on
11 the floor, sweating real bad.

12 Q. Had he already been having seizures?

13 A. I was aware that he was having him.

14 Q. Is that the last time that you saw him?

15 A. No, ma'am. The last time that I saw him
16 was Memorial Day weekend.

17 Q. Now, during the month of June, did Grace
18 come to stay with you at your in-law's house?

19 A. During that time she would come back and
20 forth almost every day, during that timeframe.

21 Q. And where were you staying then?

22 A. I was staying with my in-laws.

23 Q. Now, how did you hear about The Battery
24 situation?

25 A. I received a phone call, it was around

1 1:00 o'clock in the morning, from my uncle,
2 asking ---

3 Q. You can't say what he said, but it was a
4 phone call?

5 A. Yes, ma'am.

6 Q. After that, did you talk with Roger
7 Williams?

8 A. Yes, ma'am.

9 Q. Would he call you?

10 A. Yes, ma'am.

11 Q. Where would he call you from?

12 A. Jail.

13 Q. Were those phone calls recorded?

14 A. Yes, ma'am.

15 Q. How could you tell that?

16 A. Because whenever I would answer the phone
17 is would say to please be reminded that the
18 calls are recorded.

19 Q. Did Roger talk to you about Minor Victim

20 A. He didn't talk about him. There was a
21 time when I asked him what happened because,
22 you know, nobody was really telling me
23 anything. So I asked him what happened to him,
24 and he said that one day he was getting ready
25 to go to the club, that they was upstairs, just

1 him and 'Dricus, that Grace and my niece were
2 not there, that they were going downstairs and
3 he fell and hit his head. That's what he told
4 me.

5 Q. Did he tell you any other things in other
6 conversations?

7 A. He called me another time. I don't
8 remember when it was, whether it was before or
9 after that particular phone call. But he did
10 call asking me if my sister ever gave **Minor Victim**
11 anything about drugs or pills or anything like
12 that. I told him that I didn't know anything
13 about it. He kept asking me and referring to
14 other people that might have stated that they
15 knew about it, and I just telling him that I
16 didn't know anything about any pills.

17 Q. Did he have any other conversations with
18 you?

19 A. There were others conversations. He would
20 ask me about the kids, **Minor** and **Minor** I
21 would talk to him about the kids, you know, let
22 him know how they were doing.

23 Q. Did he ever talk about **Minor Victim** in another
24 conversation?

25 A. No, really he -- we never talked about

1 him.

2 Q. Did he ever mention any bruises?

3 A. He did say that one day that it was him
4 and [Minor] that they were outside and he was
5 doing something -- I can't remember what he
6 said that he doing. But [Minor] and [Minor Victim] went
7 running outside and he couldn't find them. He
8 told me that he popped [Minor] and he hit 'Dricus
9 in his chest. He said at that time that he did
10 not realize that when he hit him that he'd hit
11 him that hard, to leave a bruise on his chest.

12 SOLICITOR HERRING-LASH: Your
13 Honor, I think we have stipulated the
14 authenticity of that tape because I can't show
15 it to her.

16 THE COURT: Right.

17 SOLICITOR HERRING-LASH: She has
18 put her initials on it but I can't show it to
19 her because it's in the ---

20 THE COURT: I understand. We fast-
21 forwarded to a certain point. What is the
22 exhibit number?

23 SOLICITOR HERRING-LASH: State's
24 Exhibit 11.

25 THE COURT: You have had an

1 opportunity to review the tape?

2 MR. FALK: Yes, Your Honor. No
3 objection.

4 THE COURT: Without objection,
5 State's Exhibit 11 is admitted. We have ruled
6 on some objections and ---

7 MR. FALK: Yes, sir, if we could
8 clarify it.

9 THE COURT: --- those objections
10 have been sustained. The part that is being
11 published, though, there is no objection to
12 that particular part, correct?

13 MR. FALK: Correct.

14 SOLICITOR HERRING-LASH: And, Your
15 Honor, at this time we would publish that
16 portion.

17 THE COURT: Ladies and Gentlemen,
18 the fact that we are publishing a portion of
19 this tape should not be considered by you.
20 That is a part of the process. This is the
21 portion that you are to consider. You are not
22 to consider that there may be other portions on
23 that tape. You can certainly consider the
24 testimony of the witness, but of the tape
25 itself that portion is the only portion that

1 you are to consider, that is being published.

2 You may publish it.

3 (WHEREUPON PORTION OF STATE'S EXHIBIT 11,

4 AN AUDIO RECORDING, PLAYED FOR JURY)

5 SOLICITOR HERRING-LASH

6 BY SOLICITOR HERRING-LASH:

7 Q. I just have one other question, Ms. Smith.

8 Do you know Ishmael Rivers?

9 A. No, ma'am.

10 SOLICITOR HERRING-LASH: That's all

11 the questions that I have.

12 THE COURT: Cross examine.

13 CROSS EXAMINATION

14 BY MR. FALK:

15 Q. You had testified earlier that he said

16 something about seizures; is that correct?

17 A. Yes, sir.

18 Q. Did you witness ---

19 A. No, I didn't witness it for myself.

20 Q. The only thing that you know about

21 seizures then is maybe something that Grace

22 told you?

23 A. Well, it's because of how terrified she

24 was that day I was there. When he was in the

25 room, sweating, I asked her, 'Grace, why is he

1 in there?' And she said, 'Because I'm scared.
2 Whenever he has those episodes, I am scared. I
3 don't even want to deal with it.' That's why I
4 know about them, because of how scared she was.

5 Q. So the first that you knew about seizures
6 was in June; is that correct?

7 A. It was not in June, because I'm sure in
8 June, by that time, he was already passed. It
9 was before then, because he was still living.

10 Q. So you don't recall the time exactly when
11 that was?

12 A. It was not in June. It was before
13 Memorial Day weekend.

14 Q. Beg your pardon?

15 A. It was before -- the last time I saw him,
16 it was before then.

17 Q. Other than the obviously, that it was
18 before he passed, ---

19 A. Yes.

20 Q. --- could it have been the week before he
21 passed?

22 A. It could have been, but I remember that
23 Memorial Day weekend that she came to my house.
24 So I know that it wasn't in June, it was before
25 then because I was at her house.

1 Q. Now, when you -- Roger was rarely in that
2 house. How often were you there when Roger was
3 there?

4 A. If he was there, he was on his way out.
5 Very seldom when I was there he was there.

6 Q. So Grace was with the children most of the
7 time?

8 A. All the time.

9 Q. All the time?

10 A. All the time.

11 Q. And did you say anything about -- in your
12 earlier testimony, did you say anything about
13 pills?

14 A. Yes, he called asking me if I knew
15 anything about pills.

16 Q. And you hadn't heard anything about that?

17 A. No, I hadn't.

18 Q. And that was your voice on the tape?

19 A. Yes, it was.

20 Q. Do you recall that telephone conversation?

21 A. Yes.

22 MR. FALK: Thank you very much. No
23 further questions.

24 THE COURT: Redirect?

25 SOLICITOR HERRING-LASH: No, Your

1 Honor.

2 THE COURT: You may come down.

3 SOLICITOR HERRING-LASH: May she be
4 excused?

5 THE COURT: Any objection?

6 MR. FALK: No objection.

7 THE COURT: You are free to leave,
8 as well. Thank you.

9 (WITNESS STEPS DOWN)

10 THE COURT: Call your next witness,
11 please.

12 SOLICITOR WILLIAMS: The State would
13 call Dr. Nicholas Batalis.

14 (WITNESS TAKES STAND)

15 NICHOLAS BATALIS, being duly sworn to
16 tell the truth, the whole truth and nothing but
17 the truth, testified, as follows:

18 DIRECT EXAMINATION

19 BY SOLICITOR WILLIAMS:

20 Q. Dr. Batalis, where do you work?

21 A. I work at the Medical University of South
22 Carolina, in Charleston.

23 Q. Are you a licensed physician?

24 A. Yes, I am. I am licensed in the state of
25 South Carolina.

1 Q. How long have you been licensed in your
2 profession?

3 A. I have had an unrestricted licensed for
4 approximately the last seven years or so.

5 Q. Do you specialize in any branch or field
6 of medicine?

7 A. Yes. My primary certification in medicine
8 is Pathology, and then I have a subspecialty
9 training in Forensic Pathology.

10 Q. How long have you been practicing?

11 A. I've been out from all training and
12 practicing as an attending physician for about
13 four and a half years at this point.

14 Q. Has that all been at the Medical
15 University of South Carolina?

16 A. Yes, it has.

17 Q. What does pathology involve?

18 A. Pathology is a field of medicine that
19 deals with the diagnosis of disease and the
20 study of disease. So in a general pathology
21 training program, we would look at tissue
22 biopsy; you know, a biopsy to see if you had
23 cancer or not. We also help physicians
24 interpret laboratory tests. So if you have
25 some blood drawn to have your blood worked up,

1 the pathologist would be the one running the
2 laboratory and interpret the numbers that the
3 machines give us back and then coordinate with
4 the physicians who are seeing the patients.

5 Q. And are you a member of any specialized
6 medical or scientific associations?

7 A. Yes, I am a member of several national
8 general pathology organizations as well as our
9 state pathology organizations, and then I am a
10 member of two major -- Friends of Pathology --
11 subspecialty organization nationally.

12 Q. Do those require any additional
13 certification?

14 A. To be a member of the organizations
15 themselves, generally you do not have to have
16 -- other than having your medical license and
17 certification, you don't need any further
18 certifications.

19 Q. And does your work involve performing or
20 participating in autopsies?

21 A. Yes, it does.

22 Q. About how many autopsies would you say
23 that you've performed?

24 A. At this point somewhere between a thousand
25 and fifteen hundred autopsies.

1 SOLICITOR WILLIAMS: Your Honor, at
2 this time the State would move to have Dr.
3 Batalis qualified as an expert in the field of
4 Forensic Pathology.

5 THE COURT: Do you care to examine
6 him as to his qualifications, Mr. Falk?

7 MR. FALK: No objection, Your
8 Honor.

9 THE COURT: Very well. He will be
10 permitted to render opinions in the area of
11 Forensic Pathology.

12 SOLICITOR WILLIAMS: Thank you, Your
13 Honor.

14 DIRECT EXAMINATION CONTINUED

15 BY SOLICITOR WILLIAMS:

16 Q. During July of 2010, were you working in
17 your present capacity?

18 A. Yes, I was.

19 Q. Did you participate in an autopsy or
20 conduct an autopsy of Minor Victim [REDACTED]

21 A. Yes, I did, on July 8th of 2010.

22 Q. How long did that autopsy take?

23 A. I don't have an exact time log of the
24 autopsy but it took over half a day. So
25 probably four or five hours altogether.

1 Q. Is that typical?

2 A. No. A typical autopsy can take anywhere
3 from an hour up to maybe two or three hours if
4 it is more complex. But this was very long.
5 In fact, I would say that it was the longest
6 autopsy that I've been a part of.

7 Q. Why did it take so long?

8 A. The most difficult part of this case was
9 accessing the body itself due to the condition
10 in which it was received.

11 THE COURT: I will allow that
12 question, but move on, please.

13 DIRECT EXAMINATION CONTINUED

14 BY SOLICITOR WILLIAMS:

15 Q. When you formed your conclusion, did you
16 have to consider the condition that the body
17 came in as part of your analysis in your
18 conclusion?

19 A. Yes. In forensic pathology, we don't only
20 limit our conclusions to the examination of the
21 body itself. We take into consideration how
22 the body is found, the scene, the condition of
23 the body, many different factors other than
24 what we see at the autopsy examination area.

25 Q. So can you please explain to the jury what

1 peculiar condition -- what was unusual about
2 this body that entered into your analysis when
3 you formed your medical conclusion?

4 A. One of the issues of this case was that
5 there was extensive decomposition or breakdown
6 of the body. After a person dies, over the
7 next several days the body will break down.
8 Some of it is just our own natural process of
9 just the tissues breaking down themselves.
10 Then there is more breakdown that occurs due to
11 insects or other animals that could come along.

12 Q. In this case, how was the body presented?

13 A. In this case when the body was presented,
14 we received a large ---

15 MR. FALK: Objection, Your Honor.

16 THE COURT: Move on, Solicitor.

17 We've had a sidebar concerning this. He has
18 already testified. We know that. He has
19 already described it. He testified about
20 having to remove it from the concrete. So move
21 on.

22 SOLICITOR WILLIAMS: Okay.

23 THE COURT: Humor me.

24 DIRECT EXAMINATION CONTINUED

25 BY SOLICITOR WILLIAMS:

1 Q. Did you come to a conclusion as to the
2 cause of death in this case?

3 A. Yes, I did.

4 Q. What was that conclusion?

5 A. The conclusion was that the cause of death
6 was homicidal violence, including probable
7 blunt head injury.

8 Q. What factors led to that conclusion?

9 A. The factors that led to that conclusion
10 were the condition in which the body was found,
11 encased in concrete; the fact that the ---

12 MR. FALK: Your Honor, may I move
13 to strike that comment?

14 THE COURT: No, sir. It is part of
15 the basis for his opinion. He is certainly
16 entitled to include that. Overruled.

17 THE WITNESS: In addition to
18 being encased in concrete, underneath the body
19 was wrapped in plastic garbage bags and secured
20 with duct tape.

21 In addition to that, in examination of
22 the body itself, we could see some areas in the
23 scalp that were indicative of contusions of the
24 scalp or blunt head injury.

25 So taking into consideration these

1 factors is how I came to the conclusion of the
2 cause of death.

3 DIRECT EXAMINATION CONTINUED

4 BY SOLICITOR WILLIAMS:

5 Q. What parts of the -- did you have some
6 obstacles because of the decomposition?

7 A. Yes, we did. In decomposition there is
8 going to be a spectrum. If somebody has just
9 been dead for a couple of days, the entire skin
10 may be intact. It may be just a little bit
11 discolored or bloated.

12 In this case there was much more extensive
13 damage. The skin itself, while present in many
14 areas, was almost liquified or had kind of a
15 waxy consistency to it.

16 In addition to that, there were large
17 areas of the body which there was decomposition
18 or skeletalization, so the tissues had eroded
19 away. The right side of the chest, the right
20 side of the body down to the hip and the right
21 arm, all the soft tissue was gone. So all that
22 was present was bone. In that case, it is not
23 possible to determine anything else that could
24 have been going on in those areas, because all
25 that overlying tissue was absent.

1 Q. So any bruising that could have been
2 found, you've lost the ability to do that?

3 A. Yes, over time, the tissue being absent,
4 if there was bruising there, blood will break
5 down like anything else and not be present
6 after a while. In addition, internally the
7 organs undergo the same changes. So the
8 internal organs will also break down and become
9 much more soft, so it is difficult to tell much
10 about them.

11 SOLICITOR WILLIAMS: Your Honor, may
12 I approach? I have a diagram here.

13 THE COURT: Sure.

14 SOLICITOR WILLIAMS: Jim, this is
15 just a diagram.

16 MR. FALK: (No verbal response).

17 DIRECT EXAMINATION CONTINUED

18 BY SOLICITOR WILLIAMS:

19 Q. Dr. Batalis, if you could -- would you be
20 comfortable stepping down and just talking
21 about some of the contusions that you explained
22 a minute ago? Just telling the jury where they
23 were on the victim's head.

24 SOLICITOR WILLIAMS: Your Honor, is
25 this okay?

1 THE COURT: That's fine. Thank you.

2 SOLICITOR WILLIAMS: Can everybody
3 see this?

4 THE COURT: Can you see that, as
5 well?

6 MR. FALK: Yes, sir.

7 DIRECT EXAMINATION CONTINUED

8 BY SOLICITOR WILLIAMS:

9 Q. If you could, just show the jury where on
10 the child's head these contusions were.

11 A. Just to first explain the orientation of
12 these photographs. When we go to examine a
13 decedent, the first thing that we look at is
14 the body intact, without making any incisions.

15 After we have looked at the outside of the
16 body, we then move further. So this is a
17 diagram of just the head. In order for us to
18 examine the scalp and skull and then remove the
19 brain for examination, we make an incision from
20 behind the right ear to the top of the head and
21 then down to the left ear. After doing that,
22 we can then move the front half of the scalp
23 forward and the back half backwards, so that we
24 can remove those and get to the skull.

25 So what we are seeing here is -- where

1 this black area here, this would be the scalp.
2 So this part, this line here would actually
3 correspond to the top of the head. This area
4 here would be -- the right eye would be
5 underneath here, the left eye right here.

6 Similarly, this is the right ear. So
7 anything in this area would be the right side
8 of the scalp.

9 Up here, anything over here would be the
10 left side of the scalp.

11 So what we saw in this case was that there
12 was a very dark area of contusion right at the
13 kind of junction where the scalp was reflected
14 backwards, which -- the front of the face would
15 correspond to the area, the right eye, just
16 above the eye, a very dark -- dark precise
17 area.

18 In addition to that, the rest of the scalp
19 was very shiny and white, for the most part.
20 But there were some vague areas of faint blue
21 discoloration. There was one about right here,
22 another one about here, and a larger one over
23 her.

24 So mostly two or three that would have
25 corresponded to the left side of the head, one

1 a little bit higher up on the right side, and
2 then again the darkest one would have been
3 right above the right eye.

4 Q. None on the back of the head?

5 A. No.

6 Q. Are those -- based on your experience and
7 in your professional opinion, are those the
8 kinds of discoloration that you would see from
9 a person who just had an ordinary knock in the
10 head, fall down, like a nonconsequential get up
11 and keep running -- what kind of -- do you have
12 an opinion as to how severe that would have to
13 be to still show up at this point on his body?

14 A. Now, we're talking about the undersurface
15 of the scalp, so we call it a subscalpular
16 area. It is going to require more force and
17 more bleeding for it to show up in that area.
18 So for example, we see numerous injuries in
19 case that we do, where somebody may have fallen
20 down, may have been in a motor vehicle
21 accident, or we may see some bruising and
22 scrapes on the outside of the scalp but when we
23 reflect the scalp in this fashion sometimes
24 there is no bleeding to the underlying surface.
25 So since we were seeing bruises to the under-

1 surface of the scalp, it would be a more
2 significant trauma than just bumping his head.

3 Q. Thank you, Doctor. Now, Dr. Batalis, did
4 you form an opinion as to the type of brain
5 injury suffered by ~~Minor Victim~~ [REDACTED]

6 A. In a general categorization; yes, I did.

7 Q. And what was that?

8 A. In general it was blunt head trauma, so an
9 injury caused due to blunt force injury.

10 When we talk about blunt force injuries to
11 the head, they are not all created equal.

12 Sometimes we'll see injuries where there is a
13 large skull fracture and then bleeding around
14 the brain, which then kinda pushes the brain
15 down and causes injury from that standpoint.
16 Those are more obvious.

17 There are also other types of injuries
18 that don't necessarily have a skull fracture or
19 any significant bleeding around the brain.

20 When we did examine the inside of this
21 skull, there were no skull fractures, of the
22 skull itself. Even though the brain was
23 decomposed, if there would have been a large
24 hemorrhage when he died, that hemorrhage would
25 have been present, that bleeding would have

1 been present.

2 So in the absence of that, the other type
3 of injury the brain can have is more of a
4 concussive type phenomenon or what we call
5 axonal injury where if the brain kinda gets hit
6 back and forth in the skull, if the brain is
7 going back and forth, you get a shearing
8 injury. Your brain cells are kinda connected
9 like that (hand gesture), so if your brain is
10 getting sloshed back and forth, this axons
11 become injured, so it is a term called axonal
12 injury.

13 So there are all types of head trauma that
14 do not have a significant hemorrhage around the
15 brain or a skull fracture.

16 Q. And is that the kind of injury that sports
17 -- is that the type of injury that we hear
18 about with sports, with athletes, where they
19 get injured and they can get reinjured again?
20 Is that the kind of injury that you are talking
21 about?

22 A. Yes, it's -- it's a big spectrum of
23 injury. With sports injuries there is a
24 phenomenon called a "second impact" phenomenon.
25 This is a case where someone has had a

1 significant head injury, enough to cause a
2 concussion, and it kind of stuns the brain,
3 so the brain is not in its normal state of
4 functioning. If there is another injury to the
5 brain during that time before it is fully
6 healed, even if it is not as severe as the
7 previous one, there's a cumulative or
8 multiplicable effect. So if a stunned brain
9 receives another injury, the brain can
10 dysfunction; when maybe you would not have
11 expected it, if that second impact had been two
12 years later when they were feeling perfectly
13 healthy. So that is more of the sports related
14 phenomenon.

15 The axonal injury would be more of a -- as
16 opposed to the second injury, which could occur
17 days apart or even weeks apart, the axonal
18 injury could occur by multiple impacts in a
19 relatively short period of time. That more of
20 the brain kind of going back and forth fairly
21 quickly.

22 Q. So in this case you really can't age this
23 bruise? You can't say when this child received
24 these contusions on his head or if they are the
25 sole source of his death.

1 A. Correct. Because of the breakdown of the
2 body, it was not possible to age these scalp
3 contusions.

4 Q. They are just one piece of the puzzle?

5 A. Correct.

6 Q. And the absence of a skull fracture and a
7 large amount of blood is what's causing you to
8 draw the conclusion that it is not just one
9 giant impact?

10 A. Correct.

11 Q. Now, did you make a preliminary identi-
12 fication of this child to law enforcement
13 before there was a DNA identification?

14 A. Yes, we did.

15 Q. And to your knowledge there was an
16 identification that this was **Minor Victim** [REDACTED]
17 is that correct?

18 A. Correct.

19 Q. Do you remember how old was **Minor Victim**
20 Williams at the time of his death, if you know?

21 A. I have his birth date recorded as [REDACTED]
22 [REDACTED] 2007 and we performed the autopsy in July of
23 2010. Again, he was extensively decomposed, he
24 probably died sometime in June. So
25 approximately two and a half years old.

1 Q. Without going into too much detail, how --
2 what method did you have to employ to identify
3 this child?

4 A. With identification, we have presumptive
5 identification which is kind of like 'I think
6 that it is him.' Then we have a more
7 scientific form of identification.

8 So at the autopsy, during the autopsy
9 itself we were able to make a presumptive
10 identification. This was based on there was --
11 I believe that there was an officer there that
12 described the length and fashion of the child's
13 hair and, additionally, a photograph of the
14 child, taken while the child was alive, and you
15 could see the teeth. Looking at the teeth we
16 examined at autopsy -- and even though we had
17 decomposition, all the hair was still present
18 except for a small patch on the left side of
19 the head. So based on those two features,
20 along with the fact that we could tell this
21 \was a black male child, approximately --
22 considering the length of the body, it fit into
23 that two and a half year old category. We made
24 our presumptive identification based on that.

25 Then we sent off samples from the body,

1 with officers, to be submitted for DNA
2 identification. So that scientifically
3 confirmed the identification of the decedent,
4 which I think occurred about a week later.

5 Q. As part of the autopsy, was there a
6 toxicology run or a toxicology test done on

7 Minor Victim [REDACTED]

8 A. Yes, there was.

9 Q. To your knowledge, were there any drugs
10 found in his blood?

11 A. Traditionally we do send blood. That's
12 our best substance to test for toxicology
13 specimens. In this case, unfortunately because
14 of the extended interval between the time of
15 death and the autopsy, there was no blood
16 present. In these cases we can then submit
17 other tissue. One that we most commonly use is
18 liver. So in this case, instead of submitting
19 blood, we submitted a sample of the liver. The
20 conducted toxicology testing on that and no
21 drugs were detected in that sample.

22 Q. Thank you, Doctor.

23 SOLICITOR WILLIAMS: Court's
24 indulgence.

25 THE COURT: Certainly. Take your

1 time.

2 SOLICITOR WILLIAMS: Thank you, Dr.
3 Batalis. Please answer any questions that the
4 defense may have.

5 THE COURT: Cross examine?

6 CROSS EXAMINATION

7 BY MR. FALK:

8 Q. During your autopsy, were you able to do
9 any slides of any of the other major organs?

10 A. Due to the extensive decomposition of the
11 body, with the organs very softened and
12 decomposed, I did not submit any sections of
13 the organs for analyses under the microscope.
14 I did submit two sections of the scalp for
15 microscopic inspections.

16 Q. So then you didn't submit any brain
17 sections, any slides?

18 A. No. The condition of the brain almost
19 being liquified, I don't think -- I am not even
20 sure that it would have been possible to submit
21 a slide. I'm convinced that there would be no
22 findings to be had at that time due to the
23 decomposed state of the brain.

24 Q. What observable proof from the autopsy was
25 there of the axonal injuries?

1 A. Due to extensive decomposition of the
2 brain, we did not see that in the brain. The
3 conclusion of that is from seeing the bruising
4 on the scalp and, again, what I described
5 before, the condition of the body. The diffuse
6 axonal injury is one way in which head trauma
7 could have caused the decedent to die.

8 The other thing that we didn't rule out --
9 and we mentioned the second impact, which is a
10 little bit different. You know, that could
11 have occurred as well.

12 Q. But there is nothing in the autopsy that
13 would support, direct support, death by
14 concussive injury; is there?

15 A. The contusions on the scalp would show
16 that there was significant head trauma. But
17 because -- again, we do not have an examination
18 of the brain itself.

19 Q. And I believe that you said there was no
20 intracranial hemorrhaging?

21 A. Correct.

22 Q. Were you able to observe whether or not
23 there was an retinal hemorrhaging?

24 A. No, we did not.

25 Q. I'm sorry, you didn't observe any; is that

1 correct?

2 A. (Affirmative nod), we did not.

3 Q. Okay. Have you done autopsies before
4 where you have noticed retinal hemorrhaging?

5 A. Yes, I have.

6 Q. Is that a finding that is often consistent
7 with brain injuries and shaken baby type
8 injuries?

9 A. That is one situation in which you can see
10 them, yes.

11 Q. So that would be consistent with a brain
12 kind of being sloshed around; is that correct?

13 A. It could be.

14 Q. Okay. Did you find any evidence of --
15 when you were doing this autopsy, you were
16 looking pretty closely for what could be
17 possible causes of death; is that correct?

18 A. Correct.

19 Q. So you were looking pretty closely at all
20 the -- did you find any evidence of broken
21 bones?

22 A. No, we did not.

23 Q. Did you find any evidence of any healed
24 broken bones?

25 A. We did not.

1 Q. So did that include -- would you have
2 found evidence of what I believe are called
3 bucket handle fractures on some of the major
4 bones?

5 A Yes, we would have.

6 Q. And you did not see any of those; is that
7 correct?

8 A. We did not.

9 Q. Did you see any evidence of broken back
10 bone injuries, of being hit on the back,
11 cervical breaks?

12 A. Yeah, there were no injuries to any of the
13 bones, including the long bones or the spinal
14 column, which you're referring to.

15 Q. Thank you. Is there anything in your
16 autopsy that could disprove that the child died
17 perhaps of asphyxia?

18 A. No, there is not.

19 Q. That would also be consistent with
20 homicidal violence; would that be correct?

21 A. Yes. "Homicidal violence" is a more all-
22 inclusive term that I will use in situations
23 such as this where there are factors that limit
24 the examination. So in this case, I know that
25 there was blunt head trauma but I can't rule

1 out that there wasn't a component of asphyxia,
2 just because, again, the condition of the body.

3 Q. Okay. And I think everybody who watches
4 C.S.I. has heard the term petechia. Can you
5 explain what that is?

6 A. Petechia are basically small little
7 hemorrhages or smaller areas of bleeding that
8 are usually due to burst capillaries, very
9 small blood vessels will essentially explode.

10 Q. And you didn't observe any of that;
11 correct?

12 A. No. And those aren't specific for
13 asphyxia. You can see that in other
14 situations. But we did not see those.

15 Q. If there was a break to any cartilage,
16 like in the bone, would that show up on the
17 autopsy?

18 A. The cartilage will not show up on the x-
19 rays but in the course of the autopsy we would
20 examine things. I did not examine any
21 fractures of the nasal cartilage of the nose.

22 MR. FALK: I believe I have no
23 further questions.

24 THE COURT: Redirect?

25 SOLICITOR WILLIAMS: Just briefly.

1 REDIRECT EXAMINATION

2 BY SOLICITOR WILLIAMS:

3 Q. Dr. Batalis, Mr. Falk asked you about
4 hemorrhaging in the eyes. Was there enough
5 material left of this child's eyes to where you
6 could make that determination?

7 A. The -- one moment, please. While the eyes
8 were present, there were significant
9 decomposition changes in those, as well. So,
10 again, it would be something that I couldn't
11 rule out, because of the condition of the body.

12 SOLICITOR WILLIAMS: Thank you.

13 THE COURT: Recross?

14 MR. FALK: Nothing, Your Honor.

15 THE COURT: Do you wish this witness
16 to be excused?

17 SOLICITOR WILLIAMS: Please, Your
18 Honor.

19 THE COURT: Any objection?

20 MR. FALK: No objection.

21 THE COURT: Dr. Batalis. Thank you,
22 sir. You are free to step down and free to go.

23 (WITNESS STEPS DOWN)

24 THE COURT: Call your next witness,
25 please.

1 SOLICITOR HERRING-LASH: The State
2 calls Don Gworek.

3 (WITNESS TAKES STAND)

4 DONALD GWOREK, being duly sworn to
5 tell the truth, the whole truth and nothing
6 but the truth, testified as follows:

7 DIRECT EXAMINATION

8 BY SOLICITOR HERRING-LASH:

9 Q. Mr. Gworek, where do you work?

10 A. I work at Lowe's, Store 358 in Summer-
11 ville, South Carolina.

12 Q. What position do you have there?

13 A. I am currently the loss prevention
14 manager.

15 Q. Do y'all have a system to recover tapes
16 that are made throughout the store?

17 A. Yes.

18 Q. In this case, were you asked to do that

19 A. Yes.

20 Q. And were you asked to locate a particular
21 purchase?

22 A. Yes.

23 Q. Are y'all able to do that pretty
24 succinctly?

25 A. Yes.

1 Q. Were you able to locate the purchase you
2 were asked to in this case?

3 A. Yes.

4 SOLICITOR HERRING-LASH: Your
5 Honor, may I approach the witness?

6 THE COURT: You may.

7 DIRECT EXAMINATION CONTINUED

8 BY SOLICITOR HERRING-LASH:

9 Q. Mr. Gworek, I am going to show you what
10 has been marked as State's Exhibit 51. Did
11 you come to our office and observe that tape?

12 A. Yes.

13 Q. And were you able to pick out which clip
14 the purchase that we were referring to is on?

15 A. Yes.

16 Q. What clip was that?

17 A. That was clip number twenty-two.

18 Q. Were you able to point out the date?

19 A. Yes.

20 Q. What date was that?

21 A. 6/7/2012 (sic).

22 Q. 2012?

23 A. 2010. Sorry.

24 Q. Were you able to pick out the time?

25 A. Yes, ma'am. It was around 5:52 p.m.

1 SOLICITOR HERRING-LASH: Those are
2 all the questions that I have of this witness
3 about that.

4 THE COURT: Very well. Cross
5 examine?

6 CROSS EXAMINATION

7 BY MR. FALK:

8 Q. I'm sorry, could you just repeat your
9 testimony?

10 A. It was 6/7/2010.

11 Q. Just so that it is clear, that would be
12 June 7th or July 6th?

13 A. June 7th.

14 MR. FALK: Thank you.

15 THE COURT: Redirect?

16 SOLICITOR WILLIAMS: No, Your Honor.
17 May he be excused?

18 THE COURT: Any objection, Mr. Falk?

19 MR. FALK: No, Your Honor.

20 THE COURT: You may step down and
21 you are free to leave, sir.

22 (WITNESS STEPS DOWN)

23 SOLICITOR WILLIAMS: Your Honor, may
24 we approach?

25 (OFF RECORD BENCH CONFERENCE)

1 THE COURT: Ladies and Gentlemen,
2 the next witnesses are traveling, arriving. We
3 have reached the point where -- we are a little
4 ahead of schedule this morning, so you are
5 going to get to go to lunch a little bit early.
6 So you get to beat the crowds in Moncks Corner,
7 such as they are.

8 I ask that you return to your jury
9 room, please, by 12:30. Of course, while you
10 are out please do not discuss the case or allow
11 anyone to talk with you about this case. Have
12 a good lunch.

13 (JURY OUT @ 11:00 A.M.)

14 THE COURT: Anything from the State
15 before recessing?

16 SOLICITOR WILLIAMS: Not from the
17 State, Your Honor.

18 THE COURT: Anything from the
19 defendant before recessing?

20 MR. FALK: No, sir.

21 THE COURT: Thank you very much. We
22 will be at-ease until 12:30.

23 (LUNCH RECESS)

24 (DEFENDANT PRESENT)

25 THE COURT: Do we have all the

1 jurors?

2 BAILIFF: Yes, sir.

3 THE COURT: Do we have the witness?

4 MR. FALK: Yes, Your Honor.

5 SOLICITOR WILLIAMS: Three

6 witnesses.

7 THE COURT: Fantastic. Do you
8 still wish to call your witness out of order?

9 MR. FALK: If that's okay with the
10 court.

11 THE COURT: Any objection?

12 SOLICITOR HERRING-LASH: No.

13 THE COURT: Very well, it's
14 certainly all right with the court. All right,
15 let's -- let the record reflect that the
16 defendant is present. Let's bring in our jury,
17 please.

18 (JURY IN @ 12:25 P.M.)

19 THE COURT: Thank you, Ladies and
20 Gentlemen. I hope that you enjoyed your early
21 lunch and that it was not too much of an
22 inconvenience. Funny how we get in the habit
23 of time that we eat lunch. I hope that didn't
24 throw anybody too terrible much. We're ready
25 now to continue. I understand the defendant

1 wishes to present a witness out of order; is
2 that correct, Mr. Falk?

3 MR. FALK: Yes, sir. At this time
4 we would like to call Dr. Collins.

5 THE COURT: I remind you, Ladies and
6 Gentlemen, that this is -- that it is not
7 uncommon. You've already seen that and heard
8 that in this case. We are doing that to
9 accommodate the witness. Thank you, Mr. Falk.

10 (WITNESS TAKES STAND)

11 KIMBERLY COLLINS, being duly sworn to
12 tell the truth, the whole truth and nothing but
13 the truth, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. FALK:

16 Q. Dr. Collins, could you tell me where you
17 are currently employed?

18 A. I am currently employed by the Fulton
19 County Medical Examiners office in Atlanta,
20 George, where I am a forensic medical examiner.
21 I am also a director at Life Point Tissue and
22 Organ Procurement, which serves the state of
23 South Carolina, and that's here in Charleston.

24 Q. What education have you had in order to
25 qualify you for that profession?

1 A. I went to college at the University of
2 George and I received my bachelors in
3 microbiology.

4 After college, I attended medical school
5 at the Medical College of Georgia, which is in
6 Augusta, and I received my M.D.

7 Following medical school, I decided to
8 specialize in pathology and I completed a five-
9 year anatomic and clinical pathology residency
10 at Wake Forest University School of Medicine,
11 Bowman Gray.

12 After the residency, I then wanted to
13 attend the Medical University of South Carolina
14 for my forensic pathology fellowship. So I
15 completed that fellowship in '94-'95.

16 Q. Thank you. Do you have any particular --
17 are you licensed in the state of South
18 Carolina?

19 A. South Carolina, Georgia and North
20 Carolina.

21 Q. Thank you. Do you have any board
22 certifications?

23 A. I am board-certified in anatomic
24 pathology, clinical pathology and forensic
25 pathology.

1 Q. You've been employed in Charleston, South
2 Carolina?

3 A. Yes. For about fifteen years I was
4 professor of pathology and laboratory medicine
5 at the Medical University of South Carolina. I
6 was director of forensic pathology and autopsy
7 pathology. And while we had a medical examiner
8 system in that county, during that time I was
9 chief medical examiner for Charleston County.

10 Q. I've had an opportunity to look at your
11 CV. So you were the chief medical examiner in
12 1994, 1995 to '98?

13 A. I forget the exact dates but, yeah, during
14 that time and then I became chief medical
15 examiner for the county.

16 Q. I may have read chief deputy, so you were
17 deputy medical examiner and then the medical
18 examiner?

19 A. Yes.

20 Q. In the course of being the medical
21 examiner, did you have cause to ever perform
22 any autopsies?

23 A. Yes, I did.

24 Q. Is that principally what the medical
25 examiner does?

1 A. The medical examiner will perform
2 autopsies, attend scene investigations or death
3 scenes. We will interview families, sign out
4 death certificates certifying cause and manner
5 of death. Yes.

6 Q. And have you had an opportunity to
7 actually perform an autopsy?

8 A. Yes.

9 Q. Do you have a rough estimate of how many
10 you may have performed?

11 A. It's about twenty-five hundred to three
12 thousand.

13 Q. Are you familiar with Dr. Batalis?

14 A. Nick Batalis, yes, I am.

15 Q. How are you familiar with him?

16 A. Nick Batalis was a resident training at
17 the Medical University when I was director of
18 forensic pathology. I was one of his
19 attendings, so he was one of my trainees.

20 Q. Thank you.

21 MR. FALK: Your Honor, at this time
22 we would like to admit Dr. Collins as an expert
23 to give expert opinions regarding forensic
24 pathology.

25 THE COURT: Do you care examine her

1 as to qualification?

2 SOLICITOR HERRING-LASH: No

3 objection, Your Honor.

4 THE COURT: Dr. Collins will be
5 permitted to render opinions in the area of
6 forensic pathology.

7 DIRECT EXAMINATION CONTINUED

8 BY MR. FALK:

9 Q. Have you had an opportunity to review any
10 of the pathology reports or forensic reports
11 associated in this case?

12 A. Yes, I have. I reviewed the autopsy
13 report, the autopsy diagrams and the toxicology
14 report. Then I also reviewed two glass slides
15 that were taken from tissue from the autopsy.

16 Q. Thank you. Have you had -- as part of
17 that did you review the conclusion that Dr.
18 Batalis drew?

19 A. Yes, I did.

20 Q. Regarding the cause of death?

21 A. Yes. He certified the death as homicidal
22 violence including probable blunt head trauma,
23 and the manner of death was homicide.

24 Q. Does that report rule out any other forms
25 of homicidal violence?

1 A. He classifies it as homicidal violence.
2 He doesn't specify the type of homicidal
3 violence. He says that there was probable
4 blunt head trauma that was present on the body,
5 but because of the decomposition, it was
6 impossible to actually specify the exact type
7 of homicidal violence.

8 Q. Are there any other forms of homicidal
9 violence that would be inconsistent with the
10 medical report, the autopsy report?

11 A. No, nothing that would be inconsistent.
12 There are other areas of trauma and fatal
13 injuries that could have taken place besides
14 head trauma.

15 Q. For example, could -- is there anything
16 inconsistent in that report that he could have
17 died from asphyxia?

18 A. No.

19 Q. Is it possible to die from being struck in
20 the chest?

21 A. Yes, you can die from being struck in the
22 chest. It is called commotio cordis. What
23 happens is that if you receive a blow to the
24 chest, it could from a tennis ball, baseball or
25 a strike in the chest. If it hits at a certain

1 time during your regular heartbeat rhythm it
2 can cause your heart to go into an abnormal
3 rhythm and then into asystole or flat line.

4 Q. In that case is death instantaneous?

5 A. Yes.

6 Q. So if somebody was struck in the chest
7 three days prior to his death, that would not
8 be -- I can't pronounce the term that you used.

9 A. Right, that would not result in death by
10 commotio cordis. Commotio cordis happens at
11 the time, the death occurs at the time that the
12 blow is received.

13 Q. Is somebody were to have pushed someone to
14 the degree that they caused their neck to
15 wrench to the side, could that cause somebody's
16 death?

17 A. Yes.

18 Q. How would that occur?

19 A. That can happen if -- we know it more
20 commonly such as with diving accidents, where
21 you snap the neck. You damage the very top of
22 your spinal cord. Those are the areas that
23 control your heartbeat and your respiration.
24 So if you do snap or twist your neck in a
25 certain way to damage that part of your spinal

1 cord, that can result in instant death.

2 Q. Would that be anything inconsistent with
3 the autopsy report -- would that cause of death
4 have been inconsistent with that autopsy
5 report?

6 A. No, it would not.

7 Q. You said you had an opportunity to review
8 some of the slides?

9 A. Yes.

10 Q. Did you draw any conclusions from those?

11 A. The only slides that were submitted were
12 two pieces or areas taken from the scalp. One
13 was -- they both had changes of decomposition
14 and one area had some remnants of some
15 hemorrhage or bruising to the scalp.

16 Q. Would it be your opinion, based on what
17 you'd seen, that that could have been a head
18 trauma sufficient to cause death?

19 A. The scalp contusion itself would not have
20 been fatal. All you can say from the findings
21 is that this child had a large bruise on its
22 head. We cannot tell you if it happened the
23 day of death, if it happened two days before
24 death. You cannot date these bruises, and
25 especially it becomes more difficult when you

1 have changes of decomposition.

2 Q. Did you see anything in the autopsy report
3 that would support a finding that there was
4 axonal damage?

5 A. Axonal damage is damage, under the
6 microscope, to brain tissue itself. It is a
7 tearing or shearing to the brain tissue from an
8 injury. Because of the decomposition, we were
9 not -- Dr. Batalis was able to adequately
10 examine the brain under the microscope to look
11 for the axons. They had already broken down or
12 decomposed.

13 Q. So based on the autopsy report, would
14 death by axonal injury be any more likely than
15 death by asphyxiation?

16 A. No.

17 Q. Dr. Batalis discussed with us something
18 called a second concussion syndrome. I may
19 have said the term wrong. Is there something
20 similar to that?

21 A. Yes, and it's now -- it's termed second
22 impact syndrome, or SIS. We've heard a great
23 deal about it recently on the media, dealing
24 with the football players. It's a second
25 impact or a second concussion that you can

1 receive. It also happens in other types of
2 scenarios besides playing football, where an
3 individual receives a concussion, a blow to the
4 head and they may be knocked out, they may have
5 a memory loss or they may even remember the
6 event itself. But it is not fatal, there is no
7 bleeding to the head or anything like that.
8 But the second impact syndrome means that
9 between that point in time to about ten days to
10 two weeks later, if you receive another blow to
11 the head, that can be fatal because the first
12 blow has already started some changes, abnormal
13 changes in the brain. So the brain is already
14 compromised and more susceptible to a second
15 blow. That's why you will often hear of
16 players from high school on to the professional
17 league saying, 'well, if you suffer a
18 concussion, you've got to stay out of the game
19 for two weeks.' That's why, because we now
20 know that there is a second impact syndrome.
21 Q. So there is a second impact syndrome,
22 meaning that there has to be a second impact?
23 A. Yes.
24 Q. Is there a way to quantify how much impact
25 would be required to trigger -- how much

1 contact -- first of all, would the second
2 contact have to be with the head?

3 A. Yes.

4 Q. So contact with the neck or the back or
5 the chest would not trigger the second impact?

6 A. That's correct.

7 Q. So if somebody were to -- if a three-year-
8 old were to fall on their bottom and then fall
9 backwards against the wall, is there any way to
10 know whether or not that is sufficient, that
11 could have caused a sufficient impact with the
12 wall to trigger second impact?

13 A. A lot of variables are involved. It
14 depends on if the child -- how much force was
15 throw onto its bottom, how fast it fell back
16 against the wall, what the wall is made of. So
17 it's difficult to quantify. The only thing we
18 do know as far as second impact syndrome is
19 that studies have shown that the second impact
20 does not have to be as great as the first.

21 Q. Being popped on the head, is that going to
22 be enough?

23 A. It would depend on how much force the
24 child received from being hit on the head.
25 It's more than just a walking and you bump your

1 head on a doorframe or something like that.

2 You've got to receive a significant force.

3 Q. Okay. In your practice, have you ever --
4 if somebody suffered a seizure, would that have
5 been evident from an autopsy?

6 A. No. The only thing that it would be
7 evident is if there's a reason for the seizure,
8 such as a tumor. There might be an old scar in
9 the brain that would be the trigger, focus, the
10 site. Or maybe an area of bleeding in the
11 brain. But for instance epileptics that have a
12 seizure disorder, it is most common not to see
13 anything in the brain to the naked eye or under
14 the microscope, because a seizure is an
15 electrical disturbance. So you cannot see the
16 electricity at the time of autopsy.

17 Q. If somebody suffers from a seizure and
18 they are able to immediately get back out
19 there, playing or laughing, is that an
20 indication of the severity of the seizure?

21 A. It's an indication of the severity as well
22 as the type of seizure. If you have like a
23 grand mal seizure, then there's usually a
24 postictal stage where after you cease the
25 seizing, with the arms and the legs, etc., that

1 you become almost in this unconscious -- deep
2 sleep, rather. I don't want to say
3 unconscious. This deep sleep state. So most
4 seizure patients don't immediately get up and
5 just start playing, but it does depend on the
6 type of seizure that you have.

7 Q. So if you wake up from a seizure laughing
8 and playing, you're not going to fall into the
9 postictal coma state; is that correct?

10 A. Correct. If you have a seizure and then
11 after the seizure you are going about your
12 regular activities, you don't suddenly go into
13 that postictal state.

14 Q. Thank you.

15 MR. FALK: No further questions.
16 Please answer any question the State may have.

17 THE COURT: You may cross examine.

18 SOLICITOR HERRING-LASH: Just a
19 couple of questions.

20 CROSS EXAMINATION

21 BY SOLICITOR HERRING-LASH:

22 Q. Dr. Collins, in this case did you have the
23 opportunity to review this child's, Minor Victim
24 Williams', past medical records?

25 A. No, I did not.

1 Q. And did you have the opportunity to
2 interview any of the statements about any of
3 his behaviors or activities?

4 A. No, I did not.

5 Q. And the state of the body is the reason
6 that other causes of death can't be ruled in or
7 out?

8 A. That's correct. The post mortem interval,
9 the decomposition. Yes.

10 Q. And basically you would agree with the way
11 that Dr. Batalis called this case?

12 A. Yes, I do.

13 SOLICITOR HERRING-LASH: Those are
14 all the questions that I have.

15 THE COURT: Redirect.

16 MR. FALK: One question -- no
17 further questions. Thank you.

18 THE COURT: Okay. Do you wish Dr.
19 Collins to be excused?

20 MR. FALK: Yes, please.

21 THE COURT: Any objection?

22 SOLICITOR HERRING-LASH: No, Your
23 Honor.

24 THE COURT: Dr. Collins, thank you
25 very much. You are free to step down and free