

**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 III**

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## GRACE TROTMAN POLYGRAPH 7-7-2010

8 A. When he talked to her on the phone, he would take  
9 my phone and go into another room because on his phone,  
10 he has a play with him and Yaya playing, him crying in  
11 the background. And he made it sound like Drigues was  
12 -- he made it sound like to her that Drigues was still  
13 there.

14 Q. I got you, by playing this noise in the  
15 background?

16 A. Making it seem like -- saying, Drigues, stop  
17 crying and this and that so she can get that comfort to  
18 know that Drigues was there --

19 Q. I got you.

20 A. But, really, he wasn't.

21 Q. So what happened in the end here?

22 A. She came down Friday and we didn't know she was  
23 coming. She didn't let us know anything. But she told  
24 Box that she was already down here and that she wanted  
25 to see Drigues and her family wanted to see Drigues

1 because they hadn't seen him in about two or three  
2 months. And she said that she didn't talk to him for  
3 about a month, you see what I'm saying, from Friday, so  
4 it really was about to be a month --

5 Q. So what happened next?

6 A. So he was giving her the run around and telling  
7 her different things to try to hold off and try to get  
8 her to go back to Columbia without wanting Drigues.  
9 That was his plan.

10 Q. What happened?

11 A. It didn't work. She wasn't hearing it. She

## GRACE TROTMAN POLYGRAPH 7-7-2010

12 wanted to see her son and she felt that something  
13 happened to him, too. She didn't care. She wanted her  
14 son. He tried to give her money, she didn't want that.  
15 She wanted her son. And she was stressing it and he was  
16 stressing it to me and he was getting me to do all this  
17 conversation with the mama and everything --

18 Q. What were you telling the mama?

19 A. Telling her that Box wasn't ready for Drigues to  
20 go back and that he wanted to spend more time with him.  
21 And she was like, well, we understand that he want to be  
22 with his son and everything, but we just don't like the  
23 way he going about it. He can't just keep him away from  
24 her like that, you know. And I told them, I said, well,  
25 I understand where you coming from -

1 Q. What did y'all do after that?

2 A. It died down because it was getting nighttime.  
3 It kind of died down till that morning. And Box called  
4 me and told me that they're really stressing -- no, no,  
5 no, let me back track. That night, they called the  
6 police because she wanted her son. She told him -- she  
7 was like, Man, just chill. I'll give you \$300. You go  
8 back to Columbia and two days later, I'll bring Drigues  
9 to you. She wasn't hearing that. She wanted her son  
10 and she was not going to leave until she got her son.

11 Q. So what did y'all do?

12 A. What we did, he just kept trying --

13 Q. You don't need to think about this so much, tell  
14 me what y'all did.

15 A. I was at my aunt house, so there's not really  
16 much I can do but just over the phone. So when he told

## GRACE TROTMAN POLYGRAPH 7-7-2010

17 me that she called the police and everything, he told me  
18 to call and that's when the lady answered the phone and  
19 I was talking to her. And she was like, well, why does  
20 it seem like y'all are trying to give us the run around,  
21 let us know where y'all stay at. I said, well, she  
22 asked me what exit to get off on. I said 199B, which is  
23 the correct exit. She asked me what apartment we stayed  
24 in. I corrected her and I said, Nikki, we don't stay in  
25 no apartment, we stay in a house. So by me letting her

1 know all that, she said okay. You know what I'm saying.  
2 Like she knew the rest of the way if she were to get in  
3 that area.

4 So once they called back - or when I called back,  
5 you know, to see what was going on because Box wanted me  
6 to see if the police was really there. He didn't want  
7 to call. So I called to see -- just to listen to the  
8 background talking to them just to see if the police was  
9 really there. So then, that's when, she was like, we  
10 don't like how he going about it. We'll just battle it  
11 out in court because that's not right. And you know we  
12 understand he wants to be with his son and stuff like  
13 that, but he's not going about it the right way.

14 Q. So what did y'all decide to do next?

15 A. She told him that she was -- she told him that  
16 she already called the police. So that's what he told  
17 me, that's why he wanted me to call to see if the police  
18 was there. I told him, I said, well, I didn't really  
19 hear anything about the police and stuff, but I did --  
20 she did say that the police had the address. She did

## GRACE TROTMAN POLYGRAPH 7-7-2010

21 ask me what the address was. I said 133 Longborne way  
22 because they wasn't sure if they was at the right house.

23 Q. How did y'all get in Charleston?

24 A. You mean downtown? Box told me to go downtown.

25 Q. So what did you do?

1 A. I went downtown.

2 Q. With who?

3 A. With my two kids.

4 Q. And who else?

5 A. Just me and my two kids.

6 Q. And what happened?

7 A. Went downtown. My phone was going dead leading  
8 Nikki on by doing what Box was telling me to do and I  
9 did it.

10 Q. What did he tell you to do?

11 A. He told me to call her, ask her where she was at,  
12 and if she was on her way to Summerville, just still go  
13 to Charleston. Just still make sure I go to Charleston,  
14 no matter what she said, go to Charleston. So he gave  
15 me money to give to her and I had his clothes and the  
16 diapers and stuff already with me because he told me  
17 just to get some things together to try to make it seem  
18 like we bringing Drigues back to her --

19 Q. What is Box doing?

20 A. Chilling. He just didn't want to be in the scene  
21 because he had warrants and he knew that after 8:00 that  
22 morning, they was going to be able to file a warrant if  
23 he did not bring the child yet. So he didn't --

24 Q. So you go to Charleston, what happened next?

25 A. I get down to Charleston because I told her --

## GRACE TROTMAN POLYGRAPH 7-7-2010

1 she call me back and asked me where I was at. I told  
2 her I was on I-26 on my way to her. That was after she  
3 told me she ws on Rivers Avenue. But she called me back  
4 to ask me where I was. So I told her, I said, I'm on  
5 I-26. I said my phone is going dead, so I'm going to  
6 call you back when I get down there to save the juice on  
7 my phone so I can get in touch with you so you can meet  
8 up with me to meet Drigues.

9 Box then called me back and tells me if she asked  
10 why did you come downtown just tell her that her  
11 daughter -- that you -- that she told him that they had  
12 to take her daughter to downtown to where they stayed at  
13 and that's the reason why I went downtown.

14 Q. To take your daughter?

15 A. No, her daughter. She has a daughter, too.

16 Q. Okay.

17 A. That's older.

18 Q. Where was she?

19 A. She was on Rivers Avenue at Burger King. I just  
20 asked her where she was, what area she was in to see if  
21 she was on her way to Summerville or in Charleston.

22 Q. Rodrigues' mom has a daughter?

23 A. Uh-huh.

24 Q. And the daughter was with her?

25 A. I don't know if she was with her.

1 Q. You just had your two kids?

2 A. Yeah.

## GRACE TROTMAN POLYGRAPH 7-7-2010

3 Q. And you were in Charleston. What did Box tell  
4 you to do?

5 A. He told me the exit to get off on to get - he  
6 told me how to get to the Battery because I don't know  
7 downtown. So he told me what exit to get on, told me  
8 how to get downtown. And when I got there, he told me  
9 what to do, what to say.

10 Q. What did you do and say?

11 A. I did exactly what he told me to do.

12 Q. Which is what?

13 A. He told me to cut my phone off once I talked to  
14 her and told her I was on my way down there and that my  
15 phone was going dead. Before we even left -- when Box  
16 gave me the money, I talked to her on the phone. He had  
17 the same recording making it sound like Drigues was in  
18 the car with me on my way to her.

19 Q. I got you.

20 A. He was -- I'm telling you, he was the mastermind  
21 on everything.

22 Q. So what did you do when you got to Charleston,  
23 though?

24 A. I got to the Battery. I got all the kids -- my  
25 kids out the car. I started walking. I turned my phone

1 on and I got the text message from her saying that can  
2 you meet me at the Wal-Mart on Montague. So I called  
3 her and I let her know, I said, I'm down here on the  
4 Battery. I said, Box told me that you had to take your  
5 daughter downtown, so he told me to come down here. She  
6 was like, But I told you I was on Rivers Avenue. And I  
7 said Yeah. And Box told me to tell her that I missed

## GRACE TROTMAN POLYGRAPH 7-7-2010

8 the exit. And that's when I -- and I don't know  
9 downtown and can you meet me down here. Because he  
10 wanted the Battery to be the area where the missing  
11 report was going to be.

12 Q. So what did you do, you got down there, you got  
13 your kids out, you got the stuff out, started walking  
14 down the Battery, then what happened?

15 A. I called her and I told her where I was at. So  
16 she asked me if I knew any landmarks or any grocery  
17 stores and stuff like that. I said, No, I don't see  
18 anything like that. I just know I'm on the Battery and  
19 I said, I see a sign that says City of Charleston. So  
20 she was like, well, do you know where the Water Front  
21 Park at? I said, No. She said the Battery kind of  
22 turns into it if you keep going. I said, I'm staying  
23 here. I don't know downtown like that. Which is true,  
24 I don't.

25 Q. Okay.

1 A. You know what I'm saying. So she was like, Okay.  
2 She talked to her mom and everything and she said, All  
3 right. We on our way down there. So then Box calls me  
4 back after that or I call him back -- I called him back.  
5 So he told me the next step to do --

6 Q. What number did you call him on, his phone?

7 A. Uh-huh.

8 Q. And you called from your phone?

9 A. Right. I called him back. He told me the next  
10 step to do. He said find a bystander that I can chose  
11 to say did you see the little boy run off. And he was

## GRACE TROTMAN POLYGRAPH 7-7-2010

12 like, Do you see -- who do see, he said, is there a lot  
13 of people. Do you see people and stuff like that. He  
14 said find an area where you can find a group of people  
15 and just file the missing report like that and try to  
16 say did you see a little boy run off, this and that. So  
17 --

18 Q. So you found somebody to say did you see a  
19 missing boy?

20 A. (Defendant nodded).

21 Q. What did you do after that?

22 A. I stand there while they searching. I told them  
23 what he had on, which we came up with it, a red collared  
24 shirt, blue shorts and black shoes. That's what our  
25 agreement was that he had on. And he had hair in locks.

1 Then a lady was like, well, I think see a little boy  
2 running with a red shirt over there. So everybody  
3 searching. I already called the police and tell the  
4 police that --

5 Q. How did you call them?

6 A. I called off the -- one of the people that was  
7 helping me cell phone.

8 Q. You called 911?

9 A. Uh-huh, because my phone was going dead.

10 Q. Okay. So the bystander, she let you use it to  
11 call 911?

12 A. Right. Right.

13 Q. So you called 911 for him, then what happened?

14 A. Told the police what happened and they said they  
15 would send somebody out. It took a minute. While  
16 everybody -- you know what I'm saying, people that was

## GRACE TROTMAN POLYGRAPH 7-7-2010

17 standing by me was talking to everybody else, if you see  
18 a little boy with a red collared shirt about yeh high,  
19 look just like her, because my daughter was standing  
20 there, too, please let us know, bring him here.  
21 Everybody was telling everybody. Everybody was trying  
22 to help out. It took a little minute.

23 We saw the police office, but he kept going.  
24 Because the lady told me when I was on the phone with  
25 911, she asked me what road it was on. So the lady went

1 to go see. It was East Battery that we was on, but it  
2 was saying south something, so we told her -- she said  
3 it's south something. So I told them south something.  
4 So we saw the police officer going this way, but we  
5 couldn't get his attention, so we had to wait. So he  
6 came around and we didn't see him for a while.

7 So I got her phone again, I called 911 back and I  
8 said, we saw a police officer, but he drove off and I  
9 don't know if that's the police officer that's supposed  
10 to come. When I was on the phone with them, that's when  
11 I saw the police officer, I was like, Okay, I think I  
12 see him coming now.

13 Q. So the police pulls up?

14 A. I waved to make sure he saw where we was at and  
15 he stopped and he came to me.

16 Q. And you told him that story that you made up?

17 A. (Defendant nodded).

18 Q. He took a report from you?

19 A. No, he never wrote nothing down or nothing like  
20 that.

## GRACE TROTMAN POLYGRAPH 7-7-2010

21 Q. So the next thing you know, all kind of people  
22 interviewing you and here you are?

23 A. Yeah.

24 Q. Why did y'all make up the story about falling  
25 down the steps, whose idea was that --

1 A. No, I never said -- oh, Box, Box told me. He  
2 said if anything was to happen and they was to look at  
3 the autopsy report, just because of the fact that he  
4 kept hitting him in the head and stuff, he was like if  
5 they was to look at the autopsy report and it was any  
6 injury of his head of why he died, that was going to  
7 back his story up.

8 Q. Okay. Anything else you want to add?

9 A. That's it.

10 Q. Anything you left out?

11 A. No.

12 Q. If Box comes in and tells us all the complete  
13 truth, which I think he probably already has, his story  
14 is going to be the same as yours?

15 A. (Defendant nodded).

16 Q. I'll be right back. Don't forget you've got your  
17 water down there.

18 (WHEREUPON, Captain Baggett leaves the room).

19 (WHEREUPON, Captain Baggett enters the room).

20 DEFENDANT TROTMAN: To tell you the truth, I do  
21 feel a lot better.

22 BY CAPTAIN BAGGETT:

23 Q. You should feel better.

24 A. And I know I'm going to pass this test.

25 Q. You've been holding onto a lot and you should  
Page 132

## GRACE TROTMAN POLYGRAPH 7-7-2010

□

1 feel a lot better. Let me ask you something. How much  
2 practice did it take for the two of you to have this  
3 story so good?

4 A. When he started -- when Nikki started pressuring  
5 him that he really wanted -- that she really wanted her  
6 child and that she wasn't going back to Columbia until  
7 she got him, he started getting scared. He started  
8 getting nervous. But because I was at my aunt's house,  
9 I didn't feel the same way because she was putting the  
10 pressure on him. So I didn't feel the same way. I felt  
11 calm and I felt everything was going to work itself out  
12 because I already had turned myself to God weeks ago. I  
13 was trying to get my life right because I knew something  
14 bad was going to happen. And I knew eventually it was  
15 going to come out. Whatever's done in the dark comes to  
16 the light sooner or later.

17 Q. Okay.

18 A. Regardless of a year later or 20 years later.

19 Q. So how did y'all get your story down so good?

20 A. He came up with a way -- he came up with how we  
21 was going to do it. He said he was going to get a  
22 rental car for me, get my cousin to get a rental car in  
23 her name for us, come pick me up from the house, take me  
24 back to drop her off to the rental place to get her car  
25 and I was to meet up with him, get the money from him.

□

1 I had the clothes in the car ready when she came and  
2 picked me up and called Nikki. And we called Nikki off

GRACE TROTMAN POLYGRAPH 7-7-2010

3 my phone to listen to Drigues in the background. And  
4 then once we did that, I was on my way.

5 Q. How many times did y'all go over the story and  
6 practice it?

7 A. Not very -- everything was -- I kept calling him.  
8 If y'all look at the phone records, kept calling him,  
9 kept calling him, kept calling him, back and forth, back  
10 and forth.

11 Q. So from the time that he died and y'all put him  
12 in the trash can and filled it up --

13 A. Box.

14 Q. -- and loaded the trash can up --

15 A. Box.

16 Q. -- it wasn't a whole lot of practice on what you  
17 were going to say to people?

18 A. Yeah, he had his story together about the falling  
19 down the stairs because he --

20 Q. How many times did y'all go through the story?

21 A. We talked about it once. Like, he really didn't  
22 want to talk about it. He didn't really want it to be  
23 on his mind like that because he was thinking about  
24 getting his money together. He was more concerned about  
25 that. He knew if he had money in his pocket, he would

1 have been able to do more with Drigues to make sure the  
2 story was tight. And because his money --

3 Q. (Inaudible).

4 A. Like nobody was ever going to find him. We was  
5 going to do the missing report and everything was going  
6 to go through. That's why he felt like he needed money  
7 to do all that to get a rental car because we was out of

Page 134

## GRACE TROTMAN POLYGRAPH 7-7-2010

8 a car, we didn't have no car.

9 Q. What was the rental car for?

10 A. For me to go to pick -- for me to be able to pull  
11 off the missing report and have a car to get to the  
12 police, get downtown.

13 Q. Because you didn't have a car?

14 A. Right.

15 Q. Now, the rental car --

16 A. And he lied and told Nikki that I was in North  
17 Carolina with Drigues because the night that -- that  
18 same night, that Monday she was at our house, I told her  
19 I was at my aunt' house all weekend long and that I  
20 worked 12-hour shifts, which was the truth. Then Box  
21 turned around and told me, Man, I -- he's like, Look,  
22 man, I keep lying to her, man. I don't know what to do.  
23 I'm getting scared, this, this and that. And he was  
24 like, Man, I told her that you was in North Carolina and  
25 I was scared, I didn't know how she would feel about

1 Drigues being in North Carolina with you. And I'm  
2 saying, Box, why would you do that when I just told the  
3 girl the truth about where I was at all weekend. I have  
4 not seen you since Friday. And that was the truth.

5 Q. So y'all kind of had the story messed up, didn't  
6 you?

7 A. Yeah, he kept lying to her, telling her different  
8 things. Then he turned around and was like well, this  
9 is what we going to do. I'm going to lie to her and  
10 tell her you was in North Carolina, but when we get to  
11 the story and she ask us -- if she was to ask us, this

## GRACE TROTMAN POLYGRAPH 7-7-2010

12 is what we're going to say, that me and him got into it  
13 because of the fact that he didn't want me to start  
14 working. And I get a job and then I said I was going to  
15 North Carolina. I was leaving. But instead, he was  
16 like you went to your aunt's house and he didn't know  
17 that I went to my aunt's house and I started my job  
18 anyway without him knowing that I was at my aunt's house  
19 the whole weekend. And he found out later on that  
20 that's where I was. So he still was trying to say that  
21 -- even all the way to Tuesday with me going to the  
22 Battery, that was the car that I was supposed to have  
23 coming back from North Carolina, but, really, we just  
24 got the rental car that afternoon.

25 Q. Just for this lie?

1 A. Just for this lie.

2 Q. Who else was involved in this?

3 A. Just me, him and-- just me and him.

4 Q. And who, you were getting ready to say who?

5 A. No, I was about to say my kids, but they had  
6 nothing to do with this. They were just like innocent  
7 bystanders. They was in the car with me to make it look  
8 like I had my kids with me, which they was always with  
9 me anyway.

10 Q. Okay.

11 A. He wanted to bring people in, but he was like no.

12 Q. Let me ask you something. If there's just one  
13 little thing left out, it's going to matter?

14 A. Yeah.

15 Q. What's left out?

16 A. Nothing else. Nobody else was involved. Sabrina  
Page 136

## GRACE TROTMAN POLYGRAPH 7-7-2010

17 didn't know what was going on, she was just getting a  
18 rental car for him.

19 Q. Sabrina who?

20 A. That's my cousin.

21 Q. What's her name?

22 A. Sabrina Smith.

23 Q. Sabrina Smith?

24 A. She was --

25 Q. So that's the name the rental car is in?

1 A. Uh-huh.

2 Q. What kind of car was it?

3 A. An A-V-E-O. I don't know how to pronounce, but I  
4 know it's A-Z-E-O.

5 Q. What color?

6 A. Gray, it's a little small car.

7 Q. Where did she rent it?

8 A. From the Enterprise on Main Street.

9 Q. Main Street in Summerville?

10 A. Summerville.

11 Q. And that's whose name that car's in? when they  
12 go check, that's it?

13 A. Yes.

14 Q. Sabrina?

15 A. Sabrina.

16 Q. Smith?

17 A. (Defendant nodded).

18 Q. Anything else you left out?

19 A. No, it was just me and him involved.

20 Q. That's it?

## GRACE TROTMAN POLYGRAPH 7-7-2010

21 A. He told me everything to do step by step. His  
22 phone was going dead, my phone was going dead, so we had  
23 to talk fast, that's why the situation Tuesday wasn't  
24 prepared. Everything was going -- telling me -- you  
25 know, going by what he said. I was like you got to talk

1 fast, my phone is going dead. I wanted to make sure  
2 that I was doing everything right because I didn't want  
3 it to backfire on me.

4 Q. All right.

5 A. So that's why I said, talk, talk fast, I didn't  
6 know what to do.

7 Q. And all the phone records, all the rental car  
8 records, the rental truck records, all that's going to  
9 be the same?

10 A. Yes.

11 (WHEREUPON, Captain Baggett leaves the room).

12 (WHEREUPON, Defendant Trotman says a prayer out  
13 loud).

14 (WHEREUPON, Captain Baggett enters the room).

15 BY CAPTAIN BAGGETT:

16 Q. Grace, we've had to talk so much about this, I'm  
17 not going to do the test today?

18 A. No, I'm really ready.

19 Q. I know you want to do it and I want to do it for  
20 you. But because we've had so much conversation about  
21 it, it's probably best if you get a little rest and  
22 we'll do it another time. We can do it anytime really?

23 A. I really would like to do it now.

24 Q. I know you want to.

25 A. But they're not going to let me?

## GRACE TROTMAN POLYGRAPH 7-7-2010

- 1 Q. Well --
- 2 A. I told the truth about everything and I'm ready  
3 to take it.
- 4 Q. Well, we really --
- 5 A. I'm really ready to take it. I really am.
- 6 Q. You didn't withhold no more information?
- 7 A. No more information.
- 8 Q. If you really want to take it --
- 9 A. I want to take it.
- 10 Q. -- we can let you take it tomorrow?
- 11 A. I want to take it now.
- 12 Q. You want to take it now?
- 13 A. I want to take it now.
- 14 Q. You going to pass it?
- 15 A. Yes, I am.
- 16 Q. You are?
- 17 A. Yes.
- 18 Q. Let's see if you feel that way tomorrow. We've  
19 got a detective that's going to come get you. Tell you  
20 what, give me just one more minute.
- 21 (WHEREUPON, Captain Baggett leaves the room).
- 22 (WHEREUPON, Captain Baggett enters the room).
- 23 BY CAPTAIN BAGGETT:
- 24 Q. Grace, listen, I don't have a reason to not  
25 believe what you're telling us, but you just have to

1 trust me that I'm not doing the test for your benefit  
2 right now today because of all the stuff we've been

## GRACE TROTMAN POLYGRAPH 7-7-2010

3 through. We got a little bit emotional here and it took  
4 a little while to get straight, but we can do it  
5 tomorrow if you want to. All you got to do is let them  
6 know you want to take it?

7 A. Okay.

8 Q. And I'll have them bring you right back up here.

9 A. Does this make me a bad person?

10 Q. You know, any time you do what's right, even if  
11 you go through the wrong step, if you do what's right,  
12 who can say anything to you?

13 A. I mean, do you really feel like I hurt him and if  
14 I did, I was the cause of it. I need to know if I'm the  
15 cause of it. That's really what's on my mind because of  
16 what happened.

17 Q. I'm not really the person to ask about that, I  
18 don't know because I wasn't there. As far as the test,  
19 it's not going to be a good idea to do it today. All  
20 right?

21 A. I can wait till tomorrow.

22 Q. You got anything else you want to say?

23 A. No.

24 Q. Okay.

25 (WHEREUPON, the interview was concluded).

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GRACE TROTMAN POLYGRAPH 7-7-2010

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GRACE TROTMAN 7-6-2010 INTERVIEW

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TRANSCRIPTION OF VIDEOTAPED INTERVIEW  
CONDUCTED ON JULY 6, 2010  
10:28 p.m. - 11:35 p.m  
OF GRACE TROTMAN

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TRANSCRIBED FROM DVD  
BY PENNY M. JOHNSON, CERTIFIED COURT REPORTER

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Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>2</sup>

1 DETECTIVE LYCZANY: He's a big nine months.  
2 DEFENDANT TROTMAN: I know, everybody says that.

## GRACE TROTMAN 7-6-2010 INTERVIEW

3 DETECTIVE LYCZANY: And the father?  
4 DEFENDANT TROTMAN: Roger Williams.  
5 DETECTIVE LYCZANY: And what's his date of birth?  
6 DEFENDANT TROTMAN: 12/19/1980.  
7 DETECTIVE LYCZANY: Okay. And so, obviously, you've  
8 known Roger Williams for, at least, two years?  
9 DEFENDANT TROTMAN: well, we live together.  
10 DETECTIVE LYCZANY: Okay. Tell me about the missing  
11 child.  
12 DEFENDANT TROTMAN: He is -- his name is Rodrigues  
13 Williams.  
14 DETECTIVE LYCZANY: Roger Williams?  
15 DEFENDANT TROTMAN: Rodrigues.  
16 DETECTIVE LYCZANY: Rodrigues?  
17 DEFENDANT TROTMAN: Uh-huh. I'm not really sure how  
18 you spell that, though.  
19 DETECTIVE LYCZANY: I'll guess. Williams?  
20 DEFENDANT TROTMAN: Uh-huh. He is also two years  
21 old.  
22 DETECTIVE LYCZANY: Two years old. Okay. Roger the  
23 father?  
24 DEFENDANT TROTMAN: Yes.  
25 DETECTIVE LYCZANY: Who's the mother?

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>3</sup>

1 DEFENDANT TROTMAN: I only know her as Nikki. I  
2 don't know her real name or her nickname. I just know  
3 her by Nikki. I don't know her last name or anything.  
4 DETECTIVE LYCZANY: Nikki. Okay. All right. How  
5 did -- how did this -- what happened?  
6 DEFENDANT TROTMAN: Tonight?  
7 DETECTIVE LYCZANY: Yeah, what happened tonight?  
Page 2

## GRACE TROTMAN 7-6-2010 INTERVIEW

8 DEFENDANT TROTMAN: Okay. I was -- I went to go pick  
9 up his child from him because Rodrigues was with his  
10 dad. I picked him up from the old movie theatre on  
11 Ashley Phosphate. And I picked him up to send him to  
12 his mom to get him because she was going back to  
13 Columbia. And when I got him, I called her and I told  
14 her I was on the way, that I was on the I. She said that  
15 she was -- I asked her where she was at and she said she  
16 was on Burger King on Rivers. Not thinking she wanted  
17 me to come there, I was just asking her where she was in  
18 the area because I know Box told me -- well, that's his  
19 nickname, that she was supposed to be coming towards  
20 Summerville. And when I called her, she was already in  
21 Charleston, so I told her I was coming down there.

22 DETECTIVE LYCZANY: Okay.

23 DEFENDANT TROTMAN: So I also told her that my phone  
24 was not charged, you know, full charge and my phone was  
25 about to go dead.

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>4</sup>

1 DETECTIVE LYCZANY: This is Nikki?

2 DEFENDANT TROTMAN: Yes. I called her and told her  
3 that my phone was about to go dead.

4 DETECTIVE LYCZANY: What's your phone number, do you  
5 know offhand?

6 DEFENDANT TROTMAN: 735.

7 DETECTIVE LYCZANY: 735?

8 DEFENDANT TROTMAN: 2943.

9 DETECTIVE LYCZANY: 2943, okay.

10 DEFENDANT TROTMAN: So I called her and I told her  
11 that I was on my way. And, of course, her little boy

## GRACE TROTMAN 7-6-2010 INTERVIEW

12 was crying in the background, so she heard him and  
 13 everything like that. And I told her, I said, well, my  
 14 phone about to go dead. The little bit of juice that I  
 15 have, I want to keep it so when I get down there I can  
 16 call you and ask you where you at. So she was like,  
 17 Okay. So I turned the phone off to keep the juice.  
 18 So once I got downtown and I was talking to his dad  
 19 on trying to find out where I was going, that's when he  
 20 told me that her daughter -- they lived downtown, that's  
 21 where they're from, and that she had to bring her  
 22 daughter downtown or something like that he was telling  
 23 me. I was only going by what he said. So that's why I  
 24 went downtown.

25 DETECTIVE LYCZANY: That Roger said?

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>5</sup>

1 DEFENDANT TROTMAN: Yes. So after I got off the  
 2 phone with him, I just got off on Meeting Street exit  
 3 and just kept going straight, which led me to the  
 4 Battery. So that's when I let her know -- I called her  
 5 and let her know I'm at the Battery. I said, I don't  
 6 know my way downtown like that, so I said, is there any  
 7 way you can come where I'm at, you know what I'm saying,  
 8 because I don't know where I'm at? And she was like,  
 9 well, what part of the Battery are you on? And I said,  
 10 well, I just know there's this big green sign that says  
 11 City of Charleston. So she was like -- well, she told  
 12 her mama or whatever that she didn't know -- telling her  
 13 what I said and everything. And she was like, Well, do  
 14 you know where the water Front Park at? And I said, No.  
 15 So she was like, Okay. She was like, It's right there,  
 16 but she was like, all right, we're on our way.

Page 4

## GRACE TROTMAN 7-6-2010 INTERVIEW

17 So as soon as I got off the phone with her, I turned  
18 around to look and see if everybody was together and  
19 when I looked, he was not there. Now, from his mom and  
20 his dad, I have had -- I have heard them say that he has  
21 a history of running off. But, me, I've been an at-home  
22 mom for like two years, so I only be home with my kids.  
23 And when I watch him, I be home with my kids, you see  
24 what I'm saying?

25 DETECTIVE LYCZANY: Uh-huh.

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>6</sup>

1 DEFENDANT TROTMAN: So this is my first time actually  
2 being out in public like that with him, not -- you know  
3 what I'm saying, not being able to, you know what I'm  
4 saying, like seeing him running off. Like they'd been  
5 in the mall several times, he'd run off. And she would  
6 say, you can't control him and stuff like that.

7 DETECTIVE LYCZANY: Nikki would tell you this?

8 DEFENDANT TROTMAN: She would tell the baby daddy  
9 that, Roger.

10 DETECTIVE LYCZANY: Uh-huh.

11 DEFENDANT TROTMAN: She would tell him that and he  
12 would just let me know because I watch him, too, let me  
13 know a little bit more about him, more and more, because  
14 we just found out last year that he was his.

15 DETECTIVE LYCZANY: Okay.

16 DEFENDANT TROTMAN: Right.

17 DETECTIVE LYCZANY: Okay. So let's back up a little  
18 way. I just want to make sure -- because, understand,  
19 I'm coming in this -- I don't know you from anybody --

20 DEFENDANT TROTMAN: Right.

GRACE TROTMAN 7-6-2010 INTERVIEW

21 DETECTIVE LYCZANY: -- nothing, nothing here.

22 DEFENDANT TROTMAN: Right.

23 DETECTIVE LYCZANY: So you had picked up Rodrigues --

24 DEFENDANT TROTMAN: Right.

25 DETECTIVE LYCZANY: -- from Roger --

7

Interview of Grace Trotman by Detective Lyczany 07/06/2010

1 DEFENDANT TROTMAN: Right.

2 DETECTIVE LYCZANY: -- at the movie theatre?

3 DEFENDANT TROTMAN: The old movie theatre.

4 DETECTIVE LYCZANY: The old movie theatre?

5 DEFENDANT TROTMAN: Yes.

6 DETECTIVE LYCZANY: Okay. Where's that at?

7 DEFENDANT TROTMAN: Off of Ashley Phosphate, the old

8 movie theatre.

9 DETECTIVE LYCZANY: What was he doing there?

10 DEFENDANT TROTMAN: That's where he just told me to

11 meet him at to get -- you know what I'm saying, to pick

12 him up.

13 DETECTIVE LYCZANY: Oh, to pick him up?

14 DEFENDANT TROTMAN: Yeah, to get Drigues to take him

15 to his mom, right.

16 DETECTIVE LYCZANY: And that's off Ashley Phosphate?

17 DEFENDANT TROTMAN: Uh-huh.

18 DETECTIVE LYCZANY: Okay. Well, let me back up a

19 little bit more. Do you and Roger live together?

20 DEFENDANT TROTMAN: Uh-huh.

21 DETECTIVE LYCZANY: Oh, okay. So he's got -- what

22 kind of car does Roger have?

23 DEFENDANT TROTMAN: A black Infinite, a 2000 -- a

24 2006 black Infinite that is not working -- I mean, it

25 works, but there's something wrong with it, like the

## GRACE TROTMAN 7-6-2010 INTERVIEW

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>8</sup>

1 window -- the back window is broke or whatever, so we  
2 had to wait to --

3 DETECTIVE LYCZANY: So it doesn't drive?

4 DEFENDANT TROTMAN: No, he don't drive it, no.

5 DETECTIVE LYCZANY: So how did he get to the old  
6 movie theatre?

7 DEFENDANT TROTMAN: His friends, I don't -- I really  
8 don't know. To tell you the truth, I just know I met up  
9 with him and he was walking with me -- he walked the kid  
10 to the car, put him in the car, told me where to meet  
11 her at, told me --

12 DETECTIVE LYCZANY: Was anybody there?

13 DEFENDANT TROTMAN: Around, no. I didn't see anybody  
14 around.

15 DETECTIVE LYCZANY: Okay. So Roger already made  
16 arrangements with Nikki, is that what you're saying?

17 DEFENDANT TROTMAN: Uh-huh.

18 DETECTIVE LYCZANY: To where to get the child?

19 DEFENDANT TROTMAN: I'm not sure about that, to tell  
20 you the truth. I just know he told me that her little  
21 girl, they going to take her downtown or something --

22 DETECTIVE LYCZANY: Okay, I'm confused. That's all  
23 right. That's okay. That's why I'm trying to -- pardon  
24 me, I'm just -- it's been a long day.

25 DEFENDANT TROTMAN: That's why I called Nikki and

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>9</sup>

1 asked her where she was at. She already told me she was  
2 in the Charleston area because at the same time, they

## GRACE TROTMAN 7-6-2010 INTERVIEW

3 was supposed to come up to Summerville, so that's why I  
4 called her to ask her where she was at. So since she  
5 was already in the Charleston area, I told her I would  
6 come to her.

7 DETECTIVE LYCZANY: Okay. Are you familiar with  
8 Charleston at all?

9 DEFENDANT TROTMAN: Downtown?

10 DETECTIVE LYCZANY: Yeah.

11 DEFENDANT TROTMAN: No, not really, no.

12 DETECTIVE LYCZANY: Okay. So you and Nikki are  
13 talking and what did she tell you?

14 DEFENDANT TROTMAN: She asked me -- I told her -- you  
15 talking about like once I was on the Battery talking to  
16 her?

17 DETECTIVE LYCZANY: Well, I mean, once you -- when  
18 was the first conversation you had with her today?

19 DEFENDANT TROTMAN: The first conversation that I had  
20 with her is when I was telling her I was on my -- I was  
21 asking her where she was at.

22 DETECTIVE LYCZANY: Okay. And about what time was  
23 that? After you picked up Roger -- or Rodrigues --

24 DEFENDANT TROTMAN: Uh-huh.

25 DETECTIVE LYCZANY: -- or before?

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>10</sup>

1 DEFENDANT TROTMAN: Right.

2 DETECTIVE LYCZANY: You already had Rodrigues --

3 DEFENDANT TROTMAN: Right.

4 DETECTIVE LYCZANY: -- in your car?

5 DEFENDANT TROTMAN: Right.

6 DETECTIVE LYCZANY: Okay. All right. And you called  
7 her up and what was the conversation?

Page 8

## GRACE TROTMAN 7-6-2010 INTERVIEW

8 DEFENDANT TROTMAN: I asked her where she was at and  
9 she told me she was in Charleston off of Rivers Avenue  
10 at the Burger King. And I was like, Okay, I'm on my way  
11 -- I'm on that way -- I'm on my way to Charleston. And  
12 she was like, Okay. So that was the first conversation.

13 DETECTIVE LYCZANY: Okay. And then there was another  
14 conversation?

15 DEFENDANT TROTMAN: She called me, she asked me where  
16 I was at and I told her I was on the I. And I said,  
17 Well, my phone is about to go dead. I said, I want to  
18 keep the juice that I have so when I get down there, I  
19 can figure out where you at, you can figure where I'm at  
20 before my phone go dead.

21 DETECTIVE LYCZANY: Okay.

22 DEFENDANT TROTMAN: So she was like, Okay. So I cut  
23 the phone off to keep the juice. Once I got down there,  
24 I called her like I said I would.

25 DETECTIVE LYCZANY: So you got off on Meeting Street?

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>11</sup>

1 DEFENDANT TROTMAN: Uh-huh.

2 DETECTIVE LYCZANY: Meeting Street --

3 DEFENDANT TROTMAN: I just kept going straight on the  
4 I and got off on Meeting Street, and I just made that  
5 right and kept going straight down.

6 DETECTIVE LYCZANY: Okay. You were on Meeting  
7 Street?

8 DEFENDANT TROTMAN: Because I know she lives off --  
9 if I'm not mistaken, I know her mom -- where she used to  
10 say at, she -- either you made a right or a left. And I  
11 wasn't really sure if it was a right or a left, but I

## GRACE TROTMAN 7-6-2010 INTERVIEW

12 knew somewhere off of Meeting Street -- you turned off  
13 of Meeting Street to get to her house.

14 DETECTIVE LYCZANY: Okay.

15 DEFENDANT TROTMAN: So I guess I made -- of course, I  
16 made the wrong turn. I just kept going straight --

17 DETECTIVE LYCZANY: Okay.

18 DEFENDANT TROTMAN: -- and hit the Battery.

19 DETECTIVE LYCZANY: Okay.

20 DEFENDANT TROTMAN: So I just called her and let her  
21 know that I was down -- you know, I said, I'm already  
22 downtown, y'all already stayed downtown, so just meet me  
23 at the Battery.

24 DETECTIVE LYCZANY: Okay.

25 DEFENDANT TROTMAN: I thought that would have been

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>12</sup>

1 easier for them, too.

2 DETECTIVE LYCZANY: So you drove on Meeting Street  
3 pretty much as far as you could go?

4 DEFENDANT TROTMAN: Yeah.

5 DETECTIVE LYCZANY: Okay.

6 DEFENDANT TROTMAN: And that's when I got to the stop  
7 sign -- you know, as I was coming, I saw either you had  
8 to go this way or that way --

9 DETECTIVE LYCZANY: Right.

10 DEFENDANT TROTMAN: -- and I went that way, I just  
11 went around. I was like, well, let me go ahead and  
12 park. And I was like, well, since we at the Battery,  
13 let's -- I'll walk around, you know, wait until his mom  
14 came down here. And that was basically it.

15 And then when I talked to her, let her know I was  
16 down here and everything. Once I got off the phone with  
Page 10

## GRACE TROTMAN 7-6-2010 INTERVIEW

17 her -- she said that -- she was like, Never mind -- I  
18 heard her mom in the background say, Never mind, you  
19 know, just let her stay right there, we on the way.

20 And once I got off the phone with her, I turned  
21 back around to make sure everybody was there and he  
22 wasn't there.

23 DETECTIVE LYCZANY: Okay. So you went on Meeting  
24 Street as far as you could go?

25 DEFENDANT TROTMAN: Uh-huh.

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>13</sup>

1 DETECTIVE LYCZANY: You drove around, you said?

2 DEFENDANT TROTMAN: Right. I just was trying to find  
3 a parking spot, so I just parked somewhere. And I got  
4 all the kids out the car. I fastened my baby in the  
5 seat and everything and we just started walking.

6 DETECTIVE LYCZANY: Got up on the Battery, right?

7 DEFENDANT TROTMAN: Uh-huh.

8 DETECTIVE LYCZANY: I mean, you tell me.

9 DEFENDANT TROTMAN: Yeah, we got up -- I parked the  
10 car, got the kids out the car, put my baby in the  
11 stroller. Made sure I had his stuff with me so when we  
12 did meet up, she had his clothes, his clothes and his  
13 diapers and everything, and his shoes and he was with  
14 me. And I even had money in my pocket to give to her  
15 from Box.

16 DETECTIVE LYCZANY: Okay.

17 DEFENDANT TROTMAN: You know what I'm saying, so, I  
18 guess, whatever he needs she's giving him money --

19 DETECTIVE LYCZANY: And Box is Roger?

20 DEFENDANT TROTMAN: Yes.

## GRACE TROTMAN 7-6-2010 INTERVIEW

21 DETECTIVE LYCZANY: Okay. All right. Tell me about  
22 how this is going on.

23 DEFENDANT TROTMAN: So I'm walking with the kids.  
24 We're having a good time just walking and stuff. And --

25 DETECTIVE LYCZANY: About how long were you walking?

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>14</sup>

1 DEFENDANT TROTMAN: We just got out the car and I  
2 just started walking, talking on the phone. And I  
3 called -- and I made sure I called her and let -- once I  
4 -- I cut my phone back on, that's when I got her text  
5 message saying that can you meet us at the Wal-Mart on  
6 Montague. So that's when I got her text message. I  
7 called her and I told her, I said, well, I'm not -- I'm  
8 downtown, you know what I'm saying, because of what Box  
9 told me, I'm downtown. And I said, I'm on the Battery,  
10 I said -- but she was like, what part of the Battery?  
11 And see, I ain't even know it was different parts of the  
12 Battery. I was like, well, I just know this sign I'm  
13 looking at says the City of Charleston. So I told her  
14 that.

15 And so I guess she was talking to her mom or  
16 whatever in the background and everything. And she  
17 asked me did I knew where the Water Front Park was, and  
18 she said, It's right there by the Battery. And I said,  
19 well, I don't -- I said, I'm not really sure. First,  
20 she wanted me to ask somebody, but then they turned  
21 around and they was like, Don't worry about it, just  
22 stay there, we coming. So I was like, Okay. So they  
23 was on their way to me.

24 DETECTIVE LYCZANY: She texted you and told you to  
25 meet you at the Wal-Mart?

Page 12

## GRACE TROTMAN 7-6-2010 INTERVIEW

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>15</sup>

1 DEFENDANT TROTMAN: Yeah, she was asking me if I  
2 could meet them at the wal-Mart on Montague.

3 DETECTIVE LYCZANY: Why do you think she'd do that  
4 after she had told you to come to Charleston?

5 DEFENDANT TROTMAN: Exactly. She was already -- she  
6 said she was already -- she tried to say that she told  
7 me to come to Rivers Avenue to Burger King. But I just  
8 asked her where she was just to know if she was in  
9 Summerville or Charleston because of what Box told me.  
10 Either she was on her way up here or she was going down  
11 there. So he was like, well, just call her and ask her  
12 where she's at. And that's what I did. And she told me  
13 she was at Rivers Avenue, Charleston area. So I was  
14 like, well, I'm coming that way. I can come that way.  
15 I can meet you. And that's what I told her. And then  
16 when I told her when I got -- I told her my phone was  
17 going dead and I told her I wanted to save the juice.  
18 So she understood all that, she said okay.

19 Then once I got on the Battery, I cut my phone  
20 back on, that's when I saw the text from her saying --  
21 because I had -- I kept calling -- I had to keep calling  
22 Box to try to figure out what was going on. So that's  
23 when he told me about the little girl, about her little  
24 girl. Remember I told you, her little girl, she was  
25 staying at -- they had to take her back downtown. So he

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>16</sup>

1 was like, well, just go downtown and meet her downtown.  
2 So I'm going by what he said, not thinking about Rivers

## GRACE TROTMAN 7-6-2010 INTERVIEW

3 Avenue Burger King. Because that's all -- I just asked  
 4 her where she was at, I didn't know if she wanted to  
 5 meet me there or not. That's why I told her, I said,  
 6 well, let me save the juice so when I get down here, I  
 7 can call you and we can figure out where we're at and we  
 8 can meet up. 'And that was the conversation then.

9 DETECTIVE LYCZANY: Okay. So Roger was making all  
 10 these plans -- Box is making all these plans with her?

11 DEFENDANT TROTMAN: Right.

12 DETECTIVE LYCZANY: You didn't know about it or --

13 DEFENDANT TROTMAN: Right. I was just going by what  
 14 he was telling me.

15 DETECTIVE LYCZANY: But when you left the old movie  
 16 theatre, where were you going?

17 DEFENDANT TROTMAN: I called her and that's when I  
 18 was on my way to Charleston.

19 DETECTIVE LYCZANY: And she said come down to  
 20 Charleston?

21 DEFENDANT TROTMAN: No, she didn't say come down to  
 22 Charleston, she just told me where she was at because  
 23 that's what I asked her. So she told me what I asked  
 24 her, you know what I'm saying. I asked her, I said,  
 25 where are you right now? And she was like, I'm on

17

Interview of Grace Trotman by Detective Lyczany 07/06/2010

1 Rivers Avenue at Burger King. And I'm saying, well, I'm  
 2 on my way to Charleston, so I'll call you when I get  
 3 down there.

4 DETECTIVE LYCZANY: wouldn't it have been closer? I  
 5 don't understand.

6 DEFENDANT TROTMAN: That's what I said. When I  
 7 talked to Box -- I cut my phone back on and I look at my  
 Page 14

## GRACE TROTMAN 7-6-2010 INTERVIEW

8 phone and see what -- I tried to call Box to let, you  
9 know what I'm saying. He was telling me something about  
10 her little girl saying that they had to take her  
11 downtown home or something like that, so he was like,  
12 well, just go downtown. So I'm just listening, you know  
13 what I'm saying, I'm just listening to him because I'm  
14 figuring that they already talk again, you see what I'm  
15 saying. So I cut my phone back on, I said, well, you  
16 got to hurry up and talk, I said, because my phone going  
17 dead. I got to keep my juice so I can get in touch with  
18 Nikki. So he's like, All right.

19 So then I go downtown. And that's when I called  
20 her when I saw -- as soon as I got the kids out the car  
21 and everything, I called her when we was walking. I  
22 told her where I was at to let her know my landmarks,  
23 you see what I'm saying. I was already walking, to let  
24 her know my landmarks to let her know where I'm at. And  
25 that's what I told her, I said, well, I see the sign,

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>18</sup>

1 this green sign in the park area that says City of  
2 Charleston. She was asking me, well, what part of the  
3 Battery are you on? And I was like, well, I don't know  
4 if there's different parts of the Battery. I just know  
5 I'm on the Battery. And she was like, well, are you by  
6 Water Front Park? And I was like, well, I don't know  
7 where the Water Front Park is, so I said I'm just here.  
8 She said, well, okay, we're on our way.

9 DETECTIVE LYCZANY: okay. So she just finally  
10 figured okay, we're over there and Box got it all wrong  
11 or you don't know what he's talking about --

## GRACE TROTMAN 7-6-2010 INTERVIEW

12 DEFENDANT TROTMAN: Right.

13 DETECTIVE LYCZANY: -- you don't know what she's  
14 talking about? How long -- okay, so you and Box live  
15 together?

16 DEFENDANT TROTMAN: Uh-huh.

17 DETECTIVE LYCZANY: Okay. Along with your two kids?

18 DEFENDANT TROTMAN: Uh-huh.

19 DETECTIVE LYCZANY: And along with Rodrigues?

20 DEFENDANT TROTMAN: Uh-huh.

21 DETECTIVE LYCZANY: For how long have you had  
22 Rodrigues?

23 DEFENDANT TROTMAN: We was supposed to have him the  
24 whole summer, but when she came --

25 DETECTIVE LYCZANY: You were supposed to have him the  
Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>19</sup>

1 whole summer?

2 DEFENDANT TROTMAN: Yeah, we was supposed to have --  
3 that was the agreement that they made, Roger and Nikki,  
4 made that agreement that he was going to stay down here  
5 for the whole summer. And when it was time for school  
6 to go back, he would go back home.

7 DETECTIVE LYCZANY: Okay. So when did you get him?

8 DEFENDANT TROTMAN: We got him -- ooh, that was like  
9 two, three -- I know we had him for a while, like two  
10 months, three months. We had him for a good minute, I  
11 know that.

12 DETECTIVE LYCZANY: For a good minute?

13 DEFENDANT TROTMAN: Yeah, we had him for I know  
14 longer than like three -- probably like two, three  
15 months, yeah.

16 DETECTIVE LYCZANY: You already had him for about two  
Page 16

## GRACE TROTMAN 7-6-2010 INTERVIEW

17 or three months?

18 DEFENDANT TROTMAN: Yeah, he was already with us.

19 DETECTIVE LYCZANY: And so you figured you're going

20 --

21 DEFENDANT TROTMAN: And when she came down here --

22 DETECTIVE LYCZANY: You're supposed to keep --

23 DEFENDANT TROTMAN: She came down here for, I guess,  
24 for the Fourth of July or whatever, and I guess when she  
25 wanted to -- she was supposed to go back today to

20

Interview of Grace Trotman by Detective Lyczany 07/06/2010

1 Columbia. I guess when she wanted to go back, she  
2 wanted to take him. And he didn't want her to take him  
3 because he knew the agreement that they had was for her  
4 to stay the whole summer. See, he wanted his son to be  
5 with him. So it was like a little controversy last  
6 night.

7 DETECTIVE LYCZANY: What do you mean last night?

8 DEFENDANT TROTMAN: Because they was calling me and  
9 they was talking to me and stuff like that and they was  
10 talking to Box and whatever.

11 DETECTIVE LYCZANY: Who is they?

12 DEFENDANT TROTMAN: Oh, the mom and Nikki. The mom  
13 and Nikki.

14 DETECTIVE LYCZANY: Oh, Nikki and her mom?

15 DEFENDANT TROTMAN: Right, right, because I called  
16 them when they told me that they felt that Box was  
17 keeping her son away from her and I called -- when he  
18 told me what happened -- because they said they got the  
19 police involved or, you know what I'm saying, they were  
20 trying to say that he was trying to kidnap the little

## GRACE TROTMAN 7-6-2010 INTERVIEW

21 boy and everything.

22 DETECTIVE LYCZANY: What?

23 DEFENDANT TROTMAN: Yeah, all that happened. So I'm

24 --

25 DETECTIVE LYCZANY: When? What?

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>21</sup>

1 DEFENDANT TROTMAN: Yesterday.

2 DETECTIVE LYCZANY: Okay.

3 DEFENDANT TROTMAN: Yeah. And they called me --

4 DETECTIVE LYCZANY: They're accusing Box of  
5 kidnapping him?

6 DEFENDANT TROTMAN: No, they wanted him and he just  
7 wasn't ready to give him back just yet.

8 DETECTIVE LYCZANY: Okay. Okay.

9 DEFENDANT TROTMAN: You understand what I'm saying.  
10 He wanted to spend more time.

11 DETECTIVE LYCZANY: Okay.

12 DEFENDANT TROTMAN: And like the mama say when I  
13 talked to her last night, she said, I just don't like  
14 how Box is going about -- I understand he wants to be  
15 with his child and that he wants to spend time with him,  
16 but the way he's doing it is not right. And they felt  
17 that he was holding him away from her. You see what I'm  
18 saying?

19 DETECTIVE LYCZANY: Yes.

20 DEFENDANT TROTMAN: So they asked for -- she called  
21 me and she asked me what exit to get off on and I said,  
22 199B --

23 DETECTIVE LYCZANY: Nikki?

24 DEFENDANT TROTMAN: Yes. And every answer she asked  
25 me -- she texted me with calm, collect or something. I  
Page 18

## GRACE TROTMAN 7-6-2010 INTERVIEW

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>22</sup>

1 couldn't understand what she was saying, so I left it --  
2 you know what I'm saying, I left it alone. And I knew  
3 she was talking to Box or whatever, so they made it to  
4 the house.

5 DETECTIVE LYCZANY: Last night?

6 DEFENDANT TROTMAN: Right. They made it to our  
7 house.

8 DETECTIVE LYCZANY: Okay.

9 DEFENDANT TROTMAN: And like I told Nikki, I said,  
10 well, Nikki, I work 12-hour shifts Friday, Saturday and  
11 Sunday. I said, we off Sunday for July, I said, but I  
12 worked Friday and Saturday. I just got my new job. I  
13 said my people take -- the ones that are coming down  
14 here to get my kids now, take care of my kids while I'm  
15 at work. When I get off work after the 12-hour shifts,  
16 I come to my aunt's and I stay there. The whole entire  
17 weekend, I was at my aunt's house. Today, I was at my  
18 aunt's house all day.

19 DETECTIVE LYCZANY: Where was Rodrigues?

20 DEFENDANT TROTMAN: With his dad.

21 DETECTIVE LYCZANY: With his dad. Okay. At 133  
22 Longborne?

23 DEFENDANT TROTMAN: No, he wasn't home. I don't know  
24 where he was at. They was asking me that last night. I  
25 said, I don't know where Box at.

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>23</sup>

1 DETECTIVE LYCZANY: But he had his son?

2 DEFENDANT TROTMAN: Uh-huh.

## GRACE TROTMAN 7-6-2010 INTERVIEW

3 DETECTIVE LYCZANY: Do you know -- I mean, he wasn't  
4 out walking around with him?  
5 DEFENDANT TROTMAN: I don't think so.  
6 DETECTIVE LYCZANY: So, I mean, what does he do --  
7 DEFENDANT TROTMAN: They kept asking me, they like,  
8 So you don't know where Box is? And I said, To tell you  
9 the truth, I said, I have not seen Box since Friday  
10 because of how my work schedule is. And when I get -- I  
11 work from 6:00 to 6:00, so I go in at 6:00 at night, get  
12 off 6:00 in the morning. And my kids are already at my  
13 aunt's house, so I go to my aunt's house. I live right  
14 there -- I work right there off of Demi Way at DBW and  
15 my aunt stayed right there off of Parson Road off of  
16 Lydia Drive.  
17 DETECTIVE LYCZANY: Well, let me -- okay. So last  
18 night, Nikki comes over to your house --  
19 DEFENDANT TROTMAN: No, she didn't -- nobody never  
20 came -- no, you talking about 133 is where she came at?  
21 DETECTIVE LYCZANY: Yeah.  
22 DEFENDANT TROTMAN: Right.  
23 DETECTIVE LYCZANY: That's where you live?  
24 DEFENDANT TROTMAN: Right, that's where I stay at.  
25 DETECTIVE LYCZANY: Okay.

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>24</sup>

1 DEFENDANT TROTMAN: So when they got there, they  
2 called me, or I called them, I'm not sure, but she was  
3 like, well, we're trying to find -- we don't know if we  
4 at the right house or not. She's like, what the address  
5 is here? And I was like 133 Longborne Way.  
6 DETECTIVE LYCZANY: Is there an apartment number or  
7 anything?

## GRACE TROTMAN 7-6-2010 INTERVIEW

8 DEFENDANT TROTMAN: No, that's a house.

9 DETECTIVE LYCZANY: That's a house?

10 DEFENDANT TROTMAN: Yeah.

11 DETECTIVE LYCZANY: Okay.

12 DEFENDANT TROTMAN: Yes. And I told her, I said, 133  
13 Longborne Way. And she was like, well, why did you --  
14 you know what I'm saying, we trying to -- I said  
15 whatever answer -- whatever question Nikki is asking me,  
16 that's what I tell her. I told her, I said, Get off on  
17 199B, that's the exit to get off to our house. And she  
18 kept saying apartment. I even corrected her then. I  
19 said, Nikki, we don't live in an apartment. We live in  
20 a house.

21 DETECTIVE LYCZANY: So she wanted to come over to get  
22 the child then?

23 DEFENDANT TROTMAN: Right, to get the child. And I  
24 told her, I said, well, nobody's home. I said, I'm at  
25 my aunt's house. I said, Because -- like I told you,

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>25</sup>

1 that's when I let her know my work schedule, where I was  
2 at and everything. And my aunt can verify all of that.

3 DETECTIVE LYCZANY: No, that's -- that's --

4 DEFENDANT TROTMAN: Okay.

5 DETECTIVE LYCZANY: So --

6 DEFENDANT TROTMAN: No, because they thought I was  
7 lying about where, you know what I'm saying, they  
8 thought I was lying about me being at my aunt's house  
9 and stuff like that. They thought that we was in the  
10 house with the doors locked --

11 DETECTIVE LYCZANY: With Rodrigues?

## GRACE TROTMAN 7-6-2010 INTERVIEW

12 DEFENDANT TROTMAN: Yeah, and didn't want to open the  
13 door.

14 DETECTIVE LYCZANY: Well, do you know if they ever  
15 came over?

16 DEFENDANT TROTMAN: Yeah, they said they was at the  
17 house. And they said, well, the police got the address,  
18 so we know -- he was like, we'll just take it up in  
19 Family Court and we'll just battle for it. That's  
20 exactly what they was talking about between Roger and  
21 Nikki. Not me.

22 DETECTIVE LYCZANY: But did you know where Rodrigues  
23 was?

24 DEFENDANT TROTMAN: With his dad.

25 DETECTIVE LYCZANY: But you didn't know where,

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>26</sup>

1 though?

2 DEFENDANT TROTMAN: No, I didn't know where because,  
3 like I told you --

4 DETECTIVE LYCZANY: Well, wouldn't Rodrigues tell you  
5 -- I mean, wouldn't Box tell you?

6 DEFENDANT TROTMAN: Box is that type of guy -- we  
7 been together for four years and he that type of guy  
8 where if you asked him where he at, he'll just tell you  
9 the area. He don't tell you where exactly where he at.

10 DETECTIVE LYCZANY: Why?

11 DEFENDANT TROTMAN: He's just like that because he  
12 always feel I'm trying to get at him like thinking he  
13 with another girl and stuff like that because I'm the  
14 girlfriend, so he -- automatically, he thinks that's  
15 what I'm getting at.

16 DETECTIVE LYCZANY: Well, you're more than the  
Page 22

## GRACE TROTMAN 7-6-2010 INTERVIEW

17 girlfriend, you're the mother of two of his kids.

18 DEFENDANT TROTMAN: I'm the mother of his kids,  
19 right. Right.

20 DETECTIVE LYCZANY: what's he think, huh?

21 DEFENDANT TROTMAN: Every time I be in the house by  
22 myself all the time, you know; and I just recently just  
23 started, you know what I'm saying, I go and do things  
24 with my kids and stuff like that and that's when I was  
25 able to find a job and everything like that. So now,

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>27</sup>

1 I'm working and I'm just trying to --

2 DETECTIVE LYCZANY: Do you go by Grace?

3 DEFENDANT TROTMAN: -- get back on my feet. Yes.

4 DETECTIVE LYCZANY: Do you go by Grace?

5 DEFENDANT TROTMAN: Uh-huh.

6 DETECTIVE LYCZANY: Okay. Grace. May I call you  
7 Grace?

8 DEFENDANT TROTMAN: Uh-huh.

9 DETECTIVE LYCZANY: Okay. well, there's a lot of  
10 stuff going on over here --

11 DEFENDANT TROTMAN: Right, right.

12 DETECTIVE LYCZANY: -- between the baby's mama and  
13 Box and now you --

14 DEFENDANT TROTMAN: Right.

15 DETECTIVE LYCZANY: -- you've got two kids --

16 DEFENDANT TROTMAN: Right.

17 DETECTIVE LYCZANY: -- and all this stuff into play  
18 --

19 DEFENDANT TROTMAN: That's what -- like I told you  
20 and the detective --

GRACE TROTMAN 7-6-2010 INTERVIEW  
21 DETECTIVE LYCZANY: Nikki's mother --  
22 DEFENDANT TROTMAN: -- in the car, I said that's why  
23 when it --  
24 DETECTIVE LYCZANY: Okay. Okay. Let me just -- I  
25 don't want to interrupt you, but let me interrupt you.

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>28</sup>

1 when did y'all finally decide that you're going to let  
2 Nikki have Rodrigues?  
3 DEFENDANT TROTMAN: She been told Box that she wanted  
4 Drigues.  
5 DETECTIVE LYCZANY: Yeah, I know that. But when did  
6 you get the word from Box that it's okay, pick up  
7 Rodrigues --  
8 DEFENDANT TROTMAN: He called me.  
9 DETECTIVE LYCZANY: He called you?  
10 DEFENDANT TROTMAN: Yeah.  
11 DETECTIVE LYCZANY: What was that conversation like?  
12 DEFENDANT TROTMAN: He was like, Nikki wants to get  
13 Rodrigues now, so, you know what I'm saying, just come  
14 down here and meet me. And he already had set up a  
15 rental car with me to make sure I was able to get  
16 around. Because I wanted to take my baby to the doctor  
17 the next day because I think he has an ear infection.  
18 DETECTIVE LYCZANY: So he rented you a car?  
19 DEFENDANT TROTMAN: Right.  
20 DETECTIVE LYCZANY: How long ago did he rent you the  
21 car?  
22 DEFENDANT TROTMAN: Today. And my cousin came and  
23 picked me up from my aunt's house and I drop her back  
24 off to the rental place and then that's when I went to  
25 go meet Box.

## GRACE TROTMAN 7-6-2010 INTERVIEW

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>29</sup>

- 1 DETECTIVE LYCZANY: Today, you got the rental car?  
2 DEFENDANT TROTMAN: Right. See, I don't have a car.  
3 My car got taken away. They repoed --  
4 DETECTIVE LYCZANY: What time did you get the rental  
5 car today?  
6 DEFENDANT TROTMAN: I'm not sure.  
7 DETECTIVE LYCZANY: Well, tell me where you got the  
8 rental car?  
9 DEFENDANT TROTMAN: At Enterprise on Main Street.  
10 DETECTIVE LYCZANY: At Enterprise?  
11 DEFENDANT TROTMAN: Right.  
12 DETECTIVE LYCZANY: On Main?  
13 DEFENDANT TROTMAN: Uh-huh. I had to take my cousin  
14 back to her car.  
15 DETECTIVE LYCZANY: Whose name is it rented in?  
16 DEFENDANT TROTMAN: In my cousin's name.  
17 DETECTIVE LYCZANY: In your cousin's name?  
18 DEFENDANT TROTMAN: Uh-huh. The rental car is in her  
19 name. She rented -- Box asked her to rent the car and  
20 she rent the car.  
21 DETECTIVE LYCZANY: Uh-huh. For -- what was the  
22 reason for renting a car?  
23 DEFENDANT TROTMAN: So I could get around so I could  
24 take Drigues and take my baby to the doctor because I  
25 don't have a car. And then like I told --

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>30</sup>

- 1 DETECTIVE LYCZANY: Well, why didn't Box --  
2 DEFENDANT TROTMAN: Take him, because he don't have a

## GRACE TROTMAN 7-6-2010 INTERVIEW

3 license.

4 DETECTIVE LYCZANY: Well, why didn't Box just have  
5 Nikki come over to your apartment, to your house and  
6 pick up Rodrigues?

7 DEFENDANT TROTMAN: Because he was not with me. He  
8 was with Box and Box called me and told me to come get  
9 him.

10 DETECTIVE LYCZANY: Well that's what I mean.

11 DEFENDANT TROTMAN: Right.

12 DETECTIVE LYCZANY: Why didn't Box just have Nikki  
13 pick up Rodrigues from your house?

14 DEFENDANT TROTMAN: Because he didn't -- I guess he  
15 didn't want her to have to come all the way down here.

16 DETECTIVE LYCZANY: But she came all the way to  
17 Charleston?

18 DEFENDANT TROTMAN: She was already in Charleston,  
19 that's what I'm saying. That's why --

20 DETECTIVE LYCZANY: From Columbia?

21 DEFENDANT TROTMAN: No, she was already down here  
22 from Friday.

23 DETECTIVE LYCZANY: Okay.

24 DEFENDANT TROTMAN: She was already down here, you  
25 see what I'm saying --

Interview of Grace Trotman by Detective Lyczany. 07/06/2010<sup>31</sup>

1 DETECTIVE LYCZANY: No.

2 DEFENDANT TROTMAN: -- she was already down here.

3 DETECTIVE LYCZANY: No.

4 DEFENDANT TROTMAN: No, she came down -- she came  
5 down from Columbia Friday and that's when Box told me  
6 that she was down here.

7 DETECTIVE LYCZANY: Okay.  
Page 26

## GRACE TROTMAN 7-6-2010 INTERVIEW

8 DEFENDANT TROTMAN: But at the time, there wasn't no  
9 thing about her wanting Drigues at the time. I just  
10 know they wanted to see him and stuff like that. And  
11 they kept talking -- as far as Box go, they just kept  
12 talking back and forth to Box and talking to him. So  
13 whatever conversation they had was between them.

14 DETECTIVE LYCZANY: All right. Okay. So --

15 DEFENDANT TROTMAN: She was supposed to go back to  
16 Columbia today, so she wanted Drigues.

17 DETECTIVE LYCZANY: So Box rents the car?

18 DEFENDANT TROTMAN: Uh-huh.

19 DETECTIVE LYCZANY: So that you could meet up with  
20 Nikki and return Rodrigues --

21 DEFENDANT TROTMAN: Uh-huh.

22 DETECTIVE LYCZANY: -- and take your other child for  
23 an ear infection?

24 DEFENDANT TROTMAN: Yeah. He don't know about the  
25 ear infection, but because I had the car, that was

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>32</sup>

1 giving me time to do what I had to do --

2 DETECTIVE LYCZANY: Oh, okay. He just rented the car  
3 for you --

4 DEFENDANT TROTMAN: Right, right.

5 DETECTIVE LYCZANY: -- so that you could return --

6 DEFENDANT TROTMAN: Yeah, so I can get around, right.

7 DETECTIVE LYCZANY: So that you could return --

8 DEFENDANT TROTMAN: Yeah.

9 DETECTIVE LYCZANY: -- Rodrigues?

10 DEFENDANT TROTMAN: Uh-huh.

11 DETECTIVE LYCZANY: That's why you rented the car?

## GRACE TROTMAN 7-6-2010 INTERVIEW

12 DEFENDANT TROTMAN: Yeah, so I can bring Drigues to  
13 her and then -- because the car didn't have to be back  
14 till like 5:30, so that was --

15 DETECTIVE LYCZANY: But he can't rent the car so he  
16 got your cousin to do it?

17 DEFENDANT TROTMAN: Right.

18 DETECTIVE LYCZANY: And so, did you see Rodrigues  
19 this morning? Or how --

20 DEFENDANT TROTMAN: When I got up.

21 DETECTIVE LYCZANY: -- did you get to Enterprise?

22 DEFENDANT TROTMAN: My cousin. She came to my house  
23 and picked me up with the rental car. And I went back  
24 to the rental place and she got in her car and I drove  
25 the car to Box in Charleston and pick him up and take

33

Interview of Grace Trotman by Detective Lyczany 07/06/2010

1 him --

2 DETECTIVE LYCZANY: In Charleston?

3 DEFENDANT TROTMAN: Ashley Phosphate is Charleston.

4 DETECTIVE LYCZANY: Okay. North Charleston?

5 DEFENDANT TROTMAN: Oh, yeah, North Charleston. So I  
6 pick up Drigues from him and -- on my way to Charleston  
7 to meet with Nikki to drop Nikki off -- I mean, to drop  
8 Drigues off with Nikki.

9 DETECTIVE LYCZANY: Uh-huh. Wonder why your cousin  
10 wouldn't just drive you down to Charleston?

11 DEFENDANT TROTMAN: I don't know.

12 DETECTIVE LYCZANY: I mean, it'd be cheaper, you  
13 know. Box must have a lot of money, huh?

14 DEFENDANT TROTMAN: No, he's struggling as it is now.

15 DETECTIVE LYCZANY: Well, I mean, that's kind of a  
16 nice thing for him to rent you a car so you could drop  
Page 28

## GRACE TROTMAN 7-6-2010 INTERVIEW

17 off Rodrigues --

18 DEFENDANT TROTMAN: And because I had other things to  
19 do the next day --

20 DETECTIVE LYCZANY: And other things, okay.

21 DEFENDANT TROTMAN: And because like right now --

22 DETECTIVE LYCZANY: So how long did he rent the car  
23 for?

24 DEFENDANT TROTMAN: Just for today and tomorrow. I  
25 don't have to bring it back till 5:30 in the afternoon

34

Interview of Grace Trotman by Detective Lyczany 07/06/2010

1 tomorrow, so the morning time gave me enough time to do  
2 what I had to do.

3 DETECTIVE LYCZANY: So you brought all the kids --

4 DEFENDANT TROTMAN: Yeah.

5 DETECTIVE LYCZANY: So your two kids and Rodrigues  
6 here?

7 DEFENDANT TROTMAN: Uh-huh.

8 DETECTIVE LYCZANY: Nobody else in the car?

9 DEFENDANT TROTMAN: No, just me and the kids.

10 DETECTIVE LYCZANY: You want to show me where they  
11 were seated?

12 DEFENDANT TROTMAN: Yaya was on this side --

13 DETECTIVE LYCZANY: No, show me. You got the car  
14 here?

15 DEFENDANT TROTMAN: Yeah, it's outside.

16 DETECTIVE LYCZANY: Show me. I'm a visual kind of  
17 guy. I can't do this.

18 DEFENDANT TROTMAN: Is it okay if I leave my stuff  
19 here?

20 DETECTIVE LYCZANY: Oh, yeah, no one will take it.

## GRACE TROTMAN 7-6-2010 INTERVIEW

21 It's the police department. You got your keys?

22 (WHEREUPON, Detective Lyczany and Defendant Trotman  
23 left the room.

24 DETECTIVE LYCZANY: Natural mother, not the mother in  
25 any way?

0

35

Interview of Grace Trotman by Detective Lyczany 07/06/2010

1 DEFENDANT TROTMAN: (Defendant shook head).

2 DETECTIVE LYCZANY: Are you and Box married?

3 DEFENDANT TROTMAN: No.

4 DETECTIVE LYCZANY: Okay. Do you have any kind of  
5 Family Court agreement to have Rodrigues?

6 DEFENDANT TROTMAN: (Defendant shook head). He just  
7 comes, you know, whenever he wants his child and  
8 whenever she's ready to send him, he just comes in.

9 DETECTIVE LYCZANY: Okay. When you walked out on the  
10 Battery, that was daylight?

11 DEFENDANT TROTMAN: Uh-huh.

12 DETECTIVE LYCZANY: Lot of people walking around,  
13 right?

14 DEFENDANT TROTMAN: (Defendant nodded).

15 DETECTIVE LYCZANY: You see a lot of people?

16 DEFENDANT TROTMAN: (Defendant nodded).

17 DETECTIVE LYCZANY: A lot of people?

18 DEFENDANT TROTMAN: Uh-huh.

19 DETECTIVE LYCZANY: You were walking right there by  
20 the railing?

21 DEFENDANT TROTMAN: Uh-uh.

22 DETECTIVE LYCZANY: And you had to hold your baby?

23 DEFENDANT TROTMAN: No, I had him in the stroller.

24 DETECTIVE LYCZANY: In the stroller?

25 DEFENDANT TROTMAN: The stroller that was in the car,  
Page 30

## GRACE TROTMAN 7-6-2010 INTERVIEW

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>36</sup>

1 yeah.

2 DETECTIVE LYCZANY: Now, what about your  
3 two-year-old?

4 DEFENDANT TROTMAN: They were walking by themselves.  
5 They can walk by themselves.

6 DETECTIVE LYCZANY: Where were they?

7 DEFENDANT TROTMAN: They were right behind me.

8 DETECTIVE LYCZANY: They were behind you?

9 DEFENDANT TROTMAN: (Defendant nodded head).

10 DETECTIVE LYCZANY: Okay. And you're walking with  
11 all these people?

12 DEFENDANT TROTMAN: Uh-huh.

13 DETECTIVE LYCZANY: Look at me. All right. And then  
14 what happened?

15 DEFENDANT TROTMAN: When I got off the phone with  
16 mom, I looked back at my kids to see if they were there  
17 --

18 DETECTIVE LYCZANY: Uh-huh.

19 DEFENDANT TROTMAN: -- and Drigues was not there.

20 DETECTIVE LYCZANY: Uh-huh. And what did you think?

21 DEFENDANT TROTMAN: I thought he'd probably ran off.  
22 I didn't know. I just looked around. And the first  
23 person I saw that was near me, I asked if they seen a  
24 little boy. I told him what he had on. And they was  
25 like, No, we thought we saw a little boy like running or

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>37</sup>

1 whatever, so they went -- they tried to find him. And  
2 they said, well, you stay right here and we'll try to

## GRACE TROTMAN 7-6-2010 INTERVIEW

3 find your kid. And they went and they saw -- they  
4 thought they saw a little boy with a red shirt on, but  
5 that wasn't him.

6 DETECTIVE LYCZANY: Uh-huh. So he would have had to  
7 have either fell off of the walkway as high as they were  
8 or he would have fell in the water.

9 DEFENDANT TROTMAN: Uh-huh.

10 DETECTIVE LYCZANY: But if he would have tried  
11 running away, you would have seen him?

12 DEFENDANT TROTMAN: Not when he was behind me and I  
13 was on the phone with his mama trying to make sure she  
14 knew where I was at. And I was on the phone with her --

15 DETECTIVE LYCZANY: Okay. Let me -- Grace, the  
16 reason I asked you if you were a natural mother or  
17 anything else because I just want to make sure I  
18 understand or make sure you understand what you're  
19 facing --

20 DEFENDANT TROTMAN: Right.

21 DETECTIVE LYCZANY: -- what you would be looking at  
22 --

23 DEFENDANT TROTMAN: -- for some kind of a plan or  
24 anything else. You better come clean because this ain't  
25 cutting it.

38

Interview of Grace Trotman by Detective Lyczany 07/06/2010

1 DEFENDANT TROTMAN: Right.

2 DETECTIVE LYCZANY: It ain't cutting it. I'm telling  
3 you, Grace. It ain't --

4 DEFENDANT TROTMAN: You're saying that I'm not  
5 telling you the truth?

6 DETECTIVE LYCZANY: I'm telling you that this is not  
7 working. I'm telling you that this is rehearsed and

Page 32

## GRACE TROTMAN 7-6-2010 INTERVIEW

8 this is not what happened.

9 DEFENDANT TROTMAN: No, sir, I'm sorry.

10 DETECTIVE LYCZANY: Well, no, I'm sorry. Okay. I'm  
11 very sorry. It's not working.. It's not going to work.

12 DEFENDANT TROTMAN: When I talked to her the first  
13 conversation we had, she heard Drigues in the background  
14 because he was crying because Yaya took something from  
15 him.

16 DETECTIVE LYCZANY: That may be -- who, who took  
17 something from him?

18 DEFENDANT TROTMAN: Yaya, my two-year-old. They both  
19 on the same age. They like brothers and sisters so they  
20 kind of like -- you know what I'm saying, kind of like  
21 be messing --

22 DETECTIVE LYCZANY: Rodrigues didn't fall off.

23 DEFENDANT TROTMAN: Right.

24 DETECTIVE LYCZANY: We know that.

25 DEFENDANT TROTMAN: Right.

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>39</sup>

1 DETECTIVE LYCZANY: Okay. Rodrigues didn't fall off  
2 into the water or off the side because we would have  
3 found him.

4 DEFENDANT TROTMAN: Right.

5 DETECTIVE LYCZANY: The only other possibility is  
6 that Rodrigues would have ran off behind you and you  
7 didn't see because you were on the phone, with all kinds  
8 of people there and I don't know many police officers --

9 DEFENDANT TROTMAN: That's why I asked -- as soon as  
10 I realized he wasn't there, that's why I asked everybody  
11 that's all around me --

## GRACE TROTMAN 7-6-2010 INTERVIEW

12 DETECTIVE LYCZANY: Well, in the meantime, you pick  
13 up Rodrigues from Box. You don't know how he got there  
14 in front of the movie theatre. You're telling me that  
15 Box rents you a car so that you could return Rodrigues  
16 and you told me well, so you could run some other  
17 errands --

18 DEFENDANT TROTMAN: No, I didn't run any errands once  
19 I got the car. I just went and, you know what I'm  
20 saying, drop her back off to her car --

21 DETECTIVE LYCZANY: Well, that's -- but mother tried  
22 to pick him up yesterday, but Box wouldn't return him.

23 DEFENDANT TROTMAN: And I had nothing to do with  
24 that.

25 DETECTIVE LYCZANY: And you had nothing to do with

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>40</sup>

1 it, but you sure do today. You sure do today.

2 DEFENDANT TROTMAN: I see that now.

3 DETECTIVE LYCZANY: Yeah, you sure do. Now, the real  
4 question is, do you want to go down with this ship or do  
5 you want to tell us right now? Because I'm telling you,  
6 I ain't buying it. There ain't no way I could buy it.  
7 I don't think I could drink enough to buy it. It's not  
8 working. There's something Rodrigues -- Box has  
9 Rodrigues or he was never at the Battery.

10 DEFENDANT TROTMAN: Box had Drigues and I went and  
11 picked up Drigues from Box --

12 DETECTIVE LYCZANY: Uh-uh.

13 DEFENDANT TROTMAN: -- to take him to his mama like I  
14 always do when he's with us.

15 DETECTIVE LYCZANY: Uh-huh.

16 DEFENDANT TROTMAN: That's a normal thing. Every  
Page 34

## GRACE TROTMAN 7-6-2010 INTERVIEW

17 time he comes with us, I'm the one that picks him up.  
18 I'm the one that drop him off. All the time.

19 DETECTIVE LYCZANY: All the time. Okay. What  
20 happened today?

21 DEFENDANT TROTMAN: When I was on the Battery walking  
22 with my kids, like I told you, I was on the phone  
23 letting him know where I was at, letting him know  
24 landmarks. I'm looking around the phone letting her  
25 know what I see and everything. And she said she was

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>41</sup>

1 going to come down here. They said, Don't worry about  
2 it. Stay down there, we're on our way.

3 DETECTIVE LYCZANY: So that's what you're pretty much  
4 going to stick to? Come on.

5 DEFENDANT TROTMAN: That's the truth.

6 DETECTIVE LYCZANY: Grace, Grace, Grace --

7 DEFENDANT TROTMAN: I am being honest with you.

8 DETECTIVE LYCZANY: Where is Box right now?

9 DEFENDANT TROTMAN: I don't know where Box is. I  
10 really don't.

11 DETECTIVE LYCZANY: Box's little boy is missing.  
12 Doesn't he care?

13 DEFENDANT TROTMAN: The only thing I was talking to  
14 him about is what happened and everything. I didn't ask  
15 him where he was. He just told me that his mom and his  
16 sister -- his sister is already downstairs. He just  
17 told me that his mom was on the way --

18 DETECTIVE LYCZANY: Where is he?

19 DEFENDANT TROTMAN: -- and his sister was on the way.

20 DETECTIVE LYCZANY: He's the daddy.

GRACE TROTMAN 7-6-2010 INTERVIEW  
21 DEFENDANT TROTMAN: Exactly.

22 DETECTIVE LYCZANY: He's not even here? I mean,  
23 doesn't that ring a bell with you? Grace.

24 DEFENDANT TROTMAN: Yeah, I hear you.

25 DETECTIVE LYCZANY: You hear me?

42

Interview of Grace Trotman by Detective Lyczany 07/06/2010

1 DEFENDANT TROTMAN: I --

2 DETECTIVE LYCZANY: I don't think you really hear me.

3 DEFENDANT TROTMAN: No, I hear exactly what you're  
4 saying, why he's not here.

5 DETECTIVE LYCZANY: You know where that puts you?

6 DEFENDANT TROTMAN: Where does that put me?

7 DETECTIVE LYCZANY: That puts you as conspiring to do  
8 all this.

9 DEFENDANT TROTMAN: What's that mean?

10 DETECTIVE LYCZANY: That means you're just as guilty.

11 DEFENDANT TROTMAN: Guilty of what?

12 DETECTIVE LYCZANY: Kidnapping.

13 DEFENDANT TROTMAN: I wouldn't never kidnap nobody  
14 child. I wouldn't do nothing like that. As much as I  
15 watch people's kids and --

16 DETECTIVE LYCZANY: Conspiring to.

17 DEFENDANT TROTMAN: -- do stuff like that, I wouldn't  
18 -- no, no.

19 DETECTIVE LYCZANY: Come on. Come on, now. You know  
20 it doesn't sound right to you. If you were sitting in  
21 my place, would you buy all this?

22 DEFENDANT TROTMAN: I would look -- like you doing,  
23 you writing everything down, you listening to my story  
24 and I would -- you know, say I would look at all my  
25 options.

## GRACE TROTMAN 7-6-2010 INTERVIEW

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>43</sup>

1 DETECTIVE LYCZANY: Uh-huh.

2 DEFENDANT TROTMAN: That's what I would've done.

3 DETECTIVE LYCZANY: Well, the only option is --

4 DEFENDANT TROTMAN: I wouldn't just sit there and  
5 accuse.

6 DETECTIVE LYCZANY: The only option -- well, you just  
7 said that Box wanted -- the whole understanding was to  
8 keep Rodrigues through the entire summer?

9 DEFENDANT TROTMAN: That was him and Nikki's  
10 agreement, right.

11 DETECTIVE LYCZANY: And then all of a sudden, it  
12 changed?

13 DEFENDANT TROTMAN: Uh-huh. She came down Friday, I  
14 guess for the Fourth of July. He just told me that she  
15 was down here and that she wanted to see Drigues or  
16 whatever. She was supposed to go back to Columbia  
17 today. Her mom was supposed to take her back because  
18 they had to be to work at 10:00 or something like that  
19 and she wanted Drigues to go back home with her.

20 DETECTIVE LYCZANY: Today?

21 DEFENDANT TROTMAN: Right.

22 DETECTIVE LYCZANY: But Box wasn't ready?

23 DEFENDANT TROTMAN: Right. He wanted to have more  
24 time with his son.

25 DETECTIVE LYCZANY: Box wanted to have more time.

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>44</sup>

1 Then all of a sudden, Rodrigues is missing, right? And  
2 we don't even know where Box is. Box isn't even here.

## GRACE TROTMAN 7-6-2010 INTERVIEW

3 Box is -- he doesn't like to say where he's at.

4 DEFENDANT TROTMAN: He's always been like that with  
5 me. Sometimes he would tell me --

6 DETECTIVE LYCZANY: But -- so Box --

7 DEFENDANT TROTMAN: Sometimes he --

8 DETECTIVE LYCZANY: Box gets you to do all this  
9 stuff?

10 DEFENDANT TROTMAN: Well, I always drop him off and  
11 pick him up. Like when she was staying downtown --

12 DETECTIVE LYCZANY: Did he ever run away from you  
13 like this before?

14 DEFENDANT TROTMAN: Well, I don't really go anywhere  
15 like that. I was an at-home mom for two years. And I  
16 always be home with my kids all the time. And anybody  
17 can vouch to you and say that. And I always be at home  
18 with my kids. I take care of my kids.

19 DETECTIVE LYCZANY: That's not the issue. I don't  
20 doubt that you're always home with your kids and you  
21 take care of your kids.

22 DEFENDANT TROTMAN: So what you're saying has if he  
23 ever did that with me before?

24 DETECTIVE LYCZANY: Uh-huh.

25 DEFENDANT TROTMAN: No, because I haven't never been

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>45</sup>

1 anywhere like that for him to do that. Now, with his  
2 mom and his dad, yes, he has.

3 DETECTIVE LYCZANY: How do you know?

4 DEFENDANT TROTMAN: Because they told me.

5 DETECTIVE LYCZANY: Oh, mom told you? Nikki told  
6 you?

7 DEFENDANT TROTMAN: Mom told dad and dad told me.  
Page 38

## GRACE TROTMAN 7-6-2010 INTERVIEW

8 And when they was in the mall together, he even told me  
9 he saw how Drigues would just run off. And she would  
10 even say you have -- you can't control it.

11 DETECTIVE LYCZANY: So we still don't know why Box  
12 didn't arrange for Nikki to meet him in North  
13 Charleston?

14 DEFENDANT TROTMAN: Because he was already -- the  
15 police was already -- she already had called the police  
16 the other night, so that was kind of if he would have --

17 DETECTIVE LYCZANY: Why did she call the police?

18 DEFENDANT TROTMAN: Because she felt that he was  
19 trying to take -- she was trying to take -- that Box was  
20 trying to keep him from her. Because --

21 DETECTIVE LYCZANY: No, you almost said it, because  
22 Box was trying to take this child?

23 DEFENDANT TROTMAN: Well, he already had his child,  
24 you see what I'm saying.

25 DETECTIVE LYCZANY: Yeah, but he won't return him.

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>46</sup>

1 DEFENDANT TROTMAN: He wasn't ready to return him.  
2 He just wanted more time. He really wanted his son to  
3 be with him.

4 DETECTIVE LYCZANY: What made him ready today?

5 DEFENDANT TROTMAN: Because she kept stressing it.  
6 She kept stressing it. She wanted her son. She wanted  
7 to see her son. She wanted to take him back to  
8 Columbia. And I guess he got to the point where fine.

9 DETECTIVE LYCZANY: Listen to what you're saying.  
10 Now, does this sound believable?

11 DEFENDANT TROTMAN: From Box?

## GRACE TROTMAN 7-6-2010 INTERVIEW

12 DETECTIVE LYCZANY: This whole story?  
13 DEFENDANT TROTMAN: I'm going by what he's telling  
14 me. I'm going by --  
15 DETECTIVE LYCZANY: I know you're going by what he's  
16 telling you, but I want you to tell me what happened.  
17 DEFENDANT TROTMAN: I told you what happened, sir.  
18 DETECTIVE LYCZANY: Okay. What happened? The child  
19 just went missing, vanished on the Battery with all  
20 kinds of people? That's what you're telling me. He  
21 came here in a car without a car -- baby seat.  
22 DEFENDANT TROTMAN: He never had one.  
23 DETECTIVE LYCZANY: He never had one?  
24 DEFENDANT TROTMAN: Huh-uh, not with us. We found  
25 out he was his son since last year. We been taking care

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>47</sup>

1 of him and he was with us since last year. Every time I  
2 go pick her up -- meet her at the mall, pick him up.  
3 When it's time for him to go back home, I meet her back  
4 at the mall and she will pick him up. It's been like  
5 that since we've known that he's been his son.  
6 DETECTIVE LYCZANY: I mean, you're transporting him  
7 without a baby seat?  
8 DEFENDANT TROTMAN: We ain't never had one.  
9 DETECTIVE LYCZANY: He ain't never one?  
10 DEFENDANT TROTMAN: Huh-uh.  
11 DETECTIVE LYCZANY: Because he never had a car?  
12 DEFENDANT TROTMAN: No, mom's never had a car, right.  
13 She always catch buses and stuff like that. She would  
14 catch the bus and come to -- the only thing she had was  
15 like a stroller, you know what I'm saying, to push  
16 around with him in it. But other than that, she never

Page 40

## GRACE TROTMAN 7-6-2010 INTERVIEW

17 had a car.

18 DETECTIVE LYCZANY: Grace, why don't -- you want some  
19 water?

20 DEFENDANT TROTMAN: No, I'm fine.

21 DETECTIVE LYCZANY: You're sure?

22 DEFENDANT TROTMAN: Yeah.

23 DETECTIVE LYCZANY: You're willing to swear on this,  
24 this is what happened?

25 DEFENDANT TROTMAN: Yes, I am.

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>48</sup>

1 DETECTIVE LYCZANY: Would you be willing to take a  
2 polygraph?

3 DEFENDANT TROTMAN: I already told them I would.

4 DETECTIVE LYCZANY: Tonight?

5 DEFENDANT TROTMAN: Uh-huh.

6 DETECTIVE LYCZANY: All right. What happens if it  
7 doesn't come out so good?

8 DEEFNDANT TROTMAN: I don't know what to say. I  
9 mean, I'm telling y'all the truth and if it doesn't come  
10 out -- I'm already -- I feel very confident I know that  
11 it's not, you know what I'm saying, because I'm telling  
12 y'all the truth. But even if it was, I'm really not  
13 looking at that, you know what I'm saying, because I  
14 really feel that it's going to be fine because I'm  
15 telling y'all the truth.

16 DETECTIVE LYCZANY: Rodrigues vanished?

17 DEFENDANT TROTMAN: He -- yeah. I wouldn't say he  
18 ran off or -- because, like I told you, my back was  
19 turned and when I looked back and I saw my daughter  
20 standing there, I said, Yaya, where Drigues at? And she

## GRACE TROTMAN 7-6-2010 INTERVIEW

21 was like -- she really don't understand. She can't  
22 really like tell me what, you know what I'm saying, like  
23 to show me or anything like that, but I was trying to  
24 get her to talk to me while we was out there. I was  
25 like, Do you know where Drigues is? And she would tell

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Interview of Grace Trotman by Detective Lyczany 07/06/2010

1 me yes. So I'm like, which direction? Show mommy where  
2 she went. But she -- you know, she just kept calling  
3 his name. She didn't really show me where he was at or  
4 where she saw him run off to. But I can take a  
5 polygraph test. I have no problem with that.

6 DETECTIVE LYCZANY: You can get all this behind you  
7 right now?

8 DEFENDANT TROTMAN: I know, y'all kept telling me  
9 that. And I'm like well, what else do you want me to  
10 say?

11 DETECTIVE LYCZANY: Box has the child and doesn't  
12 want to return the child or the child is some place.  
13 Maybe he just wasn't ready to give him to mom.

14 DEFENDANT TROTMAN: No, I think he was today because  
15 I took him downtown --

16 DETECTIVE LYCZANY: Now, he was?

17 DEFENDANT TROTMAN: Yeah, he was like okay.

18 DETECTIVE LYCZANY: He was now?

19 DEFENDANT TROTMAN: He told her on the phone, he was  
20 like, well, Grace --

21 DETECTIVE LYCZANY: Why should we believe that now  
22 and he wasn't yesterday?

23 DEFENDANT TROTMAN: You got to ask the dad that.

24 DETECTIVE LYCZANY: I can't -- I'd love to ask the  
25 dad that, but dad's nowhere to be found.

## GRACE TROTMAN 7-6-2010 INTERVIEW

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>50</sup>

1 DEFENDANT TROTMAN: If you call his phone, he is.  
2 All you have to do is call his phone. They were talking  
3 to him on the phone --

4 DETECTIVE LYCZANY: I mean, if that was my baby's  
5 mama sitting over here trying to -- I'm thinking that  
6 was my son, I'd be over here trying to figure out what's  
7 going on.

8 DEFENDANT TROTMAN: Right.

9 DETECTIVE LYCZANY: He's -- well, I don't know,  
10 hanging out some place. He sent you over here to do  
11 this. He rented you a car to do this --

12 DEFENDANT TROTMAN: Because I always drop Drigues  
13 off.

14 DETECTIVE LYCZANY: Yeah, because I always do.

15 DEFENDANT TROTMAN: Right.

16 DETECTIVE LYCZANY: Okay.

17 DEFENDANT TROTMAN: He doesn't have a driver's  
18 license or anything like that and he doesn't drive.

19 DETECTIVE LYCZANY: Okay. That's -- okay. And  
20 Rodrigues just ran off some place? A bunch of people  
21 and nobody knows where he went?

22 DEFENDANT TROTMAN: Like I told you, one lady --

23 DETECTIVE LYCZANY: Hundreds of police officers --

24 DEFENDANT TROTMAN: -- she said that she saw him --

25 DETECTIVE LYCZANY: -- harbor patrol. We've got

Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>51</sup>

1 reverse 911, everyone looking and we can't find him.

2 DEFENDANT TROTMAN: I don't know where he could be

GRACE TROTMAN 7-6-2010 INTERVIEW

3 at.

4 DETECTIVE LYCZANY: I sure don't either. I mean,  
5 this is a complete mystery. Grace, think about it for a  
6 minute.

7 DEFENDANT TROTMAN: Okay.

8 (WHEREUPON, Detective Lyczany left the room.)

9 UNIDENTIFIED MALE: You all right?

10 DEFENDANT TROTMAN: Uh-huh.

11 (WHEREUPON, interview ended at 11:35 p.m.)

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Interview of Grace Trotman by Detective Lyczany 07/06/2010<sup>52</sup>

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CERTIFICATE

4

5 This is to certify that the foregoing videotaped  
6 interview of Grace Trotman on July 6, 2010, consisting  
7 of 51 pages is a true and correct transcript of the  
Page 44

## GRACE TROTMAN 7-6-2010 INTERVIEW

8 interview. Said interview was videotaped and then  
9 transcribed by a certified court reporter.

10 I further certify that I am neither employed by nor  
11 related to any of the parties to this matter or their  
12 counsel, nor do I have any interest, financial or  
13 otherwise, in the outcome of the same.

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Penny M. Johnson  
Certified Court Reporter

TROTMAN INTERVIEW 7-7-2010

TRANSCRIPTION OF VIDEOTAPED INTERVIEW  
OF GRACE TROTMAN ON JULY 7, 2010  
BY AGENT CINDI MCCANTS & DETECTIVE MIKE LYCZANY

-----

TRANSCRIBED FROM DVD  
BY PENNY M. JOHNSON, CERTIFIED COURT REPORTER

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2

1 (WHEREUPON, interview of Grace Trotman on July 7,  
2 2010, conducted by Agent Cindi McCants and Detective  
3 Mike Lyczany, beginning at 12:51 a.m.).

4 DETECTIVE LYCZANY: Hello, Grace.

5 AGENT MCCANTS: Hi. I'm Cindi McCants. I'm with  
6 the FBI. We're involved in assisting the police  
7 department with this investigation.

8 BY MS. MCCANTS:

9 Q. I think it would be good for us to kind of go  
10 back and find out what was going on. Like Tuesday, I  
11 understand you were working your job?

12 A. Uh-huh.

13 Q. Been working your job? And you had been at your

14 --



## TROTMAN INTERVIEW 7-7-2010

- 15 A. Aunt house.
- 16 Q. Aunt's house. So can you kind of give me an idea  
17 of what was going on over the weekend and, really, kind  
18 of focus in on Tuesday morning.
- 19 A. Tuesday morning?
- 20 Q. Uh-huh, weren't you -- you were at your aunt's  
21 Tuesday morning?
- 22 A. Yeah.
- 23 Q. Okay.
- 24 A. This past weekend, I started my job. I worked  
25 12-hour shifts Friday and Saturday. We got up early
- 3
- 1 Friday, like 4:00, you know, because of the holiday.  
2 And I was off Sunday because of the holiday.
- 3 Q. So you worked -- just a minute, you worked --
- 4 A. Friday and Saturday.
- 5 Q. Friday and Saturday --
- 6 A. Uh-huh.
- 7 Q. -- from 6 p.m.
- 8 A. To 6:00 and then from 6:00 to 4:00.
- 9 Q. On Saturday?
- 10 A. Right.
- 11 Q. Okay. On Sunday, you were off?
- 12 A. Right, because of the holiday.
- 13 Q. Okay.
- 14 A. From what I'm told from his dad, that Friday is  
15 when his mom came down from Columbia --
- 16 Q. Just a minute, that's Box?
- 17 A. Yes.
- 18 Q. And you call him Box, Roger?
- 19 A. Uh-huh, Box, I call him Box.

## TROTMAN INTERVIEW 7-7-2010

- 20 Q. Okay. So you were told?  
21 A. That she came in from Columbia on Friday.  
22 Q. And she is?  
23 A. The mother.  
24 Q. The mother. What do you call her?  
25 A. Nikki.

D

4

- 1 Q. Nikki?  
2 A. Uh-huh.  
3 Q. She came in on Friday?  
4 A. Yeah, he told -- that's what he told me, that she  
5 came in on Friday and that she wanted to see Drigues and  
6 that they had -- whatever they had talked about was  
7 between them.  
8 Q. And did she see Drigues?  
9 A. No.  
10 Q. He didn't let her?  
11 A. No.  
12 Q. Why wouldn't he let her, did he tell you?  
13 A. She said she wanted -- when she was going back to  
14 Columbia, she wanted to take him back with her. He said  
15 that he wanted one time because the agreement between  
16 them two was for him to stay the whole summer.  
17 Q. Okay.  
18 A. He wasn't ready for him to go back.  
19 Q. So this is all what he's telling you?  
20 A. Right.  
21 Q. He told you this on the phone?  
22 A. Yes.  
23 Q. When did you talk to him?

## TROTMAN INTERVIEW 7-7-2010

24 A. I talked to him on a daily basis everyday because  
25 of his other two kids, too. But I haven't seen Box

5

1 since Friday because of my work schedule. And when I  
2 get off, I go straight to my aunt's house and that's  
3 where I been at the whole time.

4 Q.. Okay. So on -- when did he tell you Nikki came  
5 in on Friday? Was it on Friday?

6 A. Yes.

7 Q. Okay. She came in and she wanted to see Drigues,  
8 he didn't let her? She wanted --

9 A. The conversation that they had, you know, what  
10 I'm saying with them talking. I was at work, so I don't  
11 know. Whatever they talked about is between those two.

12 Q. But you're telling me what he's telling you?

13 A. Right. That she came in on Friday and she wanted  
14 to see Drigues and everything like that. Because he  
15 didn't get off work till probably like 3:00 that day and  
16 I left around 5:00 to make sure my kids have somewhere  
17 to go. And --

18 Q. But who didn't get off work till 5:00?

19 A. No, he didn't get off work till like 3:00 or 4:00  
20 in the afternoon.

21 Q. Box?

22 A. Right.

23 Q. Where does he work?

24 A. At NOCF.

25 Q. What's that?

6

1 A. It's NOCF. It's a cold storage, (inaudible) cold  
Page 4

## TROTMAN INTERVIEW 7-7-2010

2 storage.

3 Q. And where is that?

4 A. Off of North Leg -- Remount Road, it's off of  
5 Remount Road and North Leg runs by it.

6 Q. And what does he do there?

7 A. Throw trucks.

8 Q. You mean load?

9 A. Yeah.

10 Q. He loads trucks. And how long has he been there?

11 A. For five years.

12 Q. And he gets off at what time?

13 A. It varies. Whatever the last truck is, whenever  
14 they got the last truck, that's it. It varies what time  
15 he gets off. That day, he got in about 2:00 or 3:00 in  
16 the afternoon.

17 Q. On Friday?

18 A. Right.

19 Q. And then you talked to him after he got off?

20 A. After he got off?

21 Q. Is that what you're saying?

22 A. Yeah, that's what I'm saying.

23 Q. And then he --

24 A. He came home. He came to his home and I was  
25 there. I got my kids ready. I was ready because I know

7

1 I had to leave early because that's the first day that I  
2 started my job. So I had to come in early to listen to  
3 what the supervisor had to tell us and stuff like that  
4 before we started working.

5 Q. Oh, okay. (Inaudible).

## TROTMAN INTERVIEW 7-7-2010

6 A. So I had my ride come and get me --

7 Q. Okay.

8 A. So I had my ride come and get me.

9 Q. Okay. Who was your ride?

10 A. Her name is Keisha Lafaire.

11 Q. Lafaire?

12 A. Uh-huh.

13 Q. How do you spell her last name?

14 A. I can guess, A-I-R-E. I'm not sure.

15 Q. And she came and got you and your kids?

16 A. Me and my kids, me and my two kids. She dropped  
17 me off to work and she took my two kids to my sister's  
18 house. And that's when my sister called my aunt and let  
19 her know that she couldn't take care of my kids because  
20 she had two of her own and she was tired and all this  
21 other stuff, so my aunt told her just drop the kids over  
22 to her house and she'll take care of them. And she told  
23 me just get -- because I was already at work when I  
24 found out about this, so my aunt was just get through  
25 the night. We'll take care of the kids and we'll work

8

1 everything out when you get off before you go to work  
2 the next day. So then that's when she told me, she's  
3 like, well, he's fine. They can stay the night. And  
4 that's when she watched them again. So I been over  
5 there ever since.

6 Q. Okay. So when your sister -- what's your  
7 sister's name?

8 A. Lamona Trotman.

9 Q. When Lamona said, I can't take care of the kids

10 --

## TROTMAN INTERVIEW 7-7-2010

11 A. She called my aunt and told my aunt that.  
12 Q. So did the aunt go --  
13 A. My sister brought the kids to her.  
14 Q. Okay. So Lamona took them over?  
15 A. Right. (Defendant nodded head).  
16 Q. Okay. And this was all going on while you were  
17 at work?  
18 A. Right. Because they called my phone and told me  
19 at work that the baby -- the baby was crying and he only  
20 had one bottle, but he didn't see the formula that I had  
21 there for the baby, and he had to go to work. And it  
22 was just a bunch of stuff going on. The people that my  
23 sister told me was supposed to watch the kids, she was  
24 like they couldn't watch them again, so she took them to  
25 my aunt. So she took them to my aunt. She called my

9

1 aunt and talked to my aunt about.  
2 And see, I already had it by my aunt anyway, you  
3 know, keeping all my options open on who was going to  
4 watch my kids since I started a new job. So I talked to  
5 her and she was like -- my little cousin, Derika, she's  
6 like 17, she was like -- I was like, well, really, I  
7 would like to give her the money if she would like to  
8 watch the kids, you know, being babysitting and always  
9 being home. I said, I'd rather give it to her. And she  
10 was like, okay, well, you know. I said, But I'm not  
11 saying y'all have to watch them and like that. But, you  
12 know, I was leaving that option open. So my sister  
13 brought them to my aunt.  
14 Q. So that was on Friday, your first day?

## TROTMAN INTERVIEW 7-7-2010

- 15 A. Right.
- 16 Q. You get off Friday --
- 17 A. At 6:00 in the morning.
- 18 Q. Saturday morning, actually?
- 19 A. Actually, it's in the morning.
- 20 Q. Okay. And where do you go?
- 21 A. My aunt's house.
- 22 Q. And how do you get there?
- 23 A. My sister's car. My sister works the morning
- 24 shift. She works from 6:00 in the morning till 6:00 in
- 25 the afternoon. So when she gets off, I'm going into
- 10
- 1 work, so she's able to get her car. And when I'm
- 2 getting off, she's going into work, so I'm able to take
- 3 her car to my aunt's house right down -- it's all in the
- 4 same area.
- 5 Q. So did you talk -- the last you had talked to
- 6 Box, he had gotten off work?
- 7 A. Uh-huh.
- 8 Q. Between 2:00 and 3:00?
- 9 A. Uh-huh. And then called and found --
- 10 Q. From NOCF, and he told you Nikki came in --
- 11 A. In town.
- 12 Q. In town and wanted to see Drigues?
- 13 A. Uh-huh.
- 14 Q. Where was Drigues while he's working?
- 15 A. He had somebody else watching them.
- 16 Q. Who?
- 17 A. I don't know who.
- 18 Q. Come on.
- 19 A. I don't. I don't. Because I know Thursday is

## TROTMAN INTERVIEW 7-7-2010

20 when I found out. I went -- my sister came and got me  
21 that morning and we went and got the -- we went and we  
22 filled out the application and that's when we found out  
23 the next day we had the job. And me and my kids was at  
24 her -- my kids was at her house while we went to go fill  
25 out the application and Drigues was not with me.

11

1 Q. He works everyday?

2 A. Uh-huh.

3 Q. Who --

4 A. I usually watch him throughout the week, but  
5 because of what happened and everything, he had somebody  
6 else watching him.

7 Q. Because of what happened?

8 A. What do you mean?

9 Q. What do you mean because of what happened?

10 A. I don't get what you're saying.

11 Q. You said because of what happened, he had  
12 somebody else watching --

13 A. Oh, he was having somebody else watching him for  
14 a little while and just gave me a break from the three  
15 kids. And he told me that she -- after he went to his  
16 mama's, like when he had somebody else watching the  
17 child, and that he came back on that next day, that same  
18 Friday. So whoever he had watching him, you know,  
19 that's who he was with. Because I know once I left that  
20 house, that was it. I never went back there till  
21 probably like Sunday to get some clothes for my kids and  
22 that was it. And I went back to my aunt house.

23 Q. So you're saying somebody's coming into the house

## TROTMAN INTERVIEW 7-7-2010

24 to watch him?

25 A. No, no. No, I didn't say that. I said Friday --

12

1 between Friday and Sunday and all that, I was my aunt  
2 house all weekend long.

3 Q. Okay. But I have a hard time believing you don't  
4 know who was watching Drigues.

5 A. Box does not tell me everything that goes on in  
6 his life. I ask questions and stuff like that, but  
7 he'll give me the runaround. And I'm being honest.  
8 It's like sometimes I'll be on the phone with him asking  
9 him where he at and it's like he don't want to tell me.  
10 And I feel well, because I'm his girlfriend and --

11 Q. You live with the man.

12 A. Right. And I know he don't be home. He's always  
13 gone. But he knew I was starting my job and he didn't  
14 like the fact -- he didn't want me to work and stuff  
15 like that. So I told him I was going to keep the house.  
16 I'm trying to get on my feet. I got kids to take care  
17 of, I'm going to work.

18 Q. Was he upset about that?

19 A. At first, but he kind of calmed down later on  
20 because he was like, well, I look at it as another check  
21 in the house, it's not a problem. But he didn't really  
22 want me to work because I was out of work for two years  
23 just being an at-home mom. And things just started  
24 getting hectic, bills, house payment wasn't getting  
25 paid, stuff like that started happening, so I knew it

13

1 was time for me to get off my feet and get a job to take  
Page 10

## TROTMAN INTERVIEW 7-7-2010

2 care of my kids.

3 Q. But he's had -- how long has he had Drigues?

4 A. For about two months, two to three months. He  
5 was supposed to stay the whole summer.

6 DETECTIVE LYCZANY: Stay where?

7 DEFENDANT TROTMAN: with us the whole summer.

8 That was the agreement him and Nikki made, that he  
9 wasn't supposed to come back until time to go to school.

10 BY AGENT MCCANTS:

11 Q. Yeah, but he works everyday?

12 A. And I usually take care of him, but now that I  
13 have a job, he has to take care of his child and my  
14 people take care of my kids. Because I (inaudible)  
15 people were taking care of somebody else's kid that they  
16 didn't even know. So he made arrangements on that.  
17 That's why I was telling y'all I don't know who he had  
18 watching his kids, but I know my kids was with my  
19 family. And when I got off from work, I went straight  
20 to my family house and I've been there since.

21 Q. Where's his family?

22 A. His family stay in Summerville, also, but they  
23 really don't talk as much.

24 Q. What about his mom?

25 A. His mom, they talk once -- you know, they talk

14

1 once in a while. I really don't talk to her at all. I  
2 really don't have her number or anything like that. I  
3 usually talk to her sister once in a while, call and  
4 check up on her and stuff like that.

5 Q. Well, do they have a relationship with Drigues?

## TROTMAN INTERVIEW 7-7-2010

6 A. Sort of, kind of, like, you know, sometimes they  
7 -- we went out and stuff, they would watch him. They  
8 would watch all the kids for us. This is once in a  
9 while.

10 Q. And who is that?

11 A. Like his sisters.

12 Q. Who is his sister?

13 A. Kiki Williams and Delle Williams.

14 Q. That's his sister, and is Delle her --

15 A. Sisters, both of them are girls. They're both  
16 his sisters. They both have the last name of Williams.

17 Q. And where does Kiki live?

18 A. She lives in Summerville, also. Matter of fact,  
19 she was downstairs, too.

20 Q. Where in Summerville?

21 A. Off of Old Orangeburg Road.

22 Q. And where does Delle live?

23 A. She comes in and out from school. Whenever she  
24 comes down, she'll call her brother and ask if she can  
25 see her kids -- see her nieces and nephew. And that's

15

1 when -- that's the only time we go out, you know, when  
2 she comes down because --

3 Q. Where does Delle live?

4 A. She stay in Savannah. She's in school.

5 DETECTIVE LYCZANY: And Kiki, we don't know -- we  
6 don't know what Kiki's real name is or full name?

7 DEFENDANT TROTMAN: Julia Williams.

8 DETECTIVE LYCZANY: Julia Williams?

9 DEFENDANT TROTMAN: Uh-huh.

10 DETECTIVE LYCZANY: And that's his sister.

Page 12

## TROTMAN INTERVIEW 7-7-2010

11 DEFENDANT TROTMAN: Right.  
12 BY AGENT MCCANTS:  
13 Q. Is she married?  
14 A. No.  
15 Q. And she babysits sometimes?  
16 A. Yeah, mostly -- only when we ask her to, if she's  
17 able to, she can. When Delle comes in from school,  
18 she'll make sure she calls Box to see if -- what the  
19 kids are doing and she's like I want to watch the kids.  
20 The last time she watched the kids, she came over to the  
21 house and watched the kids for us while we went out.  
22 Q. Is she in college?  
23 A. Uh-huh.  
24 Q. And what other relatives does he have in the  
25 area?

16

1 A. Not like -- like his mom stay in Summerville, his  
2 dad stay -- (inaudible) --  
3 Q. What's his mom's name?  
4 A. Diane Williams.  
5 Q. And where does she live?  
6 A. In Summerville off of Maple Street in a trailer  
7 park.  
8 Q. Do you know which trailer?  
9 A. Let me think. It's 135. It's in the Summerville  
10 Mobile Park, that's the name of it.  
11 Q. Did she babysit sometimes?  
12 A. No, she ain't never babysit them. It's just the  
13 sisters whenever they could. You know, I'll call and  
14 see if they able to watch the kids so I could get a

## TROTMAN INTERVIEW 7-7-2010

15 break from the kids and go out. So it was like once in  
16 a while. I really don't go out that much like that, so.

17 Q. So knowing Box, having been taking care of  
18 Drigues, who would you think would take care of Drigues  
19 if you couldn't?

20 A. He got so many female friends that does things  
21 for him and help him out, it could be anybody. He has a  
22 lot of female friends and they always help him. That's  
23 how he gets to work, he don't have a car. So that's how  
24 he's been getting to work by a friend and everything  
25 like that.

17

1 Q. So we've to --

2 A. I really like -- I never really got into it, you  
3 know, between them two and their child. I let them deal  
4 with that. I just take care of him when I'm -- you  
5 know, when he starting working and stuff when he was  
6 here with us, I would just watch him, you know, he would  
7 be with us.

8 Q. So was he upset when you talked to him Friday?  
9 Was he upset about her wanting to take him back?

10 A. No, he wasn't upset.

11 Q. He just said he wasn't going to --

12 A. He just wasn't -- he kept talking to her and  
13 stuff. Like I said, I'm not really sure of the  
14 conversation that they had, but I just know I was at  
15 work and when I called and stuff like that, he don't be  
16 answering the phone when I was at work, so whenever I  
17 get a chance to talk to him, it would be in the morning  
18 time, so -- and then I be sleeping and stuff like that,  
19 so if he --

## TROTMAN INTERVIEW 7-7-2010

20 Q. Wait a minute. Wait a minute. Wait a minute.  
21 Now, you said you talked to him on Friday and he said  
22 she came on Friday and he didn't get off work till 2:00,  
23 so you talked to him before you went to work or when you  
24 were on your break at work?

25 A. No, I don't go into work till 6:00. I didn't

18

1 leave from the house until 5:00 something to go to work.

2 Q. So you talked to him before you left --

3 A. Right.

4 Q. -- to go to work?

5 A. Right.

6 Q. So that would be between 2:00 or 3:00 when he got  
7 off from work?

8 A. Right. Right.

9 Q. And he said he talked to Nikki?

10 A. Yeah, he talked to Nikki. And that's when she  
11 said I'm here to get --

12 Q. And he said she's here, I'm not ready to let  
13 Drigues go with her?

14 A. No, he just said that she was down here and they  
15 wanted to see Drigues.

16 Q. And he's not ready to let her have him?

17 A. I guess. Like I said, whatever they talked about  
18 is what they were talking about. I don't know. And  
19 see, I had just recently got my cell phone cut back on  
20 probably like two weeks ago, so for like months I was  
21 without a phone.

22 Q. Okay. So Saturday morning when you get off work,  
23 you go to your aunt's house --

## TROTMAN INTERVIEW 7-7-2010

24 A. My aunt's, right.

25 Q. -- in Lamona's car? And then what happens?

19

1 A. I stay there. And I stay there until it's time  
2 for me to go back to the job so my sister could get the  
3 car and go home to her kids and I'd be at work.

4 Q. So all day Saturday, you're at your aunt's?

5 A. Uh-huh.

6 Q. Do you talk to Box at all?

7 A. Yes, in the morning.

8 Q. And what did he say?

9 A. Just calling to check up on the kids and stuff  
10 like that. Basically, you know, he always trying to  
11 keep in contact to know what's going on with the kids  
12 and stuff. I mean, we was, basically, really talking  
13 about making sure that I had a babysitter for my kids.  
14 And he was like he was going to see if he could talk to  
15 his mom to try to help out, stuff like that. So my aunt  
16 told him, well, don't worry about tonight because that's  
17 like the last notice, so we'll take care of the kids.  
18 They're okay tonight. But he was like we just don't  
19 want to let her know and be like well, we just going to  
20 drop the kids off tonight. And she was like don't do  
21 that. That's what --

22 Q. He was going to try --

23 A. He was going --

24 Q. If you were in a pinch, he was going to call his  
25 mom?

20

1 A. Right, right, and see if she could watch the  
Page 16

## TROTMAN INTERVIEW 7-7-2010

2 kids. Even though he still want to talk to them anyway  
3 and try to see if they was going to watch the kids, you  
4 know, so I could have a set babysitter every weekend  
5 that I work.

6 Q. Okay. So then what happens after that? You said  
7 you're at your aunt's all day. How many times did you  
8 talk to Box?

9 A. When his phone's not dead, I probably talked to  
10 him -- like, we call each other all the time. If his  
11 phone dead, then I probably just text him call me. And  
12 then whenever he does get his phone charged, he'll call  
13 me and we'll talk or whatever.

14 Q. So y'all call back and forth?

15 A. Uh-huh.

16 Q. He call's you and you call him all the time?

17 A. Uh-huh.

18 Q. Okay. So that takes us through Saturday?

19 A. Uh-huh.

20 Q. Anything else talked about Drigues on Saturday  
21 about Nikki being here?

22 A. No.

23 Q. He didn't say anything more about --

24 A. Nothing, nothing else about that, no. We were  
25 just trying to make sure we had a babysitter for that

21

1 night. That Saturday, when I went in to work at 6:00,  
2 we was just trying to make sure I had somebody to watch  
3 my kids. But nothing else was ever said --

4 Q. So you were worried about your kids and he didn't  
5 say anything about Drigues --

## TROTMAN INTERVIEW 7-7-2010

6 A. No, he didn't say anything like -- like I said,  
7 whatever they talk about is between them. And I was  
8 just -- I always wanted to make sure that my kids had  
9 somebody -- that somebody was watching my kids anyway  
10 because I wanted the job, you see what I'm saying.

11 Q. Well, when's the last time you saw Drigues then?  
12 You kept him Thursday?

13 A. Uh-huh -- no, I didn't keep him Thursday. Like I  
14 told you, on that day I went to fill out applications,  
15 my kids was at her mother-in-law's house. We went to go  
16 fill out applications. I didn't see Drigues till  
17 Friday. I saw Drigues last Friday, yeah, when he came  
18 back. And I know my sister's number, too, if y'all want  
19 it.

20 Q. Okay.

21 DETECTIVE LYCZANY: (Inaudible).

22 BY AGENT MCCANTS:

23 Q. I'm getting confused because you said you were  
24 starting your job on Friday --

25 A. Right.

22

1 Q. -- and he was working. So were you keeping  
2 Drigues while he was working?

3 A. Yes.

4 Q. Then you went to your job?

5 A. No, when he got off work, Drigues was at the  
6 house with me. And that's when he already -- he already  
7 gotten him from who was watching him that Thursday. So  
8 I had him that Friday morning. So when he got off from  
9 work, I left him with Drigues and I went and left -- and  
10 my kids was at my sister's house and that's how

Page 18

## TROTMAN INTERVIEW 7-7-2010

11 everything else went.

12 Q. So you were at the house that you and Box live  
13 in?

14 A. Right.

15 Q. On Thursday?

16 A. When I saw Drigues was on Friday.

17 Q. And when did you leave him?

18 A. Right when I went to work and he was with his  
19 dad. Because Keisha Lafaire came and picked me up and  
20 take me to work and I had my kids with me because where  
21 she stay at is where my sister stays. So my kids was  
22 supposed to be watched over there. So she was --

23 Q. So Keisha lives with your sister?

24 A. Yeah, yeah, all them live together.

25 Q. Okay. So she picked you up at -- what's the

23

1 address?

2 A. 133 Longborne Way.

3 Q. Longborne Way?

4 A. Uh-huh.

5 Q. Okay. So you were there. And you said Thursday,  
6 you went and filled out applications?

7 A. Uh-huh.

8 Q. So who --

9 A. My kids were at -- that's what I told you, I said  
10 Box had somebody watching his children. He had somebody  
11 watching Drigues and he brought Drigues back. Now,  
12 Friday, I was watching him that morning and when he got  
13 off from work, I left them at the house together. And  
14 that's when Keisha Lafaire came and picked me up, took

## TROTMAN INTERVIEW 7-7-2010

15 me to work and had took my kids to where my sister was  
16 at, which is where they all live together.

17 Q. Okay. who kept your kids on Thursday?

18 A. My sister when I went to go fill out -- not my  
19 sister, but their family, her husband with their three  
20 kids while I went to go fill out --

21 Q. Lamona's husband?

22 A. Right.

23 Q. And what's his name?

24 A. Jay Smith. And they was all at the house with  
25 his kids while me and her went to go fill out the

24

1 application. And we found out that same day that we got  
2 the job and that we start the very next day. And  
3 Drigues was not with me.

4 Q. So you spent the night, though, wednesday night  
5 on Longborne way?

6 A. Uh-huh, wednesday night.

7 Q. Okay. Where was Drigues when you got up Thursday  
8 morning?

9 A. He wasn't with me.. Box had somebody else  
10 watching him.

11 DETECTIVE LYCZANY: Was Box there?

12 DEFENDANT TROTMAN: Home?

13 DETECTIVE LYCZANY: Wednesday?

14 DEFENDANT TROTMAN: Morning?

15 DETECTIVE LYCZANY: Yeah.

16 DEFENDANT TROTMAN: He works in the morning.

17 DETECTIVE LYCZANY: But I mean after work?

18 DEFENDANT TROTMAN: After work, yes, he was home..

19 DETECTIVE LYCZANY: But Rodrigues wasn't there?

Page 20

## TROTMAN INTERVIEW 7-7-2010

20 DEFENDANT TROTMAN: Huh-uh, he had somebody  
21 watching him.

22 BY AGENT MCCANTS:

23 Q. Did he know that Nikki was coming into town  
24 Friday?

25 A. Huh-uh. She just -- I guess she just called him

25

1 that Friday and said that she was down here. And that's  
2 what he told me, he like Nikki be down here. And I was  
3 like, Oh, okay. I mean, what could I say about that  
4 because she down here, you know, because she want to see  
5 Drigues and stuff like that, I'm like okay.

6 Q. Okay. So you spoke with Box -- we're back to  
7 Saturday. You were at your aunt's, you spoke with him  
8 off and on all day. Did Drigues come up at all?

9 A. No, I just -- at first, I didn't even notice her  
10 number. She was calling and I was like, I said this  
11 number keep calling my phone, but I was like I just got  
12 my phone back so all different numbers was calling my  
13 phone. And if I don't know the numbers, I don't answer  
14 them. So whatever they had to talk about was what they  
15 had to talk about. But once he finally told me what her  
16 number was and that that was her calling, that's when I  
17 started answering the phone.

18 Q. So when you were at your aunt's --

19 A. And after I listened to the recorder, I would  
20 call her back.

21 Q. -- she was calling?

22 A. Yeah, and I was calling -- and I called her back.

23 Q. And what did she want?

## TROTMAN INTERVIEW 7-7-2010

24 A. She wanted to know what exit to get off on and I  
25 told her 199B, because she said she wanted to go to the

26

1 house. She said that she wanted to get Drigues and that  
2 she was supposed to meet Box or go to get him or  
3 something like that. They had an agreement where they  
4 talked on the phone about whatever.

5 Q. And this is on Saturday?

6 A. Yeah. No, that wasn't on Saturday, that was on  
7 -- that was yesterday when she asked me about where we  
8 stayed at. That was yesterday.

9 Q. So when did Nikki start calling you, though?  
10 Because you said you were getting numbers -- there were  
11 numbers calling your phone you didn't recognize.

12 A. Uh-huh. And I never did answer the phone till --

13 Q. You never talked to her all this time --

14 A. Yesterday -- no, no, because I didn't have a  
15 phone. I haven't had a phone. I just recently got my  
16 phone cut back on, so whenever she was wanting to get in  
17 touch with him, wanting to talk to Drigues or whatever,  
18 she would have to go through Box because I didn't have  
19 no phone. My phone was off. It actually had got stolen  
20 and it's been off since.

21 Q. When did you get your phone turned on?

22 A. About two, three weeks ago, about two weeks ago.  
23 It just been recently. And it was getting to the point  
24 where I know I needed a phone for people to get in touch  
25 with me, so -- the only way people could get in touch

27

1 with me is whenever Box was home and I would use his  
Page 22

## TROTMAN INTERVIEW 7-7-2010

2 phone to call people and stuff. But other than that, I  
3 was out of a phone.

4 Q. So how long did you go without a phone?

5 A. It was two or three months, probably. It was a  
6 while I went without a phone.

7 Q. So it wasn't Saturday that she called you?

8 A. It was yesterday that we was talking. That's the  
9 time that I talked to her and everything was yesterday.

10 Q. Are you talking about Monday?

11 A. Uh-huh, because that's when she asked me where  
12 the exit to get off on and stuff. She just like, well,  
13 we just want to be at the house when he get here because  
14 he was telling her that Drigues was with him. You see  
15 what I'm saying? So she was like -- I told her, I said,  
16 well, get off at 199B. And she was like, Well, what  
17 apartment? I said, Nikki, we don't live in no  
18 apartment. We live in a house. So that's all -- she  
19 was like all right and we hang up the phone.

20 Q. So Box had told Nikki that Drigues was with him?

21 A. (Defendant nodded head).

22 Q. Was Box with you?

23 A. No, I was at my aunt house.

24 DETECTIVE LYCZANY: Now, let me make sure I  
25 understand when this call you had with --

D

28

1 DEFENDANT TROTMAN: Nikki was yesterday.

2 DETECTIVE LYCZANY: With Nikki was yesterday,  
3 which was Monday?

4 DEFENDANT TROTMAN: Uh-huh.

5 DETECTIVE LYCZANY: Right?

## TROTMAN INTERVIEW 7-7-2010

6 DEFENDANT TROTMAN: Right. Because that's when  
7 she wanted to know where we stayed at. She wanted to  
8 know the exit to get off on and I told her, right.

9 BY AGENT MCCANTS:

10 Q. Did you give her directions to the house?

11 A. No, she -- whenever she asked me, I just  
12 answered, you know, I figured she probably knew where  
13 else to go after. Once they got to the house, they  
14 called and I called her back and I let her know I was --  
15 she was like, well, what address is it? I said, 133  
16 Longborne way. And I let her know. And she was like -  
17 because they didn't know if they was at the right house  
18 or not and she already had called the police and  
19 everything. And Box just happened to call -- he called  
20 and told me what was happening and stuff and I was like,  
21 well, let me call her and see what's going on. So  
22 that's when I started -- you know, that's when I called  
23 her back and let her know it was 133 Longborne way  
24 because they was trying to say they didn't know if they  
25 was at the right house or not.

29

1 Q. And she had -- what do you mean she had called --  
2 she had called the police to go get Drigues?

3 A. She called the police for I didn't know what. He  
4 told me that she had called the police and stuff. And  
5 I'm like, why? And he was like 'cause I'm not ready to  
6 give Drigues back and she ready to get him and she going  
7 all out for it. And he was like, Man, I keep telling  
8 her to chill, but she act like she don't want to chill  
9 and stuff. And I was like, well, let me call her.

10 And then that's when I talked to them. And I

Page 24

## TROTMAN INTERVIEW 7-7-2010

11 told them, I said, I understand what y'all are going  
12 through because I am a mother of two and I said, what  
13 Box is doing is not right. I said, But at the same  
14 time, I said, all he wanted was more time with his son.  
15 And they was like, Yeah, we understand that, but the way  
16 he going about it is wrong. That's exactly what that  
17 lady told me. Now, I don't know if that was her mother  
18 or not. She just said that it was her mom, but that's  
19 what she told --

20 Q. Now, you talked to a lady that was --

21 A. Yeah, that was with her --

22 Q. -- with Nikki?

23 A. -- yeah.

24 Q. So you talked with Nikki and a lady that was with  
25 her?

30

1 A. Uh-huh. Because once Box told me what happened,  
2 I called her phone and it wasn't Nikki on the phone, it  
3 was somebody else. So that's who I was talking to on  
4 the phone. And she was like, well, we trying to find --  
5 we don't know if we at the right house or not, what's  
6 the address? So I said, 133 Longborne way. And I let  
7 her know. And it was like we -- she was like, well, the  
8 police are at the address. She was like, we'll just  
9 have to battle it out in Family Court and take it to  
10 court, you know what I'm saying, battle it out for  
11 Drigues. Because they was like they understand that he  
12 want to be with his son and stuff like that, but they  
13 was like the way he was going about it was not right.  
14 And that was yesterday.

## TROTMAN INTERVIEW 7-7-2010

15 Q. So when you talked to Box, was he adamant about  
16 keeping Drigues?

17 A. He was just like, Man, I supposed to keep him the  
18 whole summer. I'm not ready to give him back. I'm  
19 supposed to keep him the whole summer and it's not right  
20 and I just want to spend more time with my son and she  
21 ready to take him back to Columbia. And I know if he go  
22 back to Columbia, it's going to be a long time before I  
23 see him, so I'm just wanting to get all the time that I  
24 can with my son when I can.

25 Q. So did he tell you that the police actually came

31

1 to the house when he was there?

2 A. He said that's what she -- she was saying. I'm  
3 not actually sure if the police came there or not  
4 because we wasn't there, nobody was home. And I also  
5 let Nikki know that, too, that nobody was home. I also  
6 let her know that I was at my aunt house. I told her  
7 the schedule I worked, just like I told y'all, and I  
8 told her, I said, I been at my aunt house all weekend  
9 long --

10 Q. This was all on Monday?

11 A. Right.

12 Q. And where was Box?

13 A. I don't know.

14 Q. Was he supposed to be working?

15 A. No, he was off Monday because of the holiday.

16 Q. And did you ask him where he was?

17 A. Every time I ask him, he look at me like I'm in  
18 the Summerville area, why. He don't never be wanting to  
19 tell me exactly where he at and stuff.

Page 26

## TROTMAN INTERVIEW 7-7-2010

20 Q. Well, did he tell you he had Drigues?

21 A. Yeah.

22 Q. So how did this all -- I mean, this just was a  
23 continuing saga all day Monday or what all happened?  
24 what else happened? She calls the police. He's not  
25 ready to give him up. You talk to her and you talk to a

32

1 lady that's with her. And they're upset, they're  
2 wanting to make sure they're at the right house.

3 A. Uh-huh.

4 Q. And Box says we'll have to battle it out in court  
5 or she says --

6 A. No, that's what the lady said, yeah.

7 Q. The lady said or Nikki said?

8 A. That's what the lady said. She was like, well,  
9 we'll have to go to Family Court and battle it out for  
10 Drigues. And I said, I know how y'all feel. I said --  
11 she was like, they don't have a problem with him wanting  
12 to be with his son and all that. And they was like --  
13 it just the way he going about it they didn't like about  
14 it. And I guess she didn't want to hear nothing Box had  
15 to say when he talked to her on the phone because she --  
16 I guess, she called the police. I'm not sure. I don't  
17 know exactly if the police was there or not. I'm just  
18 going by what he told me and that's why I called her to  
19 see what was going on.

20 Q. But how did he know she called the police?

21 A. They talked on the phone. She --

22 Q. She told him she was calling the police?

23 A. Yeah, she had to tell him that.

## TROTMAN INTERVIEW 7-7-2010

24 Q. So you think he took off when he found out she  
25 was going to call the police?

33

1 A. No, because nobody was home, nobody --

2 Q. Where would he be if he's not home?

3 A. Who knows where that boy be at. He be all over.

4 Q. But he's got a two-year-old with him?

5 A. Uh-huh.

6 Q. He just drags a two-year-old everywhere?

7 A. I don't know where he --

8 Q. You live with the man.

9 A. I live with him, yes, but I be home. And if I'm  
10 home, yes, the kids are with me. But if I'm not home,  
11 my kids are with my family. I just started this job  
12 this weekend.

13 Q. No, but you've had Drigues since May?

14 A. Right.

15 Q. So you know whether or not he takes Drigues and  
16 runs the streets --

17 A. No, he had him longer than May. He didn't get  
18 him in May. He had him longer than May.

19 Q. When did you get him?

20 A. I think -- let me see. I know he had him for at  
21 least two to three months.

22 DETECTIVE LYCZANY: How did you know he has him  
23 if he's not there and you don't know where he's at?

24 DEFENDANT TROTMAN: No, I'm talking about as far  
25 as like the last couple of weeks, Drigues was not there.

34

1 He had somebody else watching him. That's what I'm  
Page 28

## TROTMAN INTERVIEW 7-7-2010

2 saying. He was giving me a break because I had all  
3 three kids all the time everyday. So he was giving me a  
4 break and let somebody else watch him.

5 BY AGENT MCCANTS:

6 Q. Now, you're expecting me to believe that you  
7 don't know who's watching him?

8 A. No. Like I told you, I don't get into that.  
9 When it comes down to his kids --

10 Q. You live with the man.

11 A. I understand that, ma'am, but I'm saying I don't  
12 get into that. I don't even -- me and this girl don't  
13 even conversate like that even when he down here. Even  
14 when I had a phone, she do not call me and I do not call  
15 her. Whatever goes on is between those two. I don't  
16 get in that --

17 Q. You've been keeping Drigues --

18 A. Yeah --

19 Q. Somebody else is keeping him and you don't say,  
20 Box, who's keeping the baby?

21 A. Why would I do that? That's his son --

22 Q. You've been keeping him --

23 A. That's his son. We done got into it one time and  
24 --

25 Q. I'm not buying it. I'm not buying it.

35

1 A. We got into it one time and he took Drigues with  
2 him, you know, that's okay. And I was like, No, come in  
3 the car, come with me, you can come in the house with  
4 me. He was like, No, I'll take him with me. So ever  
5 since then, I do not get into with him when it comes

## TROTMAN INTERVIEW 7-7-2010

6 down to Drigues. I don't. Whatever he do with his son  
7 is his business. I don't do anything. whatever happens  
8 my kids, then that's my kids, you know what I'm saying.  
9 I deal with my kids. That is his son. He do what he  
10 want with his son, you see what I'm saying. I don't get  
11 into that because that is not my son and I'm not going  
12 to fight nobody over something like that when he's not  
13 even mine. That's his son. What am I supposed to do?  
14 whenever he want to take his son, he can. I can't do  
15 anything about that. I have no custody over him. I  
16 have no papers over him or nothing. I'm just somebody  
17 who takes care of him when he is there, when he comes  
18 and visit us, that's it.

19 Q. But as you said, he's been there for --

20 A. Yeah, he been there. He been there.

21 Q. Everyday?

22 A. I was watching him everyday. Everyday he was  
23 with us. And then I would say, well, Box, I said, I'm  
24 having a hard with these kids all the time. I said, I  
25 need a little break. So he got somebody to watch him.

36

1 So whoever he have to watch him, that's who watch  
2 Drigues. He did not come back to that house till that  
3 Thursday night and I watch him that morning when Box was  
4 at work.

5 When Box got off from work, that's when I had my  
6 kids ready and I had myself ready to go to work. Keisha  
7 came and picked me, she dropped me off at work, took my  
8 kids to my sister's house. From my sister's house, my  
9 sister took my kids to the aunt house. My aunt was  
10 watching my kids there. When I got off from work, my

Page 30

## TROTMAN INTERVIEW 7-7-2010

11 sister went into work, I took her car, take it back to  
12 my aunt house, been at my aunt house since. That's how  
13 we do the transportation-wise thing. The only way I  
14 need to get to work is on Friday to get into work and  
15 getting off that Monday morning or that Sunday when I  
16 got off, that's the only things. We had everything  
17 planned on how I would get to and from work.

18 Q. So you had -- he gave you a break for how many  
19 days?

20 A. It wasn't days, it was probably like two weeks.  
21 Probably like two weeks.

22 DETECTIVE LYCZANY: So what happened today?

23 BY AGENT MCCANTS

24 Q. Yeah, I mean -- yeah, suddenly, you said you  
25 didn't have much to do with everything and all of a

37

1 sudden, you have --

2 A. Yeah. No, he called me --

3 Q. Nikki and Box are calling you and they're putting  
4 you in the middle of this thing and this lady is calling  
5 you and --

6 A. Yeah, that was yesterday. And I told them --  
7 they asked me, they were like, where are you? And I  
8 said, I'm at my aunt house. I said, I worked a 12-hour  
9 shift. I've been at my aunt all weekend long. Drigues  
10 is with Box. They said they were supposed to meet up,  
11 they was coming to get him. She was talking to Box on  
12 her own. They kept calling -- calling back and forth  
13 and stuff like that, so I don't know what they talked  
14 about on the phone.

Page 31

TROTMAN INTERVIEW 7-7-2010  
DETECTIVE LYCZANY: That was earlier today?

15

16 BY AGENT MCCANTS:

17 Q. That was Monday?

18 A. Yeah.

19 Q. Okay. So when you went to work -- did you get to  
20 go to work Monday night?21 A. I'm off Monday through Thursday. I just work the  
22 weekend.

23 Q. So did you stay at your aunt's?

24 A. Yes, I been at my aunt house.

25 Q. So you were there all day Monday?

38

1 A. Uh-huh.

2 Q. And you talked to Box and you talked to Nikki and  
3 all that?

4 A. Right.

5 Q. And you spent the night?

6 A. Yeah, I stay at my aunt house.

7 Q. What happened Tuesday?

8 A. Tuesday came, I talked to Box a couple of times  
9 in the morning time, but I was sleeping, so he was like  
10 call me back when you got up and stuff. And I was  
11 trying to get in touch with him. At one point in time,  
12 his phone was dead. So I waited for his phone to charge  
13 for him to call me back. So he talked --14 DETECTIVE LYCZANY: What phone number are you  
15 calling Box on?

16 DEFENDANT TROTMAN: The 297.

17 DETECTIVE LYCZANY: The 297, okay.

18 BY AGENT MCCANTS:

19 Q. 297, what is it?

Page 32

## TROTMAN INTERVIEW 7-7-2010

20 A. 3329.

21 DETECTIVE LYCZANY: 3329?

22 DEFENDANT TROTMAN: Yeah, that's my cell phone  
23 number.

24 BY AGENT MCCANTS:

25 Q. So that's your phone number?

39

1 A. DEFENDANT TROTMAN: Uh-huh.

2 DETECTIVE LYCZANY: So what's his phone number?

3 DEFENDANT TROTMAN: 539-6213.

4 BY AGENT MCCANTS:

5 Q. So you're calling him and then the phone's dead  
6 and then he charges it up and you're able to reach him  
7 again?

8 A. Uh-huh.

9 Q. What does on then?

10 A. He was saying that he was supposed to go back to  
11 Columbia today and that she wanted to take Drigues with  
12 her, but he wasn't ready for him to go back. Because it  
13 was like he was supposed to stay the whole summer and he  
14 wanted him to stay the whole summer.

15 Q. It's still, basically, the same thing it was on  
16 Monday?

17 A. Uh-huh.

18 Q. He's not ready to let Drigues go back?

19 A. Uh-huh. We already had the plan to get the  
20 rental car and everything. And when I got the rental  
21 car, that's when he was like, well, since you got --  
22 because we don't have transportation like that.

23 Q. Why did you have the plan to get the rental car?

## TROTMAN INTERVIEW 7-7-2010

24 A. He had the plan to get the rental car so I could  
25 be able to get around, just to be able to do what I

40

1 needed to do. And then I also my aunt kept saying that  
2 my son he pulled at his ear and that he needed to be  
3 seen at a doctor because she think he had an ear  
4 infection. So that was another thing I was going to in  
5 the morning is take my son to the doctor and get checked  
6 out for his ear infection.

7 Q. So wednesday morning, you were going to do that?

8 A. Uh-huh. And the car was at -- I asked my cousin  
9 when the car was supposed to go back and she said about  
10 5:30 and I said, okay, so that will give me enough time  
11 to take him to the hospital.

12 Q. So you rented the car for --

13 A. One day.

14 Q. -- one day?

15 A. Yeah.

16 DETECTIVE LYCZANY: who actually rented the car?

17 DEFENDANT TROTMAN: My cousin. The car rental's  
18 in her name.

19 BY AGENT MCCANTS:

20 Q. So the car was to be back at 5:30 --

21 A. She told me -- yeah, as I said, she told me that  
22 the car needed to be back at 5:30. She was telling me  
23 everything that needed to be done on the car that needed  
24 to be turned back in.

25 Q. So when did you pick it up?

41

1 A. She came to pick me up from -- she already had

## TROTMAN INTERVIEW 7-7-2010

2 the car when she -- as to paperwork and everything, she  
3 already had the car. And she came and picked me up from  
4 my aunt's house and I took her back to get her car.

5 DETECTIVE LYCZANY: Now, what's her name?

6 DEFENDANT TROTMAN: Sabrina.

7 DETECTIVE LYCZANY: That's Sabrina.

8 BY AGENT MCCANTS:

9 Q. Sabrina, what's her last name?

10 A. I don't know her last name. I think Smith.

11 DETECTIVE LYCZANY: Is that your real cousin?

12 DEFENDANT TROTMAN: Yeah, she is. She's on my  
13 dad's side of the family and I don't really know my  
14 dad's side of the family like that, but I do know that  
15 she is one of my cousins.

16 Q. So she picked you and the kids up?

17 A. Uh-huh --

18 Q. Or just you?

19 A. Uh-huh, me and my kids, me and my two kids.

20 Q. And then where did you go?

21 A. I took her back to her car.

22 DETECTIVE LYCZANY: What time was this?

23 DEFENDANT TROTMAN: I wasn't really looking at  
24 the time or anything.

25 DETECTIVE LYCZANY: I mean, can you judge before

42

1 lunch, after lunch?

2 DEFENDANT TROTMAN: what do you call lunch,  
3 12:00?

4 DETECTIVE LYCZANY: Yeah.

5 DEFENDANT TROTMAN: Yeah, it was after lunch.

## TROTMAN INTERVIEW 7-7-2010

6 DETECTIVE LYCZANY: It was after lunch?

7 BY AGENT MCCANTS:

8 Q. Was it 24 hour -- did you get the car for 24  
9 hours, or a day and a half or -- because you said that  
10 she said the car had to be back at 5:30 wednesday. what  
11 time did --

12 A. I don't know what time her agreement that they  
13 did at Enterprise, I'm not really sure what she had.  
14 Because she just told me when the car needed to be back  
15 and that Box would need to call her to do that. And she  
16 was letting me know that make sure the gas is back where  
17 it's supposed to be at so they won't charge him for more  
18 money than he's supposed to pay.

19 DETECTIVE LYCZANY: But you already knew that Box  
20 was arranging for that, right?

21 DEFENDANT TROTMAN: For the rental?

22 DETECTIVE LYCZANY: Yeah.

23 DEFENDANT TROTMAN: Yeah, for me so I can get  
24 around.

25 DETECTIVE LYCZANY: For just one day, though?

43

1 DEFENDANT TROTMAN: Uh-huh. Just so I'm able to  
2 do what I had to do, just get around and making sure --  
3 because I'm trying to look for another place to stay and  
4 stuff like that, looking at low income apartments just  
5 for cheaper rent because we been struggling. So I was  
6 going to go around and look at different places and go  
7 to the Housing Authority and stuff like that.

8 BY AGENT MCCANTS:

9 Q. How does Box get around?

10 A. His friends come pick him up, he gets rides.

## TROTMAN INTERVIEW 7-7-2010

- 11 Q. He doesn't have a vehicle?
- 12 A. No. He has a car, but it hasn't been on the road
- 13 in months. He don't use that car.
- 14 Q. Which of his friends take him the most?
- 15 A. Female friends.
- 16 Q. Who takes him to work?
- 17 A. He gets -- anybody he can get to take him to
- 18 work, he gets them to take him to work. If they able to
- 19 take him to work, they take him to work. He will call
- 20 somebody and be like, Can you take me to work? You
- 21 know, come at this time, come pick me up, or if he's out
- 22 and about, he'll get a ride from them and go to work.
- 23 Q. Does he work everyday?
- 24 A. Uh-huh.
- 25 Q. Monday through Friday?

44

- 1 A. (Defendant nodded head).
- 2 Q. And he has to be there at what time?
- 3 A. If he busy, sometimes he leaves 6:30, 6:00, 7:00,
- 4 whether that be after 7:00, but he really starts work at
- 5 8:00.
- 6 Q. So, I mean, he has to have something lined up if
- 7 he's had a job for five years?
- 8 A. Uh-huh, yeah. We just recently lost my car.
- 9 They repoed my car, so we just recently lost my car and
- 10 ever since then he was just catching rides.
- 11 Q. You don't know who shows up the most to pick him
- 12 up?
- 13 A. It's a girl in a burgundy Honda. She comes to
- 14 pick him up in the morning and stuff and take him to

## TROTMAN INTERVIEW 7-7-2010

15 work and he gets a ride from his partners from work to  
16 get home.

17 Q. You don't know the girl's name?

18 A. Kelly, I don't know her last name.

19 Q. Does she work there, too?

20 A. No, only guys work there that do that. Only  
21 girls work in the office and I think it's only one that  
22 works there.

23 Q. So you get the car sometime in the afternoon?

24 A. Uh-huh.

25 Q. Do you know about when?

45

1 A. No, I really don't be looking at the time, not  
2 really, huh-uh.

3 Q. But you had it planned, he tells you it's worked  
4 out?

5 A. For the rental?

6 Q. Uh-huh.

7 A. Uh-huh.

8 Q. So he actually talks to your cousin to get her to  
9 go rent it?

10 A. Uh-huh.

11 Q. And then you drop her off?

12 A. Uh-huh.

13 Q. Take it back. Where was her car?

14 A. At the rental place.

15 Q. And then what do you do?

16 A. Call Box and he tells me to meet him at the old  
17 theatre on Ashley Phosphate Road to pick up Drigues to  
18 take him back to his mom.

19 Q. Where is the old --

Page 38

## TROTMAN INTERVIEW 7-7-2010

20 A. It's the old theatre. It's like an old theatre.  
21 It's probably not even -- I can't even remember -- it's  
22 probably turned into something else, but we look at it  
23 as the old theatre on Ashley Phosphate.

24 Q. What is it near?

25 A. Like Lowe's and all in that area off of North .

46

1 something -- it's on the right-hand --

2 Q. (Inaudible)?

3 A. It used to be a movie theatre over there and we  
4 just look at it as -- we just say it's an old theatre.

5 Q. Is there a skating rink, ice skating rink?

6 A. Yeah, it's in that area, yes, ma'am. But I just  
7 told him I was pulling up and he was walking towards the  
8 car with him and put him in the car and I had got his  
9 stuff with us. And that's when I called Nikki and let  
10 her know that I was on my way down to her.

11 Q. But was that unusual --

12 A. To see him walking?

13 Q. No, for -- I mean, it seems like you didn't have  
14 a lot to do with Nikki until Monday?

15 A. Yeah, right, I didn't have a lot to do with Nikki  
16 till Monday. Because, like I said, like, we didn't  
17 found out that he was his until last year. And ever  
18 since he's been with him -- ever since we found out last  
19 year that this son was his, we been keeping him. And  
20 that was the arrangement, I'll pick him up for Ashley  
21 Phosphate from the mall, meet up with her, get him.  
22 When it's time for him to go back, we'll meet at the  
23 mall, she'll get him and go home. That's when she was

## TROTMAN INTERVIEW 7-7-2010

24 staying downtown. When she moved to Columbia, that's  
25 when she met us at the house and she pick up Drigues to

47

1 go to Columbia. And she brought Drigues back down here  
2 to stay with us, to be with us for the winter -- I mean,  
3 for the whole summer.

4 Q. So you didn't go back to your house after you  
5 picked up the car?

6 A. Huh-uh.

7 Q. You just called Box and he said meet at the old  
8 theatre?

9 A. Uh-huh.

10 Q. Well, she had already known where the house was.

11 A. Yeah, from yesterday.

12 Q. Right. Why didn't you just have her meet you at  
13 the house?

14 A. He told me -- because when I called her, she told  
15 me she was in the Charleston area, so I was like, well,  
16 I'm coming down there when I called her.

17 Q. So he hadn't already talked to her?

18 A. I think he did talk to her. I think he already  
19 told her that I was going to bring him to her. whatever  
20 else they talked about, I don't know.

21 Q. So he brings Drigues to you?

22 A. Uh-huh.

23 Q. In the car?

24 A. Uh-huh.

25 Q. Did you have a car seat for him?

48

1 A. No, we never had a car seat for him. His mom

Page 40

## TROTMAN INTERVIEW 7-7-2010

2 doesn't have a car and she usually catches buses and  
3 stuff like that to get -- you know what I'm saying, when  
4 we was taking him to and from the mall, she would take a  
5 bus to pick him up and take a bus to drop him off and  
6 meet me at the mall. And that's how we been doing it  
7 always with no problem.

8 Q. So how does he sit?

9 A. He sits -- my child has a car seat and my other  
10 baby has a car seat on the right side and he sits  
11 directly in the middle. I didn't want to put him in the  
12 front seat because I thought that that was -- even  
13 though we didn't have a car seat, I thought that would  
14 have been safer for him to be in the back seat, like in  
15 between buckled. Even when I had my car, it was like  
16 that. The mom and the dad, they never got a car seat  
17 for him.

18 Q. Then what happened, after y'all put him in the  
19 car?

20 A. I called Nikki and I asked her where she's at.  
21 And she tells me she's in Charleston off of Rivers  
22 Avenue at the Burger King. And I say, well, I'm on my  
23 way down there. So then she calls me and she asked me  
24 where I'm at and I tell her I'm on the I. And I said  
25 well, my phone is about to go dead. I said, so the

49

1 juice that I have in my phone, I'm trying to keep it so  
2 when I get down there, I can call you and let you know  
3 where I'm at and stuff and we can meet up for you to get  
4 him.

5 Q. why didn't you just meet on Rivers Avenue since

## TROTMAN INTERVIEW 7-7-2010

6 you were on Ashley Phosphate?

7 A. Because I talked to Box again and I think they  
8 talked again or whatever they talked -- whenever they  
9 talk, I really don't be knowing when they have phone  
10 conversations and stuff like that. He told me something  
11 about her daughter, they had to take her daughter  
12 downtown. And see, her mom stays downtown. So he was  
13 like just go downtown, so that's the area I went.

14 Q. Yeah, but she's just telling you she's on Rivers  
15 Avenue --

16 A. Yeah, she just told me where she's at, so that's  
17 why I said, well, when I get down in that area, I'll let  
18 you know where I'm at so we can meet up. She wasn't  
19 really saying like well, meet me here. She just told me  
20 that's where she was at. And I was just trying to find  
21 out where she was at to see if she was on her way to  
22 Summerville already or she was still in the Charleston  
23 area. And if she was still in the Charleston area, I  
24 was going to bring him to her so she wouldn't have to  
25 drive all the way up here. That was the deal, and

50

1 that's what Box told me.

2 Q. So he told you to go into Charleston?

3 A. Yeah, he told me to go to Charleston.

4 Q. And did he tell you where to go?

5 A. He just -- he told me 221B and that's when I got  
6 off on (inaudible) Street. I didn't know which way to  
7 turn, so I just made that right and just kept going.  
8 straight and that's when I end up on the Battery.  
9 Because I only know downtown like that. And every time  
10 I would try -- you know, my phone was going dead, so

Page 42

## TROTMAN INTERVIEW 7-7-2010

11 every time I try to call him and stuff, it -- I could  
 12 never get through, his phone was either acting up or my  
 13 phone was acting up, so I was like, man, I need to save  
 14 this until I get where -- you know, to a landmark where  
 15 I can call Nikki and let her meet me down here.

16 Then when I got the kids out of the car, put my  
 17 baby in the stroller and everything, started walking. I  
 18 turned my phone back on and that's when I got a text  
 19 message from Nikki saying can I meet you at the Wal-Mart  
 20 on Montague. So then that's when I called her and told  
 21 her what was said. And I was like, well, I'm down here  
 22 on the Battery. I said, I don't know too much about  
 23 downtown. And she was like, well, why you all the way  
 24 down there? And I said, well, Box told me that you had  
 25 to bring your daughter down here, so just go ahead and

51

1 come this way.

2 So I'm saying when I'm trying to call him, I  
 3 couldn't get in touch with him because my phone went  
 4 dead and I wanted to save the juice that I had, so I had  
 5 to just drive somewhere. When I realized where I was  
 6 going, I saw it was the Battery, that's when I told her  
 7 to meet me down here. So she asked me if I see any  
 8 stores and stuff like that. And I said, No, I don't see  
 9 no stores --

10 Q. She said she was at Wal-Mart?

11 A. No, she asked me to meet her at Wal-Mart. I  
 12 don't know where she was at after that. I don't know  
 13 where she was at.

14 Q. What Wal-Mart?

## TROTMAN INTERVIEW 7-7-2010

15 A. On Montague is where she texted me. She asked me  
16 if I could meet on her Montague -- the wal-Mart on  
17 Montague. From the time that I talked to her on the I  
18 till I got the text message, I don't know where she was.  
19 I don't know where she was coming from or anything.

20 Q. (Inaudible) Rivers Avenue?

21 A. I don't know if she left from Rivers Avenue or  
22 not or if she was still there. She probably was still  
23 there.

24 Q. She didn't try to set up a place for y'all to  
25 meet?

52

1 A. No, she never said anything. I just asked her  
2 where she was at and she just told me she was in  
3 Charleston on Rivers Avenue. Like I told you, I just  
4 wanted to know if she was on her way to Summerville, I  
5 would have stayed in Summerville. If she was already in  
6 Charleston, I was going to bring him to Charleston. I  
7 was already (inaudible).

8 Q. You have a baby and she's wanting the baby.  
9 Y'all don't say let's meet at such and such a place?

10 A. How you mean?

11 Q. You never say -- I mean, you keep saying where  
12 are you, she says well, where are you, y'all don't say  
13 well, let's meet at such and such a place?

14 A. No, she called me and she was asking me where I  
15 was at. And I said, I'm on the I right now. And she  
16 was like, Okay. That was the end of that conversation.  
17 And that's when I let her know, I said my phone's going  
18 dead, I want to keep this -- you know, my phone charged  
19 enough so I can call you when I get down there. And she

Page 44

## TROTMAN INTERVIEW 7-7-2010

20 was like, Okay. That was the end of that conversation.

21 DETECTIVE LYCZANY: Well, when Box told you to  
22 get off on that exit, did he tell you where to go?

23 DEFENDANT TROTMAN: No, because he hanged up, his  
24 phone hanged up. His phone kept -- he said something  
25 was wrong with his charge, so every time I was trying to

53

1 call his phone, it was always going to the voice mail,  
2 so that's when I didn't know where to go. So I just  
3 made that right and just kept going straight and that's  
4 when I rode up to the Battery.

5 DETECTIVE LYCZANY: So he just said take that  
6 exit?

7 DEFENDANT TROTMAN: Uh-huh, he told me to get off  
8 that exit because they stay off Meeting Street from what  
9 I know. The last time I know --

10 DETECTIVE LYCZANY: Did he say he'd call you  
11 back?

12 DEFENDANT TROTMAN: Yeah, that's why I tried to  
13 call him back, but his phone was going straight to the  
14 voice mail. His phone was dead. He said something was  
15 wrong with his charger, so he was trying to get it to  
16 work and charge his phone and stuff.

17 DETECTIVE LYCZANY: Okay. So he tells you, okay,  
18 take this exit and then he hangs up or then his phone --

19 DEFENDANT TROTMAN: No, he said take this -- get  
20 off on 221B and he said call me when you do that. So I  
21 called him and I couldn't get through. And I'm already  
22 riding, you see what I'm saying? So I'm like well, I  
23 just made this right and turned down on Meeting Street

## TROTMAN INTERVIEW 7-7-2010

24 and kept going straight. And I kept trying to call him,  
25 but I did not call him too much, and he's -- you know

54

1 what I'm saying, my phone going dead and trying to get  
2 in touch with Nikki.

3 DETECTIVE LYCZANY: well, see, that's what I  
4 guess we've got a lot of problems with trying to  
5 understand because Box is involved, Nikki's saying she's  
6 here, you're saying you're close by. Box gets in the  
7 middle says, No, drive down to Charleston, take this  
8 exit, but then doesn't tell you where to go --

9 DEFENDANT TROTMAN: The only reason why he said  
10 that is because he -- I guess -- I don't know. Like I  
11 said, whatever they talked to on the phone whatever, he  
12 --

13 DETECTIVE LYCZANY: Yeah, but don't you ever ask  
14 him, hey, what are you guys talking about? why don't I  
15 just pull over --

16 DEFENDANT TROTMAN: Like I said, I try not to get  
17 into that, you know, that baby mama drama and stuff. I  
18 try --

19 BY AGENT MCCANTS:

20 Q. well, you're involved in it?

21 A. I know now, yes, I am involved in it now.  
22 Before, it was always like that. They always conversate  
23 with each other. Me and her never conversate like that.

24 Q. But you said you would always take him to meet  
25 her?

55

1 A. Yeah, just to meet her. I didn't have no phone.

## TROTMAN INTERVIEW 7-7-2010

2 she was already at the mall every time I would get in  
3 touch with her. So when he talk to her on the phone and  
4 stuff like that, he be like, okay, go ahead and take  
5 him, she already at the mall. I went home, I just --

6 Q. Did you know where at the mall?

7 A. Yeah, I know where the mall at --

8 Q. I mean, you had to know a specific place in the  
9 mall.

10 A. I just know. I don't get out the car. She be at  
11 the front. She be in the front --

12 Q. And every other time that you've exchanged this  
13 baby, it's go to the front of the mall?

14 A. Uh-huh, she would be outside --

15 Q. So this particular time, there's no go to the  
16 front of the mall?

17 A. Right.

18 Q. why?

19 A. I don't know.

20 Q. I mean, this sounds like a lot --

21 A. Box be like you call her and ask her, that's why  
22 I called her and ask her where she was at. Because he  
23 was saying she might on her way to Summerville or she  
24 might be still downtown. So he told me to call her and  
25 ask her where she was at. And that's when she told me

56

1 where she was at. So I told her I was on my way down  
2 there. So she calls me back --

3 Q. Yeah, but she told you she was at Rivers Avenue.

4 A. Yeah, she told me she was at Burger King --

5 Q. That's not in Charleston?

## TROTMAN INTERVIEW 7-7-2010

6 A. That is in Charleston, Rivers Avenue is  
7 Charleston.

8 Q. Well, it's North Charleston.

9 A. Yeah, North Charleston. I feel like --

10 Q. Yeah, but you were already in North Charleston on  
11 Ashley Phosphate.

12 A. Right.

13 Q. She's just up the road a ways on Rivers Avenue.

14 A. And I talked to Box and he told me that she was  
15 taking her daughter downtown, so go downtown.

16 Q. So when you talked to her, what did she say --

17 A. Once I talked to her that one time and she told  
18 me where she was at, I asked her what area she was in,  
19 she told me. Once I hang up the phone with her from  
20 that, I did not talk to her until I talked to Box next.  
21 And that's when he told me that, so that's when I went  
22 downtown.

23 DETECTIVE LYCZANY: why would you have talked to  
24 Box about what to do after she just told you where she  
25 was?

57

1 DEFENDANT TROTMAN: Because he called me and he  
2 told me this.

3 DETECTIVE LYCZANY: well, did you say, yeah, but,  
4 Box, listen, she just said she's over here?

5 BY AGENT MCCANTS:

6 Q. Like close to where I am?

7 A. I don't know if they talked on the phone earlier.  
8 He must have -- she must have told him something  
9 different or something because he told me something  
10 about her little girl and being downtown.. So that's why

## TROTMAN INTERVIEW 7-7-2010

11 I went downtown. And I told him, I said, Box, my  
12 phone's going dead. I need to have this so I can get in  
13 touch with them.

14 Q. So then you end up in the Battery and you call  
15 her?

16 A. Uh-huh. I cut my phone on, saw I had a little  
17 bit of juice, called her and let her know where I was at  
18 --

19 Q. Was that right when you got to the Battery?

20 A. Not right when I got to the Battery. I parked,  
21 got my kids out of the car and was walking, and then  
22 turned my phone on and went walking. And I saw the text  
23 message she sent me, so I called her and let her know  
24 where I was at.

25 Q. What did the text say?

58

1 A. Can you meet me at the Wal-Mart on Montague. So  
2 between that time that I talked to her, she (inaudible),  
3 she already done moved, you know what I'm saying,  
4 without even telling me or anything. But she wouldn't  
5 be able to get in touch with me because of my phone. So  
6 then when I got the text, I saw where she texted me, I  
7 called her.

8 DETECTIVE LYCZANY: Okay. So you got to the  
9 Battery, you got the kids in the car?

10 DEFENDANT TROTMAN: Uh-huh.

11 DETECTIVE LYCZANY: I don't know where the car  
12 was parked.

13 DEFENDANT TROTMAN: Uh-huh.

14 DETECTIVE LYCZANY: You parked your car and you

## TROTMAN INTERVIEW 7-7-2010

15 get all of them out?

16 DEFENDANT TROTMAN: Uh-huh.

17 BY AGENT MCCANTS:

18 Q. Where was the car? Where did you park?

19 A. Parked on the side, like on the side where all  
20 the cars park at, I just -- I went down and I made the  
21 first turn that I saw and I came up and I just parked  
22 the car to the side.

23 Q. Did you turn left? When you came up Meeting  
24 Street?

25 A. When I came up Meeting Street, I got to the stop

59

1 sign and made a right.

2 Q. You made a right?

3 A. When I got to that stop sign, I made another left.  
4 and that was going towards -- right to the Battery. So  
5 I made that right because everybody was going this way,  
6 so the cars was going this way. So I couldn't go that  
7 way, so I went this way. So the first little turn I saw  
8 that I could make, I turned around and I came up and I  
9 just parked the car to the side. Got the kids out the  
10 car and was taking a walk.

11 And I called her -- I turned my phone on and I  
12 called her and let -- and that's when I saw the text  
13 message. And when I saw the text message, I called her  
14 and let her know where I was at, asked her if she could  
15 meet me down there because I didn't know where -- I  
16 didn't know downtown like that. So she asked me if I  
17 knew where Water Front Park was at. She said, It's  
18 right there by the Battery. And I said, well, I'm not  
19 familiar with downtown. She was like, Do you see any

Page 50

## TROTMAN INTERVIEW 7-7-2010

20 stores? And I said, No, I don't see any stores. I  
21 said, All I see is this sign that says City of  
22 Charleston. So she was like, well, which area of the  
23 Battery are you on? I was like, well, I really don't  
24 know the different areas of the Battery. I just know  
25 I'm on the Battery. So she was, Okay. And I heard her

60

1 talking, telling her mom or whatever. And she was like,  
2 Okay -- she was like, Tell her to stay, we on our way.

3 Q. So she asked you about Water Front Park?

4 A. Yeah, she asked me if I knew where that was at  
5 and I told her no. I told her, I said, Nikki, I told  
6 you, I said, I don't know downtown like that.

7 Q. So you didn't know where Water Front Park was?

8 A. Huh-uh. So when I told her that, that's when she  
9 talked to her mom and let her know and everything  
10 because her mom was driving, so she had to let her mom  
11 know what was going on. And she was like, well, just  
12 tell her to stay there and we on the way. So I said  
13 okay.

14 DETECTIVE LYCZANY: And then what?

15 DEFENDANT TROTMAN: And then that's when I hang  
16 up the phone with them. I turned around to look to see  
17 if everybody was together and Drigues was not there.  
18 And I just knew from his mom and his dad -- from his mom  
19 telling his father that he does run off and stuff like  
20 that. You can't control him and stuff. And this is  
21 what I hear from him and her, but he's never done that  
22 with me because I don't really go nowhere like that for  
23 him to run off nowhere.

## TROTMAN INTERVIEW 7-7-2010

24 DETECTIVE LYCZANY: And then what happened after  
25 that, after you --

61

1 DEFENDANT TROTMAN: The first person I saw, I  
2 asked, I said, Please, I said, sir -- the first person I  
3 saw, I was trying to get his attention, but he was  
4 jogging because he was right behind me. So I figured  
5 the person behind me would have saw what was in front of  
6 him. So I tried to stop him, but he kept going. He had  
7 his earphones in his ears, so he couldn't even hear me.  
8 So the next person I saw, I said, ma'am, I said, did you  
9 see a little boy. I said he had on a red collared  
10 shirt, blue shorts and black sneakers. I said he has  
11 hair. He has little locks. I said, Did you see a  
12 little boy running around? And she was like, No. And  
13 then that's when she started -- she was looking around,  
14 everybody was looking. And she said, I think I see a  
15 little boy with a red shirt over there. And she was  
16 like, Stay right here with your kids and I can go. And  
17 everybody -- it was like a little group of them that  
18 went to go look. And I was looking, you know, making  
19 sure my kids were together and everything and looking to  
20 see if that was him and nobody never came back and said  
21 that that was him. So that's when -- I already called  
22 the police. As soon as I found out he was not there, I  
23 called the police --

24 DETECTIVE LYCZANY: What did you call? Do you  
25 remember what you dialed?

62

1 DEFENDANT TROTMAN: 911.  
Page 52

## TROTMAN INTERVIEW 7-7-2010

2 DETECTIVE LYCZANY: Are you sure?

3 DEFENDANT TROTMAN: Uh-huh. And they directed me  
4 -- they said they had to direct me to the City of  
5 Charleston. So they had to keep directing --

6 BY AGENT MCCANTS:

7 Q. So the lady you stopped was with a group of  
8 people?

9 A. Uh-huh.

10 DETECTIVE LYCZANY: I want to make sure, did you  
11 call Nikki back?

12 DEFENDANT TROTMAN: Yes, I did, and I told her  
13 what happened. Yes, I did.

14 DETECTIVE LYCZANY: Okay.

15 DEFENDANT TROTMAN: And I told her what happened.  
16 Because I asked, I said, well, I thought you would have  
17 been down here by now because they was already in the  
18 Charleston area, so I thought she would have been down  
19 here by now. So I called her and I said, Nikki, where  
20 are you? And she was like, I'm on the way. She was  
21 like, why? I said, Because right after I got off the  
22 phone with you, I said Drigues was not behind me when I  
23 looked. And she was like, Oh, my God, and this and  
24 that. You know what I'm saying. And she was like,  
25 well, how did you lose him? And I was like, I just got

63

1 off the phone to let her know where I'm at and  
2 everything and I said, I looked back to see if he was  
3 there and he wasn't anywhere. She got there, she was  
4 like, You're supposed to hold his hand. He does run off  
5 and you can't control him, but you've got to hold his

## TROTMAN INTERVIEW 7-7-2010

6 hand and stuff like that.

7 BY AGENT MCCANTS:

8 Q. Were you on the side with the gardens or you were  
9 on the side with the water?

10 A. I was never right there in the park area. I was  
11 just walking on the side, on the walkway.

12 Q. And how close were the kids behind you?

13 A. They -- like they -- my daughter like to walk  
14 slow, so they like -- I mean, he kind of walk slow, too.

15 Q. Did they hold hands?

16 A. Uh-huh, sometimes they do and sometimes they  
17 don't. Sometimes my daughter like to act (inaudible)  
18 and she don't be wanting to hold his hand and stuff like  
19 that. But they was walking side by side. I even tried  
20 to talk to her because sometimes she can tell you and  
21 she was like (inaudible), so I was talking, I said, Did  
22 you see Drigues? I said, Did you see where he went at?  
23 And she shake her head yes. And I said, Show mommy  
24 where did he go. And she was just like -- she just  
25 stand, you know what I'm saying, she really wasn't

64

1. trying to tell me where he went at or if she saw him run  
2 off somewhere. So I got her to come down (inaudible).  
3 I said, Show mommy where Drigues might have went if you  
4 saw him. And she just kept saying, Drigues, Drigues.  
5 So I figured she didn't understand what I was saying.  
6 Because the lady was like -- one of the ladies that was  
7 out there helping, she was like, You know, I don't know  
8 the kid, she said, if you can talk to her in a calm  
9 manner so she might be able to let you know where he  
10 went. So I did that.

Page 54

## TROTMAN INTERVIEW 7-7-2010

11 Q. Well, how close behind, though? I mean, you have  
12 a baby carriage?

13 A. Yeah, I'm pushing the baby carriage.

14 Q. You're on the phone?

15 A. Uh-huh.

16 Q. But you have two two-year-olds?

17 A. Yeah, and they were right behind me. But then  
18 when I turned back around to look to see if they was  
19 there, Yaya was like kind of -- you know, not far from  
20 me, but like behind me. And that's when I look and I  
21 saw he wasn't there.

22 Q. But there were lots of people around?

23 A. Uh-huh. That's why the first person I saw, I  
24 stopped and I asked her, Did you see a little boy? I  
25 asked what he had on and stuff and they was like no.

65

1 And then they said, Oh, I think I see a little boy with  
2 a red shirt. I was like, Yes, you know what I'm saying,  
3 if they came back and found him and that wasn't him.

4 Q. He had a red shirt?

5 A. A red collared shirt, blue pants -- blue shorts  
6 and black Nike sneakers.

7 DETECTIVE LYCZANY: When you picked the car up,  
8 when Sabrina got the car for you, she came over to your  
9 aunt's house, right?

10 DEFENDANT TROTMAN: Uh-huh.

11 DETECTIVE LYCZANY: And then you took her back to  
12 drop her off?

13 DEFENDANT TROTMAN: Uh-huh, to get her car.

14 DETECTIVE LYCZANY: To get her car. So she got

## TROTMAN INTERVIEW 7-7-2010

15 her car and then you -- what happened next?

16 DEFENDANT TROTMAN: Then I drove off. I got in  
17 touch with Box and he told me --

18 DETECTIVE LYCZANY: Okay. Okay. So you drove  
19 off right after you dropped her off?

20 DEFENDANT TROTMAN: Yeah, she got in her car and  
21 I got in the front seat and we drove off.

22 DETECTIVE LYCZANY: So when she came over to pick  
23 you up, what did she do? What did you and Sabrina do  
24 when she came over to pick you up at your aunt's house?

25 DEFENDANT TROTMAN: I got in the car with my

66

1 kids.

2 DETECTIVE LYCZANY: So you got the baby --

3 DEFENDANT TROTMAN: Yeah, my baby and my little  
4 girl, and we got in the car seat.

5 DETECTIVE LYCZANY: And did you take time to pack  
6 anything for them?

7 DEFENDANT TROTMAN: No, I was already ready  
8 before she got there. I always make sure -- that's just  
9 how I am. I always make sure I got the kids' bag  
10 together and I made sure my kids got their stuff  
11 together. And that's when she came and got me. I came  
12 outside, put my kids in the car.

13 DETECTIVE LYCZANY: What about Rodrigues's?

14 DEFENDANT TROTMAN: Rodrigues's what? Yeah, I  
15 had to get his stuff because his bag had to get taken  
16 back, so I made sure I got his stuff and take him back.  
17 So when I pick him up, I had his stuff with me.

18 DETECTIVE LYCZANY: Okay. How much stuff did he  
19 have?

## TROTMAN INTERVIEW 7-7-2010

20 DEFENDANT TROTMAN: He just had two nightgowns --  
21 like I bought him -- you know, when he was with us, I  
22 bought him like two nightgowns, you know what I'm  
23 saying, like night clothes --  
24 BY AGENT MCCANTS:  
25 Q. Pajamas?

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67

1 A. Yeah, pajamas.  
2 DETECTIVE LYCZANY: Okay. what color?  
3 DEFENDANT TROTMAN: One was like orange and blue  
4 and the other one was a SpongeBob.  
5 DETECTIVE LYCZANY: Two PJ's?  
6 DEFENDANT TROTMAN: Uh-huh.  
7 DETECTIVE LYCZANY: Orange --  
8 AGENT MCCANTS: And a SpongeBob.  
9 DETECTIVE LYCZANY: -- and blue?  
10 DEFENDANT TROTMAN: Uh-huh.  
11 DETECTIVE LYCZANY: what else?  
12 DEFENDANT TROTMAN: He also had just a pair of  
13 (inaudible) shorts, which were red.  
14 BY AGENT MCCANTS:  
15 Q. Red shorts?  
16 A. Uh-huh. which also are pajamas.  
17 Q. They're pajamas?  
18 A. Well, just the shorts, yeah.  
19 DETECTIVE LYCZANY: what about shoes?  
20 DEFENDANT TROTMAN: Yeah, he had some shoes, just  
21 one pair of shoes. They were blue and black.  
22 DETECTIVE LYCZANY: You tell me, you packed his  
23 stuff.

## TROTMAN INTERVIEW 7-7-2010

24 DEFENDANT TROTMAN: Yeah, he had blue and white  
25 shoes. He had -- he just had a new outfit that his dad

68

1 bought him, just one new outfit. He had a blue shirt,  
2 khaki pants, a red shirt, blue shorts and a yellow shirt  
3 to go with the blue shorts. And he had his pack of  
4 pull-ups that we bought him.

5 DETECTIVE LYCZANY: And all that was in that bag?

6 DEFENDANT TROTMAN: Uh-huh..

7 DETECTIVE LYCZANY: And you already had that  
8 packed?

9 DEFENDANT TROTMAN: Yeah, I had it packed.

10 DETECTIVE LYCZANY: At your aunt's house?

11 DEFENDANT TROTMAN: Uh-huh.

12 BY AGENT MCCANTS:

13 Q. How did you have it at your aunt's house?

14 A. Because I be at my aunt's house, you know what  
15 I'm saying. And like I said, we was struggling at my  
16 place where we was staying at and we was about to get  
17 kicked out, actually, on the verge of getting kicked, so  
18 my aunt said I could come and stay with them.

19 Q. Yeah, but why did you have Drigues's stuff?

20 A. Because he going somewhere or I would wash  
21 clothes -- you know, wash our clothes together and  
22 stuff, you know, just like I do my kids. All our  
23 clothes be together. I wash all our clothes together.

24 Q. Yeah, but you said somebody else has been keeping  
25 him.

69

1 A. Yeah, he's been -- whatever he has is with them.

Page 58

## TROTMAN INTERVIEW 7-7-2010

2 You know, he was living with us. He was living with us,  
3 so, of course, I'm going to have clothes.

4 Q. Yeah, but why did you have them at your aunt's?

5 A. Because I told you I had moved at my aunt's so  
6 some of the stuff I had was already with me.

7 Q. But I thought you went back to your house that  
8 you lived with Box at?

9 A. No, not this weekend. I don't know, my aunt was  
10 supposed to take me. She took me back home to leave her  
11 house and come back home, that's when we found out that  
12 the house, you know what I'm saying, that they were  
13 kicking us out. So my aunt told me that I needed to go  
14 back and talk to my uncle and let him know what was  
15 going on because he wasn't really too sure -- Box told  
16 me he was going to talk to the landlord and everything,  
17 but he wasn't too sure we would really, you know what  
18 I'm saying, have to move out or whatever, Box had the  
19 money or whatever, you know what I'm saying, Box said he  
20 would just talk to the landlord about it.

21 So my aunt was like, Y'all can't stay in here  
22 like that. So that's when I went back to my aunt's  
23 house. And I got my friend this morning, she took me to  
24 the house to go get my clothes for my kids. And all  
25 their stuff just been together --

70

1 Q. So you packed that up at your house and it wasn't  
2 at your aunt's house?

3 A. Yeah, I went to go get my stuff because the  
4 landlord told me I had two days to get my stuff or if he  
5 was going to talk to Box and then he was going to let me.

## TROTMAN INTERVIEW 7-7-2010

6 know what was going on. Well, the landlord told me that  
7 I was able to come get some things if I wanted to.

8 DETECTIVE LYCZANY: When did he tell you that?

9 DEFENDANT TROTMAN: When I talked to him?

10 DETECTIVE LYCZANY: When was that?

11 DEFENDANT TROTMAN: I think that was Sunday or  
12 Monday. It might have been Sunday. It had to be Sunday  
13 -- no, no, because Sunday is when my aunt take me back  
14 home, so on Monday morning when my aunt asked me if I  
15 talked to the landlord and I told her, I said, I'm  
16 trying to get in touch with Box, his phone's dead. And  
17 she was like, well, that would be the most important  
18 thing for him to do right now to make sure everything is  
19 okay with the house. And I said, Yeah, I know, but his  
20 phone dead and I said --

21 DETECTIVE LYCZANY: So his phone's dead, his  
22 phone's not dead and all this other stuff and the  
23 landlord just happened to tell you you're getting kicked  
24 out, you need to pick up this stuff?

25 DEFENDANT TROTMAN: No, the landlord was like if

71

1 he have the money --

2 DETECTIVE LYCZANY: Yeah, if you have it, but if  
3 he doesn't you're not good.

4 DEFENDANT TROTMAN: Right. And that's why I  
5 needed to talk to my uncle anyway just in case.

6 DETECTIVE LYCZANY: So you've got Rodrigues's  
7 clothes all packed up already?

8 DEFENDANT TROTMAN: No, it was like all packed  
9 together. And when he told me that he wanted to take  
10 Rodrigues back home to his mama --

Page 60

## TROTMAN INTERVIEW 7-7-2010

11 DETECTIVE LYCZANY: When did he tell you this?  
12 DEFENDANT TROTMAN: He told me that when he  
13 wanted me to come get him. He wanted me to meet up with  
14 him to get him to take him back to his mother.  
15 DETECTIVE LYCZANY: When?  
16 DEFENDANT TROTMAN: Today.  
17 DETECTIVE LYCZANY: When today?  
18 BY AGENT MCCANTS:  
19 Q. Right after you got the car?  
20 A. No, not right after I got the car.  
21 Q. When?  
22 A. Earlier that day, he said he was going to take  
23 him back. He was going to get his stuff and take him  
24 back to his mom. And I said, well, just call me and let  
25 me know what you want me to do.

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72

1 Q. But he had told you -- I'm looking at my notes.  
2 He said I'm not ready to let Drigues go back?  
3 A. Right, right. Because he was saying that  
4 yesterday, he didn't want -- not ready to give him back.  
5 And the mom and Nikki even -- he was like I'm not ready  
6 for him to go back. He needs to stay the whole summer  
7 with me and that's not right. So that's when they was  
8 like Family Court and all this other stuff. And I said,  
9 you know what I'm saying, I understand what y'all  
10 saying. I said what he doing is not right. I said, He  
11 just want more time with his son, that's all.  
12 Q. Okay. But you said that conversation happened  
13 with him on Monday?  
14 A. Uh-huh.

## TROTMAN INTERVIEW 7-7-2010

15 Q. Tuesday, today, earlier, you said you talked to  
16 him a couple of times, but he said that Nikki's going  
17 back to Columbia today and I'm not ready to let Drigues  
18 go back.

19 A. Uh-huh.

20 Q. And then he already had planned to get a rental  
21 car for you, 24 hours?

22 A. I don't know how long it was supposed to be. I  
23 just know my cousin told me --

24 Q. It had to be back 5:30 Wednesday.

25 A. Yeah. I don't know how car rentals go. Some

73

1 people let their cars --

2 DETECTIVE LYCZANY: It doesn't matter whether you  
3 know about rental cars or not. But the first  
4 conversation I had with you, you were telling me that  
5 the reason Box arranged for the rental car was that you  
6 could drop off --

7 DEFENDANT TROTMAN: Get around.

8 DETECTIVE LYCZANY: Get around, but you also said  
9 drop off Rodrigues.

10 DEFENDANT TROTMAN: Yeah, once I got the rental  
11 car, he was like, you can take Drigues back to his mom.  
12 And I said okay.

13 DETECTIVE LYCZANY: He must have -- so he already  
14 said -- he said earlier that he didn't want to let  
15 Rodrigues go with his mom?

16 DEFENDANT TROTMAN: Yeah, that is what he say. I  
17 mean, that's how he feels, you know, he didn't want --  
18 he was not ready for him to go back, you know.

19 DETECTIVE LYCZANY: So you're telling me --

Page 62

## TROTMAN INTERVIEW 7-7-2010

20 you're telling me (inaudible) you pick him up at this  
21 old movie theatre, what used to be a movie theatre?

22 DEFENDANT TROTMAN: Uh-huh.

23 DETECTIVE LYCZANY: He tells you -- he calls you  
24 on the phone, says I'm meeting you over here, right?

25 DEFENDANT TROTMAN: Uh-huh.

74

1 DETECTIVE LYCZANY: You go driving around by the  
2 movie theatre and he's just walking down the street --

3 DEFENDANT TROTMAN: No, not walking down the  
4 street. I parked and then --

5 BY AGENT MCCANTS:

6 Q. Where is he? What car is he in?

7 A. I don't know which car he's in. I didn't see him  
8 get out of the car or nothing like that. He was already  
9 outside. And he walked with Drigues in his hands and he  
10 got him in the car.

11 DETECTIVE LYCZANY: Walked from where, anywhere?

12 DEFENDANT TROTMAN: Yeah, I told him, I said, I'm  
13 in the parking lot. I'm here. And then he brought him  
14 up to the car where I was at and he got -- put Drigues  
15 in the car and told me to call Nikki and ask her where  
16 she was at because he wasn't sure if she was on her way  
17 to Summerville --

18 DETECTIVE LYCZANY: He puts Drigues in the car?

19 DEFENDANT TROTMAN: Yeah.

20 DETECTIVE LYCZANY: Where did he put him in the  
21 car?

22 DEFENDANT TROTMAN: He got in the middle of the  
23 seat, that's where he was sitting at. My daughter was

## TROTMAN INTERVIEW 7-7-2010

24 sitting over here and my son was sitting --

25 BY AGENT MCCANTS:

75

1 Q. You told us earlier that he brought Drigues to  
2 you with his clothes?

3 A. No, I didn't say that. I never said he had  
4 clothes. I never said Box had clothes with him. I  
5 never told y'all that. I said he brought Drigues to the  
6 car and I had -- I said I had his stuff, that's what I  
7 said.

8 DETECTIVE LYCZANY: Grace, let's back up a little  
9 bit. But you did tell me, you did tell me that you  
10 boxed him in. You buckled Rodrigues --

11 DEFENDANT TROTMAN: No, I'm saying, you asked me  
12 where he was sitting at and I told you he was sitting in  
13 the middle and I made sure that -- I thought that him  
14 sitting in the back seat would have been safer than him  
15 sitting in the front seat, so I said he sits in the back  
16 seat with the buckle and make sure we buckle him.  
17 That's all I'm saying. So what are you trying to say?

18 DETECTIVE LYCZANY: What I'm trying --

19 DEFENDANT TROTMAN: I mean, it's not --

20 AGENT MCCANTS: It's not making any sense.

21 DETECTIVE LYCZANY: It's making no sense.

22 BY AGENT MCCANTS:

23 Q. You're saying he told me -- says telling me he's  
24 going to take him back. He's talking to Nikki the whole  
25 time? He's --

76

1 A. Well, I don't know what they talk about when they  
Page 64

## TROTMAN INTERVIEW 7-7-2010

2 talk --

3 Q. It doesn't make sense.

4 A. I wasn't talking to her much as they were  
5 probably --

6 Q. Let's stop one minute. If you lie to me, you can  
7 be charged with lying to a Federal agent.

8 A. I know that.

9 Q. All right. And I think you're lying to me.

10 A. But I --

11 Q. Wait, wait, wait, wait, let me talk. You're not  
12 making a lick of sense. What you're talking about is  
13 this person called this person and she's right here on  
14 Rivers Avenue, but now I'm going to drive all the way to  
15 the Battery because he's talking to Nikki while I'm  
16 talking to Nikki and after I talk -- it's not making  
17 sense. It's not making sense.

18 A. So I'm not making sense.

19 DETECTIVE LYCZANY: No, you're telling us what  
20 you want to tell us, but you're not telling us the  
21 truth.

22 DEFENDANT TROTMAN: I'm telling y'all everything  
23 I know, all about me starting my new job and everything.

24 DETECTIVE LYCZANY: No. Let me go talk with Mr.  
25 Hiers.

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77

1 AGENT MCCANTS: Get those phone times.

2 DETECTIVE LYCZANY: Yeah, and -- I've got those.  
3 Yeah, and, you know, there's other video and stuff that  
4 we should be coming up with pretty soon.

5 See, we've got other resources of the FBI

## TROTMAN INTERVIEW 7-7-2010

6 involved now. I don't think -- you know, young lady, I  
7 don't think you quite understand the magnitude, the  
8 severity of this. And I can tell you this much, Box  
9 ain't going to get you out. Box ain't nothing. There's  
10 more to it. And you're going to take the fall and  
11 you're going to lose your kids and I'm going to make  
12 sure that that happens if you don't come off of this.  
13 Now, if you think that's another story of Box getting  
14 you out of it, think again.

15 AGENT MCCANTS: Because he's not going to get  
16 your kids. Your aunt's not going to get your kids.

17 DETECTIVE LYCZANY: You need (inaudible).

18 AGENT MCCANTS: You're not going to get your  
19 kids.

20 DETECTIVE LYCZANY: So keep dreaming. Now, you  
21 can sit there and say wow, don't you believe me? It  
22 ain't working. You're life is about to change. You  
23 don't have to believe me. You can think I'm bull crap,  
24 okay, but ain't nobody in the world going to believe  
25 that. And I'm sick of tired sitting here listening to

78

1 it. I've given you, everybody has given you every  
2 leeway. Now, you want to -- I'm glad she's in here --  
3 lie to a Federal officer, go right ahead. What do you  
4 think, you're going to go home later and go oh, ha, ha,  
5 ha, made a mistake?

6 AGENT MCCANTS: Box told you to do it?

7 DETECTIVE LYCZANY: Box told me to do it. Nice  
8 cut.

9 BY AGENT MCCANTS:

10 Q. Grace, you need to get off of this and tell the  
Page 66

## TROTMAN INTERVIEW 7-7-2010

11 truth. He is not going to get you off. He is not going  
12 to get custody of your kids. You've got two beautiful  
13 kids. What are you doing?

14 A. I know I got two beautiful kids. I love my kids  
15 with all my heart.

16 Q. I know. Evidently, this Box guy has got you  
17 wrapped around his little finger. And he's not worth  
18 it.

19 A. Well, I think I need a lawyer. If y'all don't  
20 believe me, then I need a lawyer.

21 Q. Well, we don't believe you.

22 A. Well, then, I need a lawyer.

23 Q. You're right. If what you've already told me is  
24 a lie, you're in trouble. Do you understand that?

25 A. (Defendant nodded.)

79

1 Q. And we believe that you're lying. You're lying  
2 out your butt. Somehow you think that we're going to  
3 believe all of this nonsense. But we've got tons of  
4 telephone calls. We've got things that are being  
5 obtained through all sorts of investigation. So you  
6 need to think a few minutes. You think long and hard  
7 about your children.

8 (WHEREUPON, Detective Lyczany and Agent McCants  
9 leave the room).

10 UNIDENTIFIED MALE: Hey, Grace.

11 DEFENDANT TROTMAN: Hi.

12 UNIDENTIFIED MALE: What's your cell phone  
13 number?

14 DEFENDANT TROTMAN: 297.

## TROTMAN INTERVIEW 7-7-2010

15 UNIDENTIFIED MALE: 297.  
16 DEFENDANT TROTMAN: 3329.  
17 UNIDENTIFIED MALE: 3329.  
18 DEFENDANT TROTMAN: Uh-huh.  
19 UNIDENTIFIED MALE: Okay. You all right?  
20 DEFENDANT TROTMAN: (Defendant nodded.)  
21 UNIDENTIFIED MALE: who's your carrier?  
22 DEFENDANT TROTMAN: Huh?  
23 UNIDENTIFIED MALE: who's your carrier for your  
24 297 number?  
25 DEFENDANT TROTMAN: Boost Mobile.

80

1 UNIDENTIFIED MALE: who?  
2 DEFENDANT TROTMAN: Boost Mobile.  
3 UNIDENTIFIED MALE: Boost Mobile, who is that?  
4 DEFENDANT TROTMAN: It's a cell phone company.  
5 UNIDENTIFIED MALE: Is that a subsidiary to  
6 anybody, T-Mobile or somebody like that?  
7 DEFENDANT TROTMAN: I don't know.  
8 UNIDENTIFIED MALE: You don't know, okay.  
9 (WHEREUPON, Detective Lyczany enters the room.)  
10 DETECTIVE LYCZANY: Okay. I'm tired. I bet  
11 you're tired. You, obviously, know that we don't really  
12 believe you and you're saying that this is the truth.  
13 You want to prove us wrong. I'll give you that  
14 opportunity. And if you prove us wrong, then my  
15 apologies out to you. And I'll beg your forgiveness.  
16 And you can do that right now by just simply taking a  
17 polygraph. would you want to do that? Prove me wrong,  
18 please. Prove me wrong, okay?  
19 DEFENDANT TROTMAN: (Defendant nodded).

Page 68

## TROTMAN INTERVIEW 7-7-2010

20 DETECTIVE LYCZANY: All right.  
21 (WHEREUPON, Detective Lyczany and Defendant  
22 Trotman leaves the room.)  
23 (WHEREUPON, Defendant Trotman back in the room.)  
24 (WHEREUPON, Agent McCants opens the door.)  
25 AGENT MCCANTS: I just want you to know Box was

81

1 just arrested. He was just picked up.  
2 DEFENDANT TROTMAN: For what?  
3 AGENT MCCANTS: Well, he had some outstanding  
4 warrants.  
5 DEFENDANT TROTMAN: Uh-huh.  
6 AGENT MCCANTS: But he was in a motel with  
7 Latrina Harrison. Do you know who that is?  
8 DEFENDANT TROTMAN: Uh-huh.  
9 AGENT MCCANTS: Is she his girlfriend?  
10 DEFENDANT TROTMAN: That's what I was trying to  
11 tell y'all, he has a lot of female friends. Like I say,  
12 when I call him and be asking him where he at, he be  
13 telling me -- he just tells me the area. Because, you  
14 know, I just know him. And --  
15 AGENT MCCANTS: And that's okay with you?  
16 DEFENDANT TROTMAN: No, I mean -- he been doing  
17 that --  
18 AGENT MCCANTS: Do you know her?  
19 DEFENDANT TROTMAN: Yeah, I know who she is.  
20 AGENT MCCANTS: Okay. She's a friend of his?  
21 DEFENDANT TROTMAN: Uh-huh.  
22 AGENT MCCANTS: Okay. Well, just letting you  
23 know --

## TROTMAN INTERVIEW 7-7-2010

24 DEFENDANT TROTMAN: He's on his way down here?  
25 AGENT MCCANTS: No, he's up in Summerville. They

82

1 picked him up up there.

2 DEFENDANT TROTMAN: Oh, okay.

3 AGENT MCCANTS: Okay.

4 (WHEREUPON, Agent McCants shuts the door.)

5 UNIDENTIFIED MALE: You got your cell phone?

6 (WHEREUPON, Defendant Trotman hands him cell  
7 phone.)

8 (WHEREUPON, Defendant Trotman leaves the room to  
9 go to restroom.)

10 (WHEREUPON, Defendant Trotman enters the room.)

11 DEFENDANT TROTMAN: Is there any way I can still

12 --

13 UNIDENTIFIED FEMALE: I'm sorry?

14 DEFENDANT TROTMAN: Is there any way that I can  
15 still talk to somebody?

16 UNIDENTIFIED FEMALE: That you can still talk to  
17 somebody?

18 DEFENDANT TROTMAN: (Defendant nodded.)

19 UNIDENTIFIED FEMALE: That's up to you. I mean,  
20 if you want to.

21 DEFENDANT TROTMAN: Or they're sending a lawyer?

22 UNIDENTIFIED FEMALE: what's that?

23 DEFENDANT TROTMAN: I don't know if they're  
24 sending a lawyer or not. I told the Federal officer  
25 when she was in here that I said, well, I think I need

83

1 to (inaudible) -- I was saying, well, the best I need  
Page 70

## TROTMAN INTERVIEW 7-7-2010

2 to get somebody to defend me, but they never said  
3 anything. And I went to the polygraph man and he was  
4 talking and he asked me, he was like, well, you need to  
5 talk to me. And that came up, and I said well, I did  
6 say I wanted somebody to defend me. And he was like, if  
7 that's the case, then, you know, when can stop  
8 everything. He was like, well, if you want somebody to  
9 defend you, then we can, you know, stop everything and  
10 have somebody to defend you. So I didn't know if they  
11 was bringing in a lawyer --

12 UNIDENTIFIED FEMALE: It would be up to you to  
13 contact one if you want a lawyer, that's up to you.

14 DEFENDANT TROTMAN: They don't do public  
15 defenders?

16 UNIDENTIFIED FEMALE: You would have to request  
17 one. We wouldn't bring one in for you. You would have  
18 to request one after this is done and over with. Okay?

19 DEFENDANT TROTMAN: I don't understand what  
20 you're saying. Like, what do you mean when it's done  
21 and over with?

22 UNIDENTIFIED FEMALE: Well, once we get done with  
23 tonight, you're going to have to take -- go through the  
24 process of requesting a public defender if it comes down  
25 to it.

84

1 DEFENDANT TROTMAN: Oh, okay. So what's the  
2 process right now?

3 UNIDENTIFIED FEMALE: It's still going on.

4 DEFENDANT TROTMAN: Okay.

5 UNIDENTIFIED FEMALE: Okay.

## TROTMAN INTERVIEW 7-7-2010

6 (WHEREUPON, unidentified female shut the door.)

7 (WHEREUPON, Defendant Trotman went to speak to  
8 someone at the door.)

9 (WHEREUPON, Agent McCants came into the room.)

10 BY AGENT MCCANTS:

11 Q. Grace, you want to talk?

12 A. (Defendant nodded.) I have something I want to  
13 say.

14 Q. Okay.

15 A. That a lot of the stuff that happened today was a  
16 lot of stuff that Box told me to do.

17 Q. Okay.

18 A. That's what I wanted to tell you.

19 Q. So a lot of the stuff that happened today --

20 A. He was telling me what to do.

21 Q. Box told you to do?

22 A. Uh-huh.

23 Q. Was he specific about certain things?

24 A. No, not really. Like you said -- my family even  
25 -- you know, like my family and stuff used to always say

85

1 that Box had control over me and that I did whatever he  
2 asked me to do and stuff.

3 Q. (Inaudible).

4 A. Yeah. And then he would go through all of the  
5 stuff that he would ask me to do, they wouldn't be like  
6 a lie or -- it would be you need to do this for me and  
7 stuff like that.

8 Q. And as you think now about some of the things he  
9 asked you to do today, can you kind of put them together  
10 to figure out maybe what's going on?

Page 72

## TROTMAN INTERVIEW 7-7-2010

11 A. That's what I'm saying, I'm not sure what all,  
12 you know, because I know y'all was asking me -- I mean,  
13 I was thinking about it, you know what I'm saying, like  
14 -- how do I --

15 Q. Are you afraid of him? Are you afraid that he  
16 might hurt you? Because there's protection for you and  
17 there's things that can help you if you are afraid of  
18 him. Because I used to be a social worker and I used to  
19 work with women who were manipulated by men.

20 A. I mean, there were times when he --

21 Q. Has he ever hurt you?

22 A. Yes.

23 Q. Are you afraid to talk to us and tell us the  
24 whole thing because of your fear of him?

25 A. (Inaudible).

86

1 Q. Emotionally or physically or both?

2 A. Mostly, physical. I mean, as y'all investigate  
3 and y'all talk to family members and stuff, I'm pretty  
4 sure it's going to come out what he has done, like  
5 ripping out my hair and stuff and hitting me.

6 Q. He ripped your ear?

7 A. Huh-uh. I took this one out because it was  
8 hurting, but.

9 Q. Have you ever had to go to the hospital or you  
10 just suffered through it?

11 A. (Inaudible). That was my life. You know,  
12 (inaudible) now it seem like I'm never going to be with  
13 them for the rest of my life. I don't know what I ever  
14 did in my life for this to happen. (Inaudible).

## TROTMAN INTERVIEW 7-7-2010

15 Q. Your aunt seemed to be a very nice lady.  
16 Katrina? She's raised y'all to be nice people, hasn't  
17 she?  
18 A. Yes. And that's all I ever been to my friends,  
19 to anybody that needed me, I would give to them -- if I  
20 had it, I would give my last -- but I never got the same  
21 treatment from nobody. It was like I was by myself all  
22 the time and all I had was to look to was my kids and  
23 now (inaudible). And I just don't (inaudible).  
24 Q. Well, Grace, do you want to tell me what happened  
25 today?

87

1 A. I just do what he tell me to do.  
2 Q. What did he tell you to do? You're sure you're  
3 wanting to talk to me now? You're saying you don't want  
4 an attorney, you want to talk to me?  
5 A. It doesn't matter anymore because I'm going to  
6 see my kids anymore. (Inaudible).  
7 Q. Well, we're interested in finding and making sure  
8 that he's okay, that Drigues is okay. And that's the  
9 whole point of all of this.  
10 A. Uh-huh.  
11 Q. It would be just like you sitting here thinking  
12 and getting upset about not seeing your kids, Nikki is  
13 --  
14 A. I know.  
15 Q. Is going through hell. And she shouldn't have to  
16 suffer like that either. And sometimes --  
17 A. I used to always say that I was scared of him,  
18 but I didn't -- I be like, not me, no, I'm not scared of  
19 him.

Page 74

## TROTMAN INTERVIEW 7-7-2010

20 Q. Well, did you ever take actions or do things  
21 because you were fearful that he might hurt you? I  
22 think you said he's hurt you before physically and torn  
23 your ear?

24 A. He ripped my hair out.

25 Q. He gets angry --

88

1 A. Yes. And he only care about him, so what he  
2 going to do is try to save him.

3 Q. He's going to be trying to save himself.

4 A. Yeah, that's what I --

5 Q. Uh-huh. That's true.

6 A. And everybody used to always say he was that way,  
7 he only cared about himself, not even his kids, not even  
8 me. It's all about him.

9 Q. Well, I guess I'd be upset if I knew he was  
10 picked up with a woman.

11 A. Yeah.

12 Q. Because if it's my husband, ooh-wee.

13 A. And I wasn't even surprised because he's been  
14 cheating on me and doing me wrong, but all he does he  
15 deny it. All he does is lie. And he tries to make me  
16 look bad and try to make me feel like I'm lying. I'm  
17 like, don't look at me like that.

18 Q. Well, the thing is for you to think enough of  
19 yourself to say that you deserve better.

20 A. But I'm not going to get better. I already know  
21 that.

22 Q. What do you mean, not get better than him?

23 A. The man was talking to me in there and he said he

## TROTMAN INTERVIEW 7-7-2010

15 car, I was going to do that the next day, was look for  
16 me a place to stay because I don't want to stay with my  
17 people forever. I wanted to be on my own and get back  
18 and be independent and taking care of my kids by myself  
19 without him. That was my plan.

20 Q. But did he realize that you were going to do that  
21 with the rental car?

22 A. No, he didn't know. He didn't know that I wanted  
23 to take my son because he has an ear infection. Because  
24 he did not call that night. And last night, he just  
25 kept crying like he was in pain. It was bothering him

94

1 that night, so I wanted to take him to the doctor. So  
2 when Box told me that he was going to get a rental car  
3 and everything, I knew that I had that -- you know, I  
4 was going to be able to do all that because of the  
5 rental car. So that's why I told y'all that I was going  
6 to make -- you know what I'm saying, why I had the car  
7 and that the car had to be back around 5:30.

8 Q. You said everything that happened today, he told  
9 you to do. So was one of the reasons he got the rental  
10 car was something that he was telling you to do?

11 A. No, I never got the rental car. He already had  
12 everything together with my cousin to get the rental  
13 car.

14 Q. No, but I mean as far as everything that happened  
15 today with the kids? Like with meeting him, did you  
16 meet him and really get Drigues? Or did you just go  
17 into town and tell him that you had Drigues?

18 A. No, Drigues was never with me.

19 Q. He was never with you? Do you know where he was?

Page 80

## TROTMAN INTERVIEW 7-7-2010

20 A. No, I'm talking about like this weekend and  
21 everything, he wasn't with me. And I know he was  
22 telling Nikki that I had him and that I was in North  
23 Carolina or some other mess. And I'm like, why you  
24 sitting there telling her -- like I said to you, I said  
25 Box lies so much, I don't know what the truth is with

95

1 him, to be honest. Because he lies a lot. And you  
2 don't know if he telling one person one thing and  
3 telling me another because you see he was in the room  
4 with another girl. who knows what he telling her? And  
5 I'm supposed to be the main girl. So right there  
6 showing me who knows what he (inaudible).

7 Q. Right.

8 A. And I know I don't caught him and question him  
9 and whatever I want. You know what I'm saying. And I  
10 just have a real good feeling that he only think about  
11 himself and put everything on me.

12 Q. And it would be best for you to tell us what  
13 happened first because he's up there and he might start  
14 talking.

15 A. Uh-huh. And you said something about protective  
16 custody --

17 Q. Well, I'm just saying --

18 A. what (inaudible).

19 Q. well, if he's -- he's in trouble. I mean,  
20 they've arrested him for the outstanding warrants. I  
21 don't know how serious those are.

22 A. I don't even know how they found him.

23 Q. They found him. Did you know he was going to be

## TROTMAN INTERVIEW 7-7-2010

24 hiding out?

25 A. No, I didn't know he was going to be hiding out.

96

1 Q. With Latrina?

2 A. No, I definitely didn't know that.

3 Q. What did you know?

4 A. That's why I was surprised when the detectives  
5 came and even when I was out there on the Battery and  
6 told me that he called, that they talked to him off a  
7 202 number. And when they say 9069, I didn't realize,  
8 you know, who number that was at first until they told  
9 me to call because he wanted to talk to me. So I called  
10 like three or four times, but nobody answered the phone.  
11 And it's Trina's phone.

12 Q. So you didn't know the number at first and then  
13 --

14 A. Right. Because at one point in time, I had her  
15 cell phone before I got my phone. And I had a cell  
16 phone for about a week because she owed Box money on the  
17 cell phone bill that he has and he just kept her phone  
18 till she was able to give him the money, which I doubt  
19 that she even gave him the money. Because once I got my  
20 phone back on, he gave her phone back to her.

21 Q. So you used her phone for a while?

22 A. Yeah. And he told me that he was going to --  
23 when I got my phone back on track, he gave her phone  
24 back to her. He told me that she already gave him the  
25 money for the phone and that's why he was giving it

97

1 back. But I really feel that's a lie. I really feel

## TROTMAN INTERVIEW 7-7-2010

2 that he let that go. And --

3 Q. So that's how you found -- I mean, you had some  
4 suspicions then when you found out that he was having to  
5 be with her to be getting the --

6 A. I'm like why you even --

7 Q. (Inaudible).

8 A. You know, what you up to. When I first thought  
9 about it, I was like well, he probably just, you know,  
10 saying he getting in touch with her so he can use her  
11 phone because his phone was going dead and stuff, but  
12 you got many home boys, why you be calling her up.

13 Q. Uh-huh.

14 A. You know what I'm saying. He's always around  
15 girls. He's always with girls. He always lying to me.  
16 That's what I say all those situations, I don't know  
17 what -- I don't know what -- because he's always lying.

18 Q. So he told Nikki at one time that you had Drigues  
19 in North Carolina?

20 A. Yeah.

21 Q. And when was that, Friday?

22 A. He was saying that, but he told her that he  
23 didn't know how I would take her -- no, she would take  
24 me, Drigues being with me in North Carolina. Because I  
25 know when I first had told him that I had got that job,

98

1 he was upset. He didn't want me to get the job. He  
2 didn't want me to work.

3 Q. He wanted you to take care of Drigues?

4 A. Yeah -- no, he wanted me to be -- basically, he  
5 didn't want me to be with nobody else but him, but he

## TROTMAN INTERVIEW 7-7-2010

6 could be with anybody else, basically. And like I told  
7 you, I started realizing all of this. I started getting  
8 on my feet, not caring what he was doing. I said  
9 whatever you doing, you do that because I'm going to do  
10 what I have to do for my kids. And he was like --

11 Q. So if you were getting a job, you would have some  
12 freedom and some money.

13 A. And he didn't want that because he knew if I had  
14 a job, I was going to be independent and I wasn't going  
15 to depend on him no more. And he wants me to depend on  
16 him. He wants me to depend on him. He wants me to come  
17 to him for everything. He wants to have full control of  
18 my life and everything. He wants to have say-so on  
19 everything, where I go, and all that. And I just start  
20 not caring anymore. I just stopped -- didn't care. I  
21 used to go to sister house, spend time over there. I  
22 was never home. I just was like I'm not sitting up in  
23 this house, you know what I'm saying, and you out there  
24 doing whatever. I was like no, I said, I'm getting out.  
25 I'm going to do whatever I got to do.

99

1 And my sister called me that morning. She was  
2 like, you want to go fill out an application with me? I  
3 said, sure. She came and picked me up, took my kids to  
4 her mother-in-law's house, went to go fill out the  
5 application and got the job the same day. We started  
6 working last Friday. All weekend long, I was at my  
7 aunt's house. All weekend long, just taking care of my  
8 kids and going to work, all weekend long, all the way up  
9 to today. And here I thought I was doing a good deed  
10 and everything turns to disaster. I don't understand

Page 84

## TROTMAN INTERVIEW 7-7-2010

11 why bad things happen to good people.

12 Q. Well, tell me about how he's involved.

13 A. I just keep thinking about all these years, all  
14 he ever did is care about himself. And I know in this  
15 situation, all he's going to try to do is save himself.

16 Q. Uh-huh.

17 A. And I'm scared.

18 Q. What are you most afraid of?

19 A. I'm scared about what's going to happen to me.  
20 I'm scared what's going to happen to my kids. I'm just  
21 so scared. And nobody thinks I'm upset about what's  
22 happening, but I am. I just was trying to remain calm,  
23 you know. I ain't never going to see my kids. I'm  
24 going to be gone forever and never going to see my kids.  
25 I can't ever touch my kids no more.

100

1 Q. Well, when you said that a lot of the stuff that  
2 happened today Box told you to do, were you talking  
3 about some of the stuff that happened with Drigues?

4 A. I don't know what's going to happen to me and I'm  
5 scared.

6 Q. Well, do you think Drigues is okay? Or did  
7 something happen to him?

8 A. I can tell you that one day, we were all home and  
9 the kids were upstairs playing, and I was calling them  
10 to come eat, you know, so they could eat or whatever.  
11 And Box was upstairs and I was in the kitchen. The baby  
12 was in the living room floor playing around. And as  
13 they were coming down the stairs -- they was coming down  
14 kind of fast before they started like falling down the

## TROTMAN INTERVIEW 7-7-2010

15 stairs. And the way the stairs go, (inaudible) right  
16 here, so we left the -- the door was open. And it's  
17 like a real -- like.

18 Q. Can you draw it?

19 A. Like the stairs and then you had this long part  
20 that went under and then there was the floor. And as  
21 they were coming down, Drigues head hit the floor.

22 Q. Was that the stairs?

23 A. Uh-huh.

24 Q. And then as you get to the bottom of the stairs?

25 A. The floor's right there. Like you coming down

101

1 the stairs, the very last step and then it's the floor.

2 Q. Oh, okay, like one more?

3 A. Yeah, but that was the floor.

4 Q. Oh, okay. Like that then? Okay.

5 A. And he hit his head on the floor and Yaya fell on  
6 top of him, so, you know, when we heard that, we ran to  
7 him. And he hit his head kind of hard. So when he  
8 picked him up, he wasn't like acting normal. Yaya was  
9 fine. We made sure she was -- you know, we made sure  
10 both of them was okay.

11 Q. So they both tumbled down the stairs?

12 A. Uh-huh, and she fell on top of him. So his head  
13 hit the floor. And we got him up and we made sure he  
14 was okay and stuff, but he wasn't acting right. And,  
15 you know what I'm saying, all of a sudden, he just  
16 started smiling and he was okay. There was no problem.  
17 And one day Box was at work and I was watching the kids  
18 and he started -- he just was -- he just wasn't acting  
19 right.

Page 86

## TROTMAN INTERVIEW 7-7-2010

20 Q. Why do you say that? What was he doing?

21 A. Like his leg was shaking and he act like he was  
22 sleeping. But then he always snapped of it. I mean, he  
23 never -- you know what I'm saying, we never thought that  
24 anything was wrong or anything like that, you know. I  
25 mean, because he was always fine, you know, we always

102

1 felt that he was okay. So we thought okay. So that  
2 day, I thought (inaudible). It was always when you told  
3 him to do something and seemed like when he didn't want  
4 to do, that's when he did it.

5 Q. Was it like you would imagine a seizure?

6 A. Yeah, but I can't -- I didn't want say seizure  
7 because I'm not a doctor and I can't really --

8 Q. Right, but, I mean, what you would imagine?

9 A. Yeah, yeah.

10 Q. I'm not a doctor either, but when I imagine  
11 somebody shaking or (inaudible).

12 A. Yeah, one leg was shaking, but he was okay. And  
13 then that day when he did it with me, he snapped out of  
14 it, you know what I'm saying, like he was okay.  
15 Everything was fine. He was acting normal. So we  
16 didn't think -- you know, we just thought that he just  
17 didn't want to do what we told him to do, you know what  
18 I'm saying. Like you know how children try to act.  
19 Because my daughter does that all the time, if she don't  
20 want to do something, she act like she can't move. So  
21 that's what we thought he was doing. So anything with  
22 the kids and something like that, I always make sure I  
23 call Box and let Box know how the kids are doing and

## TROTMAN INTERVIEW 7-7-2010

24 stuff. That's just me being a mother.

25 Q. Yeah.

103

1 A. And one day he did it again, but he was just  
2 laying there.

3 Q. He didn't snap out of it?

4 A. No, I thought he was fine, you know what I'm  
5 saying, because he always did and I never worried about  
6 it. I just lay him on the couch and went to sleep. And  
7 I made sure I call Box and told Box that, you know what  
8 I'm saying, that Drigues did that thing again -- we just  
9 called it that thing --

10 Q. What did you -- what did it look like?

11 A. Like you said, a seizure.

12 Q. I know, but, I mean, can you show -- was it a leg  
13 -- just like one leg?

14 A. Yeah, his leg was just shaking, but we just  
15 didn't -- and then he would just fall. I mean, there  
16 was no --

17 Q. He would fall on the ground?

18 A. Uh-huh. And then he would just lay there. And  
19 then the next thing you know, he be up and he would be  
20 fine. So, you know, I also told Box, I said, well, we  
21 don't really know his medical history or anything like  
22 that. We really don't know anything about the little  
23 boy medical-wise. So I was like -- that one day -- that  
24 last day that he did it, it was just like -- it wasn't  
25 the same, but he was all right. He was fine.

104

1 Q. How was it different? When you say it wasn't the  
Page 88

## TROTMAN INTERVIEW 7-7-2010

2 same, did it last longer?

3 A. Yeah, it just lasted longer than -- because  
4 (inaudible). He just start playing, you know.

5 Q. Uh-huh. So how long did that go on from the time  
6 that he hit his head?

7 A. Well, Box was on his way home, you know, on his  
8 way to the house. And I told him, I said, well, it's  
9 kind of different from the last time. I said, You want  
10 me to call an ambulance? He was like, No, don't call  
11 the ambulance. I'm on my way. And I said, Okay. So I  
12 let him sleep on the couch. Me and the kids, you know  
13 what I'm saying, everything, you know. And he got home.

14 Q. Was he still on the couch?

15 A. (Defendant nodded.)

16 Q. But he didn't wake up?

17 A. No, he was slumbering, but I'm just letting you  
18 know that --

19 Q. So he didn't wake up?

20 A. Yeah. It just took longer. And I asked him, I  
21 said, well, do you think we should call the ambulance?  
22 And he was like, No, don't call the ambulance, he'll be  
23 fine. You know, I'm on my way home any minute. And I  
24 said, All right.

25 Q. And so he slept it off?

105

1 A. Yeah. I left the house and he kept Drigues with  
2 him. And when I came back --

3 Q. What happened? How long were you gone when you  
4 left the house?

5 A. Couple hours.

## TROTMAN INTERVIEW 7-7-2010

- 6 Q. Who did you go with?  
7 A. I went to my sister's house.  
8 Q. So she picked you up?  
9 A. Yeah, she always come get me or if (inaudible)  
10 over there, I'll call them to come get me and they'll  
11 come get me just so I can get out of the house.  
12 Q. Uh-huh, take a break?  
13 A. Yeah.  
14 Q. Did she bring you back at some point?  
15 A. Yeah.  
16 Q. What happened then?  
17 A. I'm scared.  
18 Q. Did you do something to Drigues?  
19 A. (Defendant shook head.) I don't never even hit  
20 him or anything, you know, discipline him. I only  
21 discipline my kids. I would let Box handle that.  
22 Q. So he was the disciplinarian?  
23 A. (Defendant nodded).  
24 Q. So what did you find when you got back? Was Box  
25 and Drigues there?

106

- 1 A. Box was.  
2 Q. Where was Drigues? I know this is hard for you.  
3 A. Everybody told me (inaudible), not that he ever  
4 cared about me anyway.  
5 Q. When you say everybody (inaudible)?  
6 A. Just seemed like all my life, I always did what I  
7 could for anybody, thinking that they would come back in  
8 return. And every time everybody would just treat me  
9 plain out like shit. Nobody was never there for me. I  
10 thought he was the one that was going to be there for

Page 90

## TROTMAN INTERVIEW 7-7-2010

11 me, but as time went on, all I knew is he cared about  
12 himself. All through the beatings. I done all that  
13 because I thought I was helping him get through it. And  
14 that's how he (inaudible). He felt like he never had a  
15 problem. And I used to always tell him, I said, Box,  
16 you have an anger problem. You have a temper. I said,  
17 The littlest thing makes you mad and you snap.

18 Q. Does he yell or does he mainly lash out?

19 A. He just snaps. And then afterwards, he doesn't  
20 even realize what he did.

21 Q. When you say snap, describe snap to me.

22 A. I remember one time, I got -- I was upset about  
23 him and his girls. And he knew, but he's such a good  
24 liar and he can make anybody believe anything, just the  
25 way he talk. You know, it's like how you just know he

107

1 wrong, but the way he talk to you, he make it sound like  
2 whatever he's saying is right. And I was just mad one  
3 day about the girls and stuff.

4 Q. And did you confront him about it?

5 A. Yeah. And I told him, I said, Every time you  
6 come home from work, this house is clean, dinner is  
7 cooked, your kids are taken -- well taken care of, all  
8 of them, by me and you out there doing wrong. And I was  
9 upset about that. And everything in the house, I throw  
10 everything on the floor in the middle of the floor. And  
11 I told him, since you want to do those girls, you get  
12 those girls to come in this house and do that. You get  
13 them to clean. You get them to cook, you do all that.

14 Q. So you threw everything --

## TROTMAN INTERVIEW 7-7-2010

15 A. I threw everything on the floor. And he snapped.  
16 And he boxed me right here (indicated) on my face. My  
17 face was swollen.

18 Q. That was his fist he hit you with here?

19 A. (Defendant nodded). The thing about is it had a  
20 really bad impact. I had blood coming out my nose. I  
21 got bruises coming out. I mean, I saw tissue, you know.

22 Q. Sinus tissue from up here?

23 A. I don't know. I just know I saw more than blood  
24 coming out my nose. Every time I sneeze or something,  
25 blood was coming out. And the swelling -- it was so

108

1 swell up. After the swelling went down, all this was  
2 black-eyed, everything. I looked so bad I had to wear  
3 glasses for a whole week.

4 Q. Did anybody see you?

5 A. No, but I had to wear -- every time I went  
6 somewhere; I had on eyeglasses, shades.

7 Q. Hiding it?

8 A. And there was people came to the house, I would  
9 be in a room. He be asking me to do something or go  
10 somewhere, it was to the point where nobody would be  
11 able to see my face. And that hasn't been the first  
12 time.

13 Q. So that's what he does when he snaps, just lashes  
14 out?

15 A. I don't know if he ever did that with anybody  
16 else. I heard one time that he beat on girls, but I  
17 never heard it again. And I already knew once a man hit  
18 you -- like they told me, he hit one time, he hit you  
19 again. And I thought I was helping him get through it.

Page 92

## TROTMAN INTERVIEW 7-7-2010

20 But I was (inaudible) just showing that I'm going to  
21 help you get through this, you know. He always tried to  
22 make it seem like it was me with the problem, but I  
23 never was the one with the problem. He has a problem.

24 Q. Abusers usually blame other people.

25 A. He felt that -- and then right after it happened,

109

1 he was like, Look at your face, like somebody else did  
2 it. I'm sitting there looking at him like, what. And  
3 then when the swelling went down and I was -- black eye  
4 started coming up, which was not there, he thought I was  
5 hitting myself. And I looked at him and I said, Are you  
6 serious? You really think I'm going to do -- I mean --

7 Q. That you would hit yourself and hurt yourself.

8 A. You know, I talked to him once and told him I was  
9 (inaudible).

10 Q. They're talking to him now. That's why I'd like  
11 to get the truth from you. So when you got back from  
12 going to your sister's, after you were with both your  
13 sisters that day, what did you find? You said just Box  
14 was there?

15 A. Uh-huh.

16 Q. What happened to Drigues?

17 A. He told me Drigues went back to his mom. That he  
18 sent him back to his mom.

19 Q. What, you came in and you asked him where he was?

20 A. (Defendant nodded.)

21 Q. You were only gone a few hours?

22 A. Uh-huh. But like I told you, at the time, I  
23 didn't have a cell phone like that. I didn't have a

## TROTMAN INTERVIEW 7-7-2010

24 cell phone at all at the time. And the only way Nikki  
25 could really get in touch with him -- or the only way to

110

1 get in touch with each other was by his phone. So I  
2 don't know what day you talking about or, you know, if  
3 she was able to come down here and pick him up or  
4 whatever.

5 Q. Okay. When was that? what day was that, do you  
6 remember? Has it been months, has it been weeks, has it  
7 been days?

8 A. No, this was a lot (inaudible). I just did what  
9 he told me to do afterwards. (Inaudible). I did  
10 whatever Box asked me to do.

11 Q. So what did he ask you to do? So did you believe  
12 he had gone back with his mom?

13 A. At first, yes.

14 Q. How long was it till you realized that wasn't so?

15 A. I never did realize. I just was doing what he  
16 asked me to do.

17 Q. Tell me, when did Drigues fall down the stairs?

18 A. No, it seemed like it was an all right process,  
19 like never thought anything of it because he was fine.

20 Q. Yeah, but I mean just to get a time frame of  
21 about how long ago was it that he fell down the stairs?

22 A. About a couple weeks ago.

23 Q. How many days did he kind of react?

24 A. Just like twice. He did that twice. We just  
25 thought, you know, he was just not wanting to do what we

111

1 told him to do.

## TROTMAN INTERVIEW 7-7-2010

2 Q. He had the kind of little seizure twice?

3 A. Uh-huh. But we didn't think it was nothing too  
4 serious to take him to the hospital or anything like  
5 that until that day because he sleeping or whatever.  
6 And I said, well, Box, I think I should call the  
7 ambulance. He was like, No, don't call the ambulance.  
8 He should be fine because he always snaps out of, Grace.  
9 So he was like, Don't worry about it. I'm on my way  
10 home. I'll handle it, you know.

11 Q. So that was the second time he kind of had the  
12 seizure?

13 A. Yeah.

14 Q. And then how long after that --

15 A. Because I called him at the job letting him know  
16 what was going on. So he got right on to the house.

17 Q. So how long after that day did you leave the  
18 house and left Drigues with him?

19 A. Like I said, it was like a couple hours. I mean,  
20 I was --

21 Q. Was that same day?

22 A. Yeah.

23 Q. So he slept and he woke up?

24 A. Uh-huh.

25 Q. And then --

112

1 A. And I called him to see if everything was all  
2 right and he told me yeah. When I was at my sister's  
3 house, I called to make sure everything was all right.

4 Q. Okay.

5 A. So when I my sister asked me, well, where is

## TROTMAN INTERVIEW 7-7-2010

6 Drigues? And I said, well, Box say he went back to his  
7 mom.

8 Q. So when you called him, he said Drigues was okay.  
9 And then when you got back, he was there by himself?

10 A. Uh-huh. He told me that went back to his mom.

11 Q. So you found that out from being at your sister's  
12 or when you got back to the house?

13 A. Being at my sister's.

14 Q. So when you got back to the house --

15 A. He was there by himself.

16 Q. Was Drigues' stuff gone?

17 A. No, (inaudible).

18 Q. Huh?

19 A. Because, you know, he live with us, so he always  
20 has stuff there.

21 Q. He has stuff there, okay.

22 A. Yeah, he always have stuff there. I mean, there  
23 was stuff that I bought him that was still there, too.

24 Q. So you said you believed it at first. When was  
25 it that you --

113

1 A. I jut had -- you know, I never really, like, you  
2 know what I'm saying, he told me he was with his mom, so  
3 I left it alone. You know, I just had feelings, you  
4 know, but I never questioned him about it.

5 Q. You had feelings that something wasn't right?

6 A. Yeah, but I never questioned him about it.

7 Q. What were you thinking, that he had done  
8 something?

9 A. No, was really had thought he went to his mama's.  
10 But I normally was the one who takes him to his mom, so  
Page 96

## TROTMAN INTERVIEW 7-7-2010

11 that was the only thing.

12 Q. So you thought that was odd?

13 A. Yeah, that was kind of odd. Then when everybody  
14 be asking me where he was, I was like, he went back to  
15 his mom's house.

16 Q. So when was it that you realized that that wasn't  
17 -- that he wasn't at his mom's house?

18 A. When he came back that Thursday.

19 Q. When?

20 A. This Thursday. And that's when he told me he had  
21 somebody watching him.

22 Q. So who came back Thursday?

23 A. Oh, Lord, help me. Help me get through this.

24 Q. Just tell me the truth, that's all I want.

25 Thursday, you went to apply for the job?

114

1 A. Uh-huh, I went with my sister.

2 Q. What else happened on Thursday?

3 A. I just want to ask you a question, please, if  
4 that's all right.

5 Q. Okay.

6 A. And I really would like for you to be honest with  
7 me.

8 Q. Okay.

9 A. I am scared, that's a fact.

10 Q. Uh-huh, I know you are.

11 A. I'm really more scared for my life. But I am  
12 going jail now, aren't I?

13 Q. Did you kill Drigues?

14 A. No, no. I would never do anything to hurt him.

## TROTMAN INTERVIEW 7-7-2010

15 Q. So what would you -- when you're saying about  
16 going to jail?

17 A. Because like you said that you lie to a Federal  
18 agent, you're going to jail.

19 Q. Are you telling me the truth now?

20 A. (Defendant nodded). Am I still going to go  
21 because of the first conversation?

22 Q. No. I said this is a whole process. You called  
23 me back in here, right?

24 A. (Defendant nodded.)

25 Q. Because you wanted to talk to me --

115

1 A. (Inaudible).

2 Q. Right.

3 A. -- anybody.

4 Q. And you asked to speak to me because you wanted  
5 to talk to me again. And we talked about the fact that  
6 this is a whole process. And now you lied initially,  
7 but now you're wanting to tell me the truth. Right?

8 A. (Defendant nodded).

9 Q. So I'm just asking you to tell me the truth. You  
10 know, that's keeping your end of the bargain because  
11 initially you lied and as you've come through the  
12 evening, you've decided you want to tell the truth?

13 A. I didn't want to lie, I just was doing what he  
14 told me to do. And I was scared and I'm scared now and  
15 I was in fear for my life. I didn't know what to do. I  
16 was scared. I was worried. And how I could keep living  
17 without my kids, or I didn't want to lose them. At the  
18 time, I knew I was going to lose them because y'all  
19 already thought I was lying. But I'm just saying no

Page 98

## TROTMAN INTERVIEW 7-7-2010

20 possible way -- from my talking now and lying about  
21 everything, there's no possible way I'm going home to my  
22 kids tonight. And I just want to face reality.

23 Q. Well, I can only answer that for the FBI. For  
24 the FBI, I mean, there's Federal charges. There can be  
25 state charges. But for the FBI, if you tell me the

116

1 truth, I'm not going to charge you --

2 A. You know there was not no kidnapping. I tell you  
3 that right now, not a kidnapping.

4 Q. Then what was it? Tell me about what happened.

5 A. Okay. Please bear with me.

6 Q. Okay.

7 A. I came back to the house --

8 Q. Was that on Thursday?

9 A. The day it happened, it was like a seizure.

10 Q. Okay.

11 A. When I came back from my sister's house, Box was  
12 there by himself. And I asked him where Drigues was, he  
13 told me went back to his mom's. I left it like that for  
14 a while. And as time went on, I started feeling like  
15 something wasn't right. And that's what I told you  
16 that's when I started to change my life around because I  
17 realized Box did not care about me or my kids. So since  
18 then, I always ask my sister to come get me, get me out  
19 the house. Get her family, mother-in-law, father-in-law  
20 come get me all the time, to come get me out the house.  
21 And that's where I be at all day till like 11:00, 12:00  
22 at night. I go home. I go to sleep, wake up, wait till  
23 the afternoon, same routine almost everyday. Box never

## TROTMAN INTERVIEW 7-7-2010

24 be home. He never was home. He be gone two or three  
25 days and gone.

117

1 Q. He's gone two or three days at a time?

2 A. Like he'll go out Friday night, don't come back  
3 till Saturday afternoon. And when he do come, he be  
4 there for like 30 minutes and leave and be gone till the  
5 next day, till Sunday. And you might not even see --  
6 you barely even see him at all on Sundays. It's like we  
7 barely saw him, barely enough to be a family with us. I  
8 never really had -- you know, I have family, my aunt and  
9 them and stuff like that, but I as I grew up, I was by  
10 myself. And that really bothered me, how my parents  
11 ended up. That really bothered -- that was always a  
12 problem for me because I always wanted a family, always  
13 wanted a family all my life. My biggest thing was to be  
14 a family with him. I felt that's what he wanted with  
15 me, too, but he was never there. He was always gone.

16 Q. (Inaudible).

17 A. He had ownership of a club, so he has excuses on  
18 why he stays out. Every time I call him, he always tell  
19 me he at a home boy's house or something. And he's  
20 always going (inaudible). So when y'all did ask me  
21 today where is Box, I was really being honest. I really  
22 didn't know where he was at. You know what I'm saying?  
23 He be wherever.

24 Q. What club does he own?

25 A. It's called the Sky Lounge.

118

1 Q. The Sky --

Page 100

## TROTMAN INTERVIEW 7-7-2010

2 A. He's not really like the owner owner, but, you  
3 know, he have little parties there.

4 Q. Oh, okay. So like this happened earlier --

5 A. I knew something wasn't right.

6 Q. You knew something wasn't right. He's been gone  
7 a lot. Did you ever ask him anything more about what's  
8 going on with Drigues?

9 A. Huh-uh. I just knew something wasn't right.  
10 Something wasn't right. I just didn't know what it was,  
11 but something wasn't right.

12 Q. Then you said that something really turned where  
13 you knew that something happened?

14 A. I said I had a feeling something wasn't right.  
15 You know, it was just keeping me out of that house. I  
16 didn't feel comfortable anymore. I couldn't sleep at  
17 night. Things just wasn't right. And I knew I had to  
18 change my life. Something just told me, Grace, you need  
19 to change your life around because you don't want to be  
20 on the same road Box is on because the road he's on is  
21 going to lead to disaster. And you follow him up, he's  
22 going to bring you down with him, too.

23 And I started changing my life around, started  
24 going to church, taking my kids to church. He didn't  
25 even want me to take the kids to church. He was like,

119

1 Why you going to church now? You wasn't going on  
2 before? And I said, well, I'm trying to get my life  
3 right. I just didn't care about him at all. You know  
4 what I'm saying? I just started not to care about him  
5 anymore for some odd reason. It seemed like I was

## TROTMAN INTERVIEW 7-7-2010

6 pushing -- whatever was pushing me away from him. It  
7 just isn't right. It just -- something was not right.  
8 I felt it in my heart something wasn't right. And that  
9 just kept me from the house. I was always ready to go,  
10 come get me.

11 And once I turned my life, I was at peace. I was  
12 able to sleep. Blessings started coming. Got me a job.  
13 Blessings started coming. I was able to find a  
14 babysitter because I really don't have nobody like that.  
15 It was just me and my kids. If I wasn't watching my  
16 kids, there was nobody else watching my kids, so I  
17 always had to watch my kids because he never watched the  
18 kids. For him to watch the kids for me to go have a  
19 good time and get a break would never happen. And I  
20 always -- I busted my ass for four years to make this  
21 family work and he just didn't care. He just didn't  
22 care. All I ever wanted was a family. And I say like  
23 my family now about to be jail cellmates for the rest of  
24 my life.

25 Q. So how did he explain it when Nikki called?

120.

1 A. He was telling her -- he was giving her the  
2 runaround. He was always giving her the runaround,  
3 telling her one thing and turning around and telling her  
4 another thing.

5 Q. But he told you that he was with her, right?

6 A. He never told me he was with Nikki.

7 Q. I thought you said he said Drigues was with his  
8 mother?

9 A. Oh, yeah, I don't know what happened with -- I  
10 mean, it's crazy.

Page 102

## TROTMAN INTERVIEW 7-7-2010

11 Q. So how -- get me to the point -- get me through  
12 to the weekend. You were working and he --

13 A. I was at my aunt's house all weekend long. I had  
14 not seen Box since Friday when I left the house, so  
15 whatever conversations we had was just over the phone  
16 whenever I could get in touch with him.

17 Q. On Friday, you're saying that --

18 A. He told me that he thought that Nikki was in the  
19 club that he owned. And like -- he was just telling me  
20 how she was acting like -- I mean, she was like I always  
21 wanted us to be a family and all this other stuff. And  
22 he was telling me things that she was texting, like I  
23 always wanted to be with you and wanted to be a family  
24 and why you have to be with her and all this other  
25 stuff. And I'm like, I've been with you for four years.

121

1 I've been with you before her and I've been with you  
2 after her, you know what I'm saying. I said, So how  
3 does she feel like she's just going to come here like  
4 that, like you're just supposed to drop us, you know  
5 what I'm saying, to the curb like that and be with her?  
6 I mean, I didn't understand that.

7 Q. Yeah.

8 A. But he was like yeah, she was like -- he was just  
9 telling me how she was acting and stuff. But she never  
10 -- she didn't say nothing about Drigues. She never said  
11 anything about him. She always was wanting money from  
12 him. He always stressed that, you know, that girl  
13 wanted his money. You know, that's what he was always  
14 telling me. He was like, Man, all that girl want is

## TROTMAN INTERVIEW 7-7-2010

15 money.

16 Q. Did he pay any child support?

17 A. No. And he wasn't even giving her no money.

18 Q. So --

19 A. I always be like, I said, Box, you need to give  
20 her money. I said, Y'all have a child together and she  
21 needs help, so you need to give her money. Even though  
22 we struggling, that's still a part of your  
23 responsibility. Just like his daughter, a part of his  
24 responsibility to take care of us. And when I saw he  
25 couldn't take care of us no more, that's when I took

122

1 things into my own hands and decided to turn my life  
2 around and got me a job so I could take care of my kids  
3 by myself.

4 Q. So when did he tell you that he had seen Nikki in  
5 the club?

6 A. That was Friday. He told me she wouldn't leave  
7 the club. She was trying to tell her friends to go  
8 ahead and that she wanted to leave with Box that night.  
9 And Box never -- I'm at my aunt's house, so I don't know  
10 where he was at that night. I don't know if they was  
11 together or not. That's what he just told me.

12 Q. What night was that on, Friday night?

13 A. Yeah, that was Friday night. That's just what he  
14 told me. I don't know if they got up or what. Like he  
15 always -- like nighttime, out there carousing and stuff,  
16 that when it's always dead. I mean, he don't want to  
17 answer the phone.

18 Q. So what happened next?

19 A. He was telling me that she wanted to see Drigues.

Page 104

## TROTMAN INTERVIEW 7-7-2010

20 I was like, okay.

21 Q. So he said that on Friday, he saw her in the club  
22 Friday night. She was texting him before that?

23 A. Uh-huh.

24 Q. And that she wanted to get up with him?

25 A. That she wanted to be a family with him again.

123

1 Q. And she didn't say anything about --

2 A. Drigues.

3 Q. Drigues?

4 A. He said that she would never said anything about  
5 Drigues, that she just wanted money. He was like, All  
6 that girl want is money.

7 Q. At that point, did you believe that Drigues was  
8 with her?

9 A. I never questioned it. I never said anything  
10 about it. But he just was telling me because she one of  
11 his girls. But I'm like, why you talk to me about her  
12 when you always with everybody else? You ain't telling  
13 me about them? So I'm just like whatever, you know. I  
14 don't ask questions or nothing. I'm like okay,  
15 whatever. So I don't know if they got up that night or  
16 what happened.

17 Because I know when he was at the house and doing  
18 stuff like that, Box would be talking to her on the  
19 phone like, you don't know how to call and check up on  
20 your son. It would be two weeks, three weeks and she  
21 would not call at all and check up on her son. And he  
22 just come out and tell me that, well, that girl ain't  
23 called in a couple of weeks for that boy. And he would

## TROTMAN INTERVIEW 7-7-2010

24 call her and be like, You don't never call, you know  
25 what I'm saying, and check up on your son?

124

1 Q. He would call her and say that?

2 A. Yeah. And she would -- they would talk on the  
3 phone or whatever and he would tell me what she said  
4 when he got off the phone. And it was like, you know, I  
5 be working all the time. Now I got a job, I be working  
6 all the time, so I don't be having time. But I'm like,  
7 what's wrong with one phone call. You know, just to  
8 check. I said, If that was me, I said, I would be  
9 calling every two hours because I'm so used to being  
10 with my kids.

11 Q. But she's saying that she was trying to reach --  
12 she had been trying to call?

13 A. Box, uh-huh.

14 Q. To talk to Drigues?

15 A. I don't know. Like when I tried to call his  
16 phone or whatever, his phone was dead. He told me he  
17 tried -- he was like -- he tried to blow me off saying  
18 like nothing happening, nothing like that, but I didn't  
19 believe that. They probably got up. Because I --

20 Q. Do you think she was really here?

21 A. I really believe that they was together that  
22 night. I mean, that's just what I feel. I just know  
23 him. He's a dog. He would never tell me about him. I  
24 just don't know --

25 Q. Well, then, why would she be coming and calling

125

1 the police trying to find her son on Friday -- on  
Page 106

## TROTMAN INTERVIEW 7-7-2010

2 Monday, I mean?

3 A. He made it seem like she brought him back when  
4 she came down from Columbia. And that when she was on  
5 her way back to Columbia, she wanted to take her son  
6 back with her. He wasn't ready.

7 Q. Okay. He acted like she brought him back on  
8 Friday?

9 A. (Defendant nodded).

10 Q. Where would he have stayed?

11 A. Who?

12 Q. Drigues. She brought him back to him?

13 A. That's what I'm saying, I don't know who he had  
14 watching him because I was at work. And I was at my  
15 cousin's house all weekend. That's when he came out and  
16 he was like she wanted -- you know what I'm saying, she  
17 want to take him back to Columbia and I want to spend  
18 more time with him. And I was telling my cousin that,  
19 too. And I was like, well, she (inaudible) with that,  
20 you know what I'm saying. She -- even though they  
21 talking on the phone and everything, she ain't buying  
22 what Box is talking about because Box always lying.

23 Q. So what did he say that made you think she had  
24 brought him back on Friday?

25 A. Because he told me that she was going to --

126

1 whenever she was going to go back to Columbia on --

2 Q. She wants to take him back?

3 A. Uh-huh.

4 Q. Then he said he wasn't ready?

5 A. Yeah, he said he wanted to spend more time with

## TROTMAN INTERVIEW 7-7-2010

6 him. But knowing I didn't see Drigues. This is just  
7 stuff that he's telling me. So I'm just going with it,  
8 like I tell you, and it went from there. Just doing  
9 what he asked me to do.

10 Q. So he's saying he's wanting to spend more time.  
11 She comes over on Monday --

12 A. Uh-huh.

13 Q. -- with the police? Is anybody in the house?

14 A. Nobody was in the house, no.

15 Q. But she called and was asking --

16 A. Well, she told him -- she was like -- he told her  
17 like, you know what I'm saying, just chill, you can call  
18 and stuff like that. You don't have to do all that, but  
19 she was like, No, I'm calling the police. And that's  
20 when he told me to call her and talk to her. And that's  
21 when I talked to the lady. All that is true. I talked  
22 to her and everything.

23 Q. So that is true that she called -- Nikki called  
24 you and called Box?

25 A. Yeah.

127

1 Q. And then she told both of you that she was going  
2 to call the police, get the police involved?

3 A. She never told me that. She told him that. She  
4 never said anything about the police or nothing like  
5 that, just that when I talked to her and at the end of  
6 the conversation with the lady I was on the phone with,  
7 she was just like, well, we'll just deal with this in  
8 Family Court. The police have the address. But, you  
9 know what I'm saying, I don't know if they was actually  
10 there or they talked to them over the phone and gave

Page 108

## TROTMAN INTERVIEW 7-7-2010

11 them the address. See, I'm not really sure about all  
12 that.

13 Q. Right. So when you found -- what did you think  
14 when you found out that he really didn't have -- that  
15 you hadn't seen Drigues and he was saying she was -- he  
16 was with her and she brought him back, but you never saw  
17 him or heard him or anything like that?

18 A. I didn't -- you know what I'm saying, I just --  
19 from then on, I just was doing what he told me to do. I  
20 didn't know what was going on or whatever.

21 Q. So what happened next? This is Monday.

22 A. After a while, they stopped calling him. And I  
23 went to sleep.

24 Q. Were you at your aunt's?

25 A. Uh-huh.

128

1 Q. Okay. But then the next morning --

2 A. I was still at my aunt's house.

3 Q. Okay. And what happened?

4 A. He told me he was going to get a rental car. And  
5 I was like yeah, because I got some errands I need to  
6 run. And he was like, well, I'm going to tell Sabrina  
7 to get the rental car and come and get you. She going  
8 to come pick you up and take her back to the car so  
9 you'll have the rental car.

10 Q. Okay. And then what?

11 A. Please tell me if I'm going to jail?

12 Q. Are you telling me the truth?

13 A. Yes, ma'am, I am. That's why it's taking me so  
14 long to get it out because I'm scared, but I know

## TROTMAN INTERVIEW 7-7-2010

15 something in my mind keeps telling me to tell you the  
16 truth, so that's what I'm doing. It's just taking me a  
17 while. And I'm almost done.

18 Q. Okay.

19 A. I'm going to go to jail for a long time. I can  
20 just feel it.

21 Q. Well, it's not about feeling it, it's about, you  
22 know, what the facts are.

23 A. I also got to tell you about something else.

24 Q. Okay.

25 A. He asked me to rent a Home Depot truck.

129

1 Q. When was that?

2 A. A couple weeks ago.

3 Q. Is that right after you came back and --

4 A. Yeah, a couple days later. I thought it was just  
5 furniture mainly -- he told me he was going to get  
6 furniture and stuff.

7 Q. What type of Home Depot truck?

8 A. It's just the one that you rent when you get  
9 lumber and all that stuff. And at that time, we didn't  
10 have no transportation either, so it was helping us get  
11 around, too.

12 Q. So how long did you have that?

13 A. You have to bring it back at 9:00, so we didn't  
14 have it long.

15 Q. For how long?

16 A. We got the truck like 6:00, 7:00, 6:00.

17 Q. In the evening?

18 A. Uh-huh.

19 Q. And you had to bring it back at 9:00?

Page 110

## TROTMAN INTERVIEW 7-7-2010

- 20 A. Uh-huh.  
21 Q. Do you remember what day it was?  
22 A. No, ma'am.  
23 Q. Was it the Home Depot in North Charleston?  
24 A. No.  
25 Q. Where?

130

- 1 A. In Summerville.  
2 Q. So you rented it yourself?  
3 A. Uh-huh. I'm the only one with a license.  
4 Q. Okay. So what did you do with it?  
5 A. Went back to the house and loaded the kids in the  
6 truck and loaded furniture on the back.  
7 Q. What type of furniture?  
8 A. I think mattress, chairs, stuff like that. We  
9 supposed to go take it somewhere, but we couldn't find  
10 the place.  
11 Q. Where were you taking it?  
12 A. He say he had a friend who wanted to get it or  
13 something like that.  
14 Q. Was this extra stuff or your good stuff?  
15 A. No, this wasn't -- it wasn't good stuff, it was  
16 just extra stuff. Because we had a lot of couches and  
17 stuff inside the house.  
18 Q. So what type of furniture?  
19 A. Chairs and mattress.  
20 Q. Okay.  
21 A. Yeah. We was supposed to take it to somebody,  
22 but every time we tried to call him and try to get  
23 directions where we was going out, we couldn't get in

## TROTMAN INTERVIEW 7-7-2010

24 touch with the people, so we turned back around and went  
25 home. And we would try it, you know, try it again the

131

1 next day.

2 Q. So did you -- were you in the truck the whole  
3 time?

4 A. Uh-huh.

5 Q. Did you ever drop any furniture off anywhere?

6 A. No.

7 Q. Did you feel that that was a waste of money?

8 A. Yeah.

9 Q. Do you think that has anything to do with  
10 Drigues?

11 A. No, I just wanted to let you know.

12 Q. Right.

13 A. (Inaudible) it was all happening. I just wanted  
14 to make sure I get in every detail that I could think of  
15 to let y'all know.

16 Q. But this happened right after?

17 A. Yeah, all that, yeah, happened afterwards.

18 Q. Did the mattress have any stains on it or  
19 anything?

20 A. Huh-uh.

21 Q. Okay. So you got the rental car. Then what did  
22 you do after you dropped Sabrina off?

23 A. I went to him.

24 Q. Where was he? Was he at the house?

25 A. (Defendant shook head). Nobody had been in the

132

1 house all weekend.

Page 112

## TROTMAN INTERVIEW 7-7-2010

2 Q. Huh?

3 A. I said nobody had been to the house all weekend.  
4 That's why when I was talking with Nikki and whoever  
5 that lady was, I was telling them the truth.

6 Q. That nobody was there?

7 A. Nobody was there.

8 Q. Where did you go to get Box?

9 A. And then I went to go pick up Box, I met him.

10 Q. Where did you go to meet him?

11 A. Off of the same road -- what's going to happen to  
12 me?

13 Q. I can't tell you because I don't know what you're  
14 going to tell me. I mean, I can only tell you if you  
15 tell me the truth, then I won't charge you with lying to  
16 an FBI agent if you tell me the truth.

17 A. What if you're just telling me that?

18 Q. Huh?

19 A. I mean, I'm telling you the truth, but what if  
20 you're just telling me that just so I can tell you the  
21 truth and then I still go down for lying to an FBI  
22 agent?

23 Q. Well, the thing is if you throughout your whole  
24 story end up telling me the truth, then I don't have a  
25 reason to charge you.

133

1 A. But you can do what you want, though.

2 Q. No, I have to abide by the law, just like  
3 everybody.

4 A. I don't think Drigues is okay.

5 Q. What do you think?

## TROTMAN INTERVIEW 7-7-2010

6 A. I'm just starting to get that feeling that  
7 something bad happened to him.

8 Q. Do you think that Box did it?

9 A. No, I don't think he did, but I think those  
10 seizures had something to do with it. I don't think --  
11 I honestly don't think he had -- you know, he would hurt  
12 him or do anything like that, but those seizures I think  
13 had something -- I think that's something -- has  
14 something to do with it. I just don't know what. I  
15 just know I kept feeling the feeling that something  
16 wasn't right. And I just feel -- you know, my opinion,  
17 I just feel that he's not okay.

18 Q. Based on what you're going to tell me he asked  
19 you to do, is that it?

20 A. (Defendant nodded.)

21 Q. So when you went to meet Box, what did he ask you  
22 to do?

23 A. He said he warrants. He said that she had put a  
24 warrant out on him for kidnapping. And that after 8:00,  
25 the warrant was going to be issued. So he called me and

134

1 it was after 8:00 in the morning.

2 Q. And after he called on Tuesday?

3 A. Yeah.

4 Q. At 8:00 in the morning?

5 A. Uh-huh. It was like 10:00 or so.

6 Q. She had a warrant out --

7 A. Yeah, he said the warrant they would -- they told  
8 her like the first day, they couldn't really do anything  
9 and they have to wait until after a certain amount of  
10 time to actually issue the warrant if the child has not

Page 114

## TROTMAN INTERVIEW 7-7-2010

11 been returned to her. And since it was after 8:00 and  
12 the child was not returned to her, they issued a  
13 warrant.

14 Q. Okay.

15 A. That's what I was told.

16 Q. So he told you that?

17 A. Uh-huh.

18 Q. That's when he called you on the phone?

19 A. Uh-huh.

20 Q. Is that before he had the rental car or after?

21 A. That was before he had the rental car.

22 Q. And then what did he say?

23 A. He wanted me to go downtown with the rental car  
24 and the kids. And I was supposed to meet up with  
25 somebody and he was trying to tell me like the person

135

1 who I was meeting up with and Drigues was with him.

2 Q. Did he tell you who you were supposed to meet up  
3 with?

4 A. Huh-uh. That's when I went downtown. He told me  
5 what exit to get off on.

6 Q. He told you where to go?

7 A. Like I told y'all, as we say, you get pieces and  
8 bits of the lie. (Inaudible). You see what I'm saying.  
9 So I was telling the truth on that. I don't know my way  
10 around downtown.

11 Q. So he told you the 221B?

12 A. Yes, and he told me where to go at.

13 Q. And then did he tell you how to get to the  
14 Battery? So he told you to go all the way down to the

## TROTMAN INTERVIEW 7-7-2010

15 end.

16 A. (Defendant nodded).

17 Q. And then what?

18 A. I was supposed to be waiting on Drigues to come  
19 and he never came. And I had Nikki coming, too. So I  
20 was like where is Drigues.

21 Q. So you were also talking to Nikki?

22 A. Yeah, and letting her know where I was. Like I  
23 said, same thing, I'm being honest and telling you the  
24 truth about I'm down around walking with my kids and  
25 stuff and I'm waiting for this guy to come and Box is

136

1 telling me that he's already down there. He's out the  
2 car. And I was like, well, I don't see him, I don't see  
3 what's going on. I remembered what he had on from what  
4 Box was telling me, so I got worried, I got scared, and  
5 I called the police to report a missing child. Because  
6 he wasn't there. He wasn't there.

7 Q. Did he tell you to call the police?

8 A. No, I took it upon myself to call the police  
9 because I didn't know who or what, if anything.

10 (Inaudible), you know. I was taking risk.

11 Q. Who was supposed to be bringing him?

12 A. That's it, I don't know. He told me one of his  
13 friends.

14 Q. One of his friends?

15 A. Right, I just don't know who.

16 Q. Did he tell you what they were driving?

17 A. Huh-uh. He told me he would call me and let me  
18 know. He just told me to be walking around.

19 Q. He didn't encourage you to call the police?

Page 116

## TROTMAN INTERVIEW 7-7-2010

20 A. (Defendant shook head).

21 Q. But why would you call the police if you never  
22 had him and you weren't sure that he was ever there?

23 A. Because he was supposed to be there. He was  
24 supposed to be with me. I was supposed to meet up with  
25 a guy and meet up with him to get Drigues. And I had

137

1 his mom on the way down there and I started getting  
2 scared and realized that she was, you know, on her way.  
3 She was about to pull up and everything and Drigues was  
4 not with me. And when I realized that all this was  
5 about to happen and Drigues was not with me, I called  
6 the police and told them that I couldn't find the little  
7 boy. He was supposed to be out here. He had on a red  
8 shirt, blue pants, black shoes, had locks.

9 Q. Who told you what he had on?

10 A. Box.

11 Q. And why did you have the clothes in your car?

12 A. Because those was just stuff that I had at the  
13 house that was his. And, you know, when I realized that  
14 he said that he was going to go to his mom, I made sure  
15 I got the bag, made sure I had his stuff with him so he  
16 could have things. Because he really was liking things  
17 clothes-wise, so I wanted to make sure that the things  
18 that I had bought him, too, and the clothes that he --  
19 the new outfit that he had, you know what I'm saying,  
20 went home with him when I met up with him to give him  
21 back to his mom. Because I really don't think Box  
22 wanted him to know that Drigues was with me -- Nikki --  
23 I really don't think that Nikki -- that Box really

## TROTMAN INTERVIEW 7-7-2010

24 wanted Nikki to know about where Drigues was. So I  
25 guess he tried to make it seem like Drigues was with me

138

1 to her.. So that's why they were really mad at me  
2 thinking I did something and all this other stuff.

3 Q. Well, I still don't understand why you would call  
4 the police if you never had him and you weren't sure  
5 that he was ever delivered or anybody ever came down to  
6 meet you?

7 A. I got scared and I didn't know if anything did  
8 happen. I just wanted to be on the safe side and make  
9 sure that he was okay. And I just felt that was the  
10 right thing to do, was to call the police. So he told  
11 me to say all this other stuff.

12 Q. What did he tell you to say?

13 A. Like I call him because the mama was saying I did  
14 something to the little boy and all this other stuff.  
15 And he was telling me that Box -- she was saying that  
16 Box was saying that I was lying and that Drigues was  
17 with me and all this other stuff. So I said, Hold up, I  
18 said, we can call Box right now. I said, I know that's  
19 a lie. I said, Because I be at my -- I said I was at my  
20 aunt's all weekend long. Drigues was never with me, you  
21 know what I'm saying. And that's when my aunt -- you  
22 know, they talked to my aunt and everything like that.  
23 And they can -- my aunt and them done told them there  
24 was not a third child with me. It was just me and my  
25 kids. So that's what I was trying to tell her, I do not

139

1 have Drigues. I said, I don't know what Box telling

Page 118

## TROTMAN INTERVIEW 7-7-2010

2 y'all on that other phone, but Drigues was not with me.

3 Q. I mean, the thing is he told you to meet the guy  
4 down there to get Drigues to give to Nikki?

5 A. No, it supposed to be like -- if I -- because it  
6 was like the guy was supposed to bring Drigues to me and  
7 I was supposed to give Drigues to Nikki as if Drigues  
8 was with me.

9 Q. Oh.

10 A. You see what I'm saying?

11 Q. But he's supposed to be having --

12 A. But at the same time, I didn't really know what  
13 all was going on. Because like I said, I just was doing  
14 what he was telling me to do and I thought everything  
15 was going to be all right. But at the time, you know  
16 what I'm saying, I was just like, well, where is this  
17 guy? And I couldn't get in touch with Box. And I was  
18 getting worried and I said, Man, I'm calling the police  
19 because I don't know who that guy is, where this child  
20 is and I'm going to be on the safe side and do the right  
21 thing and call the police and let them know that I  
22 cannot find Drigues.

23 Q. But why did you make up the story about him being  
24 with you?

25 A. Because Box told me to.

140

1 Q. So he told you to make up that story?

2 A. He made up that story. He told me what to say  
3 and all that other stuff. That's why, you know what I'm  
4 saying, that's why I went with everything he told me  
5 because he was like the guy was coming to drop Drigues

## TROTMAN INTERVIEW 7-7-2010

6 off to me and I was going to give him to Nikki. I just  
7 went along with everything.

8 Q. He didn't want you to tell anything about the guy  
9 or anything?

10 A. Huh-uh.

11 Q. Where's the last time you saw Drigues? Was it  
12 that day he was having the seizure?

13 A. Yeah.

14 Q. And that was about two weeks ago or longer?

15 A. See, I'm not really sure exactly what day it was  
16 that it happened on, so I can't really say how many  
17 weeks it was. I can only estimate. Because I can't  
18 really -- because, you know, like I told you, he's done  
19 it before.

20 Q. How long ago did he fall?

21 A. Oh, that was like -- that was a while ago. It  
22 was -- that was a while ago. That was like a month ago.  
23 He just did it that one time that he fell and then he  
24 did it when Box was a work one day. And I called him  
25 and told him what was going on. And I said, well, he

141

1 fine. I said, I think he just playing. Because I said,  
2 He really had me scared. I said, He jumped up and  
3 started playing with Yaya and everything. I think he  
4 just didn't want to do what I told him to do. I told  
5 him to go in the room and play with the toys and stuff  
6 and I guess he didn't want to do it, so he started that  
7 seizure like thing. And he had me really scared.

8 Q. And when you described the seizure, did his eyes  
9 look funny? Did he close his eyes, open his eyes?

10 A. His eyes were open.

Page 120

## TROTMAN INTERVIEW 7-7-2010

11 Q. Were they fixed, were they looking around? What  
12 were his eyes doing?

13 A. They was just looking, looking out, like he was  
14 just looking.

15 Q. Not blinking or blinking or --

16 A. Huh-uh, he wasn't blinking. He just was looking.  
17 So I was like, Drigues.

18 Q. Did he look like he could see you?

19 A. Uh-huh.

20 Q. What was his leg doing?

21 A. It was just only when he was standing, his leg  
22 would start shaking.

23 Q. When he was standing? He wouldn't fall?

24 A. Yeah, he would fall after -- his leg would start  
25 shaking first, the he would just fall.

142

1 Q. Would he fall on the ground?

2 A. Uh-huh.

3 Q. Then what would happen? Would he black out a  
4 little while?

5 A. No, he was just acting like he was in pain, but  
6 then he snaps right out of it. He start smiling and  
7 laughing and stuff. And I was like, Boy, don't scare me  
8 like that. And I made sure I told Box what happened. I  
9 said, That boy done scared me. I said, But he's all  
10 right. He's fine, you know. We didn't think anything  
11 too serious to think that we needed to take him to the  
12 hospital because he was fine.

13 Q. How many of those did he have? He had one right  
14 after he fell?

## TROTMAN INTERVIEW 7-7-2010

- 15 A. Yeah, that --
- 16 Q. How long after he fell?
- 17 A. The same day that he fell, he was acting like
- 18 that. Not the shaking of the leg, but just laying
- 19 there, but then he snapped out of it.
- 20 Q. Okay. Then how long after that did he have the
- 21 leg shaking and the falling?
- 22 A. That's when he -- Box was at work, he was with me
- 23 and I told him to come in the kitchen to get something
- 24 to eat with Yaya. And Yaya came in the kitchen and I
- 25 was waiting on him and he didn't come. So I went back

143

- 1 around the corner to look and he was doing that thing
- 2 again. I was like, what is going on with this boy? And
- 3 I was scared. And I was like, Drigues. And when I
- 4 called his name, he would snap out of it, he was fine.
- 5 I was like some of those kids be like that.

- 6 So as soon as Box got home, I said, Boy, you know
- 7 Drigues did that thing again. I said, He had me scared.
- 8 I said, when I call his name, he snap out of it. So I
- 9 said, He's okay. I said I just think that was weird
- 10 because I never saw nothing like that before. But it --
- 11 you know, since he was okay, he was fine and everything,
- 12 nobody thought we needed to take him to the hospital.

- 13 Q. So when did he -- how many times did he fall on
- 14 the ground after --

- 15 A. Oh, that was only one time that he did that.

- 16 Q. Was that the --

- 17 A. But ever since he did that, that's when I saw the
- 18 little different things that he was doing, look like
- 19 little seizure things.

Page 122

## TROTMAN INTERVIEW 7-7-2010

20 Q. So about how many of those do you think he had?

21 A. There were like three of them, but they was  
22 spaced out.

23 Q. Spaced out over how long a period of time?

24 A. It didn't happen -- like it didn't happen like,  
25 let's say, Monday that he fall and it happen and then

144

1 Tuesday, it happened and then Thursday, it happened. It  
2 wasn't -- it was spaced out like maybe between a month,  
3 you know what I'm saying, after he fell. Because he  
4 really impacted his head very hard on that floor. And  
5 then with my daughter falling right on top of him made  
6 it even worse. That's when we told them not to go up  
7 them stairs and we just kept that door closed.

8 Q. Did he bleed?

9 A. Huh-uh.

10 Q. Did he have a big knot on his head anywhere?

11 A. (Defendant shook head).

12 Q. A bruise?

13 A. Huh-uh. I never saw nothing on his head or  
14 anything like that because we checked out everything and  
15 he was fine. Now, I told you everything.

16 Q. What do you think, though, happened to Drigues?  
17 why would he make up this story about him not being here  
18 and him being with his mom when he wasn't with his mom?  
19 And then sending you into meet somebody to pick him up?  
20 And him having you tell -- did you say he didn't tell  
21 you to call the police or he told you to call the  
22 police?

23 A. I called the police.

## TROTMAN INTERVIEW 7-7-2010

24 Q. I know, but was he encouraging you to call the  
25 police? Did he act like he was concerned that the guy

145

1 hadn't gotten there to meet you?

2 A. Yeah, he was concerned.

3 Q. Was he acting?

4 A. He was just like where is Drigues at. He should  
5 have been there by now.

6 Q. So he was claiming he couldn't bring him because  
7 there was a warrant out for him?

8 A. Yeah, and, I mean, because of what she did with  
9 the police and, you know, see, he already had warrants  
10 on top of that. So, you know what I'm saying, he just  
11 was scared about going to meet her and thinking that she  
12 would have the police right there and he would have went  
13 to jail.

14 Q. But he never told you who he sent -- who he  
15 supposedly sent to bring him?

16 A. No, ma'am.

17 Q. Do you have an opinion what happened to Drigues?

18 A. I feel something bad happened to him. I just  
19 don't think he's okay.

20 Q. If something had happened to him, what would Box  
21 have done with his body?

22 A. Since (inaudible), whew, I would even know. Like  
23 I tell you, he used to leave us at our house for days.  
24 He used to never be home and stuff like that. When you  
25 do ask him questions, he get mad, so I don't even ask

146

1 questions no more. And I always tried to keep it to the  
Page 124

## TROTMAN INTERVIEW 7-7-2010

2 point where -- I didn't want him to get really mad at me  
3 and snap, so I just tried to be understanding and just  
4 left it alone. I didn't want him to hurt me anymore.  
5 That's what I told you earlier, I was scared for my  
6 life. I didn't know what could happen, what was going  
7 to happen.

8 Q. When you say snap, do you think he could have  
9 snapped with Drigues?

10 A. No, I don't think -- it was just like he had this  
11 thing with me. He was always -- he's a jealous person.  
12 He didn't like nobody else to even look at me. And guys  
13 -- it was like he had full control and I never have any  
14 guys call my phone except for his home boys or whatever,  
15 just to get in touch with him if that was the case.

16 Q. Who are his home boys?

17 A. There's a bunch of them. There's a lot of them.

18 Q. I mean, who are his closest? Who would you say  
19 are his closest friends?

20 A. He always say this person and that person, but  
21 who knows. I don't -- because I don't be with him in  
22 the streets no more because when we do go out, Box get  
23 drunk and he's a whole other person. Because many  
24 times, we used to drive back and anything little thing  
25 that made him mad when he's drunk and he starts hitting

147

1 you and he's not going to stop because he has that  
2 adrenaline rush. There be times I be driving home and  
3 he be hitting me in the car. So I just being doing  
4 whatever to save my life and be with my kids because I  
5 always felt that one day he be the one to take my life.

## TROTMAN INTERVIEW 7-7-2010

6 And I did feel that way, but at the same time, I was  
7 scared to leave.

8 Q. So you're scared that he might actually kill you?

9 A. I don't want to say kill me, but --

10 Q. Really hurt you bad?

11 A. Harder than the other times. And I knew if they  
12 got that bad those times, I knew it could get worse. I  
13 just never -- I never wanted to put that in my thoughts  
14 that he would kill me, but I did feel that -- you know,  
15 I always had that in my mind that if I was to leave this  
16 earth, it would have been by him. He used to thought I  
17 was playing when I told him that. He was like, Girl,  
18 please.

19 Q. If you were looking to find Drigues, where would  
20 you think to look?

21 A. I don't know.

22 Q. Well, if something happened to him, he does  
23 deserve to be buried properly.

24 A. Uh-huh. Like I said, that's just a feeling that  
25 I have because I don't know if that's actually what

148

1 happened. But that's just a feeling I got, I don't  
2 think he's okay.

3 Q. Do you not think he's hiding him out?

4 A. Huh-uh.

5 Q. Was he that into taking care of him before? I  
6 mean, it seemed like you took a lot of care of him.

7 A. I did till I start working.

8 Q. Well, did he spend that much time with him,  
9 really?

10 A. (Defendant shook head.)

Page 126

## TROTMAN INTERVIEW 7-7-2010

11 Q. So you think when he was saying I want more time  
12 with him, that was just a ploy?

13 A. That was just something to tell Nikki.

14 Q. When you rented the truck, was that after --

15 A. Yeah.

16 Q. -- he was gone?

17 A. Uh-huh.

18 Q. Was it right after he was gone?

19 A. No.

20 Q. How long after?

21 A. About a week. So now that I've told you the  
22 truth, am I going to jail?

23 Q. I'm not taking you to jail. But like I said, I  
24 can't answer -- I can't make a determination for what  
25 the police are going to do. And if I find out that

149

1 there's something that you lied to me about, I mean, I  
2 still could have the option of charging you later. But  
3 if I find that everything checks out and you've told me  
4 the truth, then there's not going to be any reason for  
5 me to charge you.

6 A. But the police still can charge me?

7 Q. They have different state charges that they can  
8 decide to charge you.

9 A. I mean --

10 Q. But I need you -- is there anything else you can  
11 tell me? Because I feel like you might be holding back  
12 a little something because you're still trying to  
13 protect him. If he did something to this child, if this  
14 child died while he was in his care, and he's trying to

## TROTMAN INTERVIEW 7-7-2010

15 hide it, I mean, think of you being a mother. You would  
16 want to know what happened to your child and you would  
17 want to give your child a proper burial. Nikki is  
18 frantic now for her child.

19 A. What's that mean?

20 Q. Frantic? Just doesn't know what to do, is  
21 scared, is worried, is, you know, in a terrible state.  
22 I mean, if you know he took his body somewhere or if you  
23 know he took him somewhere, if he's still alive, but if  
24 you know he took his body somewhere and he made you go  
25 with him, you need to let us know.

150

1 A. Can you tell me what all the state charges that  
2 they have?

3 Q. I don't know. Did you do anything to harm him?

4 A. I didn't even want to pop him.

5 Q. Do you know where he is, where he might be? I  
6 mean in your heart of hearts, do you think you might  
7 know where he is?

8 A. I don't think I know right where he is.

9 Q. Do you think you know a vicinity, an area?

10 A. I just know the next day, he wanted me to get the  
11 Home Depot truck again. And I did.

12 Q. Do you know where it went?

13 A. I know that day he took it by himself.

14 Q. Did he say where he was going?

15 A. (Defendant shook head).

16 Q. Did he put anything in it?

17 A. The same stuff we had the other day.

18 Q. How many days apart was it?

19 A. It was the next day. It was a day we got the

Page 128

## TROTMAN INTERVIEW 7-7-2010

20 Home Depot truck and then it was the next day we got the  
21 Home Depot truck, like two days in a row, two days after  
22 the first time we got it.

23 Q. So a week after Drigues was missing? Or was it  
24 right after --

25 A. You talking about when he went alone.

151

1 Q. Yeah.

2 A. It was after.

3 Q. How long after?

4 A. Probably about almost a week.

5 Q. Almost a week?

6 A. Uh-huh.

7 Q. Is there any place in the house that he could  
8 have hidden him?

9 A. No, I looked everywhere. I always look  
10 everywhere because I be thinking he be messing with  
11 girls in the house when I'm not home, so I'm always all  
12 over the house.

13 Q. And you never saw anything?

14 A. Huh-uh.

15 Q. Never missed a quilt or a toy box or --

16 A. No. If I got that feeling he was cheating on me  
17 and had somebody in the house, I would be going around  
18 looking everywhere, all them rooms upstairs, downstairs,  
19 just looking, whatever. I just looked to see if there  
20 was anything that would be a sign that he had somebody  
21 in the house. Because I felt he didn't respect me at  
22 home. So I knew if he didn't respect me at home, he was  
23 not going to respect me on the streets. And he was

## TROTMAN INTERVIEW 7-7-2010

24 like, you really think I would bring somebody else in  
25 our house in our home with our kids? And I'm like, Yes,

152

1 because you have done it before.

2 when we were staying in the trailer, one of my  
3 enemies, I didn't even like her, brought into my house  
4 doing her in the same bed me and my child was sleeping  
5 in, but he denies it. He denies it to this day. But  
6 she came out and told me about how he was and what he  
7 was doing in the streets because she know I didn't be in  
8 the streets like that. I was always home, working at  
9 home, working at home, taking care of my child, working  
10 at home. Because that's when he was just me and Yaya.  
11 And she told me about him and I flipped on her instead.  
12 First, I believed her and moved out. And as time went  
13 on --

14 Q. He got you back?

15 A. Uh-huh.

16 Q. To believing him?

17 A. Yeah. Well, she was trying to say she had an  
18 abortion from him. When she showed me the paperwork,  
19 all that stuff was fake. She printed it out, however,  
20 and had one of her friends sign it. And you could just  
21 tell the paperwork wasn't real. So I knew if she was  
22 lying about that, she could be lying about everything  
23 else. But she knew about stuff that was in my house  
24 that nobody else should have known about, you know what  
25 I'm saying, but me, because I lived there. No other

153

1 female should no what's in my house, but me. But she  
Page 130

## TROTMAN INTERVIEW 7-7-2010

2 knew what was in my house because she been in my house.

3 when I brought this to Box attention, he just  
4 told me that he had her come over here one time to help  
5 to pay a bill for him or something like that. I was  
6 like, But when was you going to tell me that, that you  
7 had somebody in my house, you know. And I said, This is  
8 a girl that I don't get along with, so why would you do  
9 that? So that right there told me he was lying and that  
10 the girl was in my house and whatever she said they were  
11 doing, he was really doing. I caught things from him.

12 Q. He's brought home stuff from other girls?

13 A. Chlamydia, I had it twice. I had it when I was  
14 pregnant with my little boy.

15 Q. So you said two days after you rented the truck  
16 the first time, you rented it again?

17 A. Uh-huh.

18 Q. You picked it up?

19 A. Uh-huh, and brought it home.

20 Q. And you brought it home? Did you do that both  
21 times or was he with you the first time?

22 A. The first time, we were all together, but the  
23 second time, we wasn't.

24 Q. It was just the two kids and you and him?

25 A. The first time, yes.

154

1 Q. And then the second time, you rented it?

2 A. Yeah, he was by hisself. He (inaudible).

3 Q. You rented it and brought it home?

4 A. Uh-huh.

5 Q. And you put the same stuff back on the truck?

## TROTMAN INTERVIEW 7-7-2010

6 A. Yeah.

7 Q. The mattresses -- or a mattress and chairs? What  
8 type of chairs?

9 A. Fold-up chairs.

10 Q. Folding chairs and one mattress?

11 A. Yeah, it was a mattress.

12 Q. What type of mattress, like a double bed, single  
13 bed, queen?

14 A. Single bed.

15 Q. Was it a mattress that somebody had been sleeping  
16 in -- or on?

17 A. I mean, well, you know, we was sleeping -- me and  
18 my kids was sleeping on that mattress, you know what I'm  
19 saying, when we got back to the house. Me and my kids,  
20 that's where we slept. Because we don't have an AC in  
21 our house, so we set up everything in our master bedroom  
22 because it was the coolest room in the house and we put  
23 the fans in there. And that's when -- you know, I just  
24 didn't want us to be sleeping directly on the floor  
25 because we didn't have a bed yet, so we was sleeping on

155

1 the mattress.

2 Q. What did he do with those? Did he take them out?

3 A. Yeah, he took them with him.

4 Q. Where did he take them?

5 A. See, I don't know where he went.

6 Q. Do you have a garage?

7 A. Uh-huh.

8 Q. Did he get them out of the garage and put them in  
9 the truck?

10 A. No, I think he went through the front door.

Page 132

## TROTMAN INTERVIEW 7-7-2010

11 Q. So when he --

12 A. No, he did -- yeah, he got it through the garage,  
13 yeah, because it was easier for him.

14 Q. Did you know what all was in the garage?

15 A. No.

16 Q. So he loaded stuff -- did you know everything he  
17 put on the truck?

18 A. Huh-uh.

19 Q. So he loaded stuff from the garage onto the  
20 truck?

21 A. Whatever he loaded from out the house, that's the  
22 only thing I knew of. As far as everything else -- I  
23 know I helped him put the mattress on the back and  
24 chairs, I was outside for that. But as far as  
25 everything else, I don't know what --

156

1 Q. Did you see anything else that he loaded?

2 A. No, I went back in the house with the kids. They  
3 were crying. I had to -- I breastfeed my little boy, so  
4 I had to take care of my kids. And I let him finish  
5 doing everything else.

6 Q. So then he left and went somewhere. Did he say  
7 where he was going?

8 A. Huh-uh.

9 Q. Did you want to know -- didn't you wonder what he  
10 was going to do with that stuff?

11 A. He told me he had somebody who wanted it.

12 Q. Yeah, but that's a lot to pay to rent a truck to  
13 just take --

14 A. No, it was only \$20 for 75 minutes. So it wasn't

## TROTMAN INTERVIEW 7-7-2010

- 15 a lot of money.
- 16 Q. \$20 for 75 minutes?
- 17 A. Uh-huh. If you did it after time --
- 18 Q. Was it still 6:00 to -- did you rent after 6:00
- 19 that day, too?
- 20 A. No, I think it was like 5:00 something.
- 21 Q. So you're telling me about the truck because you
- 22 think he might have done something with Drigues' body?
- 23 A. I can't say. I don't know.
- 24 Q. You just have a feeling, a bad feeling that
- 25 something bad has happened? And you don't think that

157

- 1 he's having a relative keep him or hide him?
- 2 A. Huh-uh. No.
- 3 Q. Because you haven't seen him?
- 4 A. Right.
- 5 Q. In over a month?
- 6 A. No, I wouldn't say a month. It was shorter than
- 7 that. Probably like three weeks.
- 8 Q. Three weeks. Okay.
- 9 A. Please don't leave me alone in here by myself.
- 10 Q. Can I leave you alone long enough to go to the
- 11 bathroom?
- 12 A. Yeah.
- 13 Q. Do you mind if I leave you just for a minute?
- 14 Because I've been drinking water. I think my bladder
- 15 might burst. I'll be right back, okay?
- 16 A. Are you coming right back?
- 17 Q. Well, I'm just going to go to the bathroom.
- 18 A. Can they get me some water?
- 19 Q. Yeah.

Page 134

## TROTMAN INTERVIEW 7-7-2010

20 A. Or something to drink?  
21 Q. Let me ask -- let me see if there's a cup out  
22 here. I'll bring you some.  
23 (WHEREUPON, Agent McCants left the room.)  
24 (WHEREUPON, Agent McCants enters the room.)  
25 BY AGENT MCCANTS:

158

1 Q. I feel so much better. I got me some water, too.  
2 You got some regular water?  
3 A. Uh-huh. I know I feel a whole lot better than  
4 what I did earlier. I feel like telling the truth kind  
5 of set me free a little bit, even though I feel I'm  
6 still going down.  
7 Q. Can you tell me a little bit more about why you  
8 were renting the trucks?  
9 A. The first time he told me he was going to move  
10 furniture. There was some things on the back of the  
11 truck that he was giving to them. So we went --  
12 Q. Who were you giving it to?  
13 A. One of his home boys or something like that. One  
14 of his -- from what I remember, I'm not sure who it was.  
15 I didn't even know where we was at. We just was riding  
16 and he told me to pull over and everything. I didn't  
17 even know where we was at because I only know the  
18 Summerville and North Charleston area and downtown and  
19 Columbia and all these other places.  
20 Q. So you were driving and he says pull over?  
21 A. (Defendant nodded).  
22 Q. Was it at somebody's house --  
23 A. He would be like go to a certain direction. And

## TROTMAN INTERVIEW 7-7-2010

24 I didn't know where I was. I just was riding. I didn't  
25 know where -- it wasn't in Summerville and it wasn't

159

1 downtown.

2 Q. How did you get there?

3 A. (INAUDIBLE).

4 Q. No, I-26?

5 A. Uh-huh, I-26.

6 Q. So you went I-26 and you went somewhere. Did you  
7 go to a person's house or did you --

8 A. No, we never went to anybody's house. We never  
9 went to anybody's house.

10 Q. Did you just drive around?

11 A. Uh-huh.

12 Q. Was he looking for something, looking for a  
13 place?

14 A. Yeah, I think he was. He was looking for a place  
15 to -- like I said, the stuff that he had, we was  
16 supposed to be giving to them and the stuff that they  
17 had, we was supposed to be getting back from them. So  
18 it was like an even swap.

19 Q. So y'all were just swapping out furniture?

20 A. Yeah. I'm cold now drinking that cold water.

21 Q. So you were going to swap furniture, but you  
22 never hooked up --

23 A. Yeah, he never found the guy. He couldn't find  
24 his house. He couldn't find where he was at. So we  
25 turned back around because it was getting close to 9:00

160

1 and I knew I had to take the truck back at 9:00, so.

## TROTMAN INTERVIEW 7-7-2010

2 Q. So do you think he just couldn't remember where  
3 to go or he was just looking for something else?

4 A. He probably was looking for something else, but  
5 he told me something different. He probably was looking  
6 for something else, but I'm not sure, you know what I'm  
7 saying.

8 Q. Did y'all go through a wooded area, did you go  
9 through subdivisions?

10 A. Yeah, it was at -- no, it wasn't no subdivision.  
11 It was all like woods and stuff, you know, you really  
12 didn't see anything. It was like this person live out  
13 in the country and stuff and he was trying to find the  
14 boy house and stuff and he couldn't. He couldn't  
15 remember where all to go at. So when we saw we was  
16 getting pressed for time, we turned back around and went  
17 back home.

18 Q. Did he ever say what boy it was?

19 A. Huh-uh. He said it was somebody he knew from a  
20 while back.

21 Q. And they didn't have a phone that he could call  
22 and say -- didn't that kind of not make sense that he  
23 couldn't call them and say hey, where do you live?

24 A. I think he was trying to get in touch with  
25 somebody, but his phone was not -- he was trying to

161

1 remember it by -- in his mind where to do at and stuff  
2 thinking that he could get there just remembering where  
3 he was going, but it didn't happen like that because we  
4 didn't know where we were going, so we saw we was  
5 pressed for time and turned back around and went home.

## TROTMAN INTERVIEW 7-7-2010

6 Like I said, I'm not real familiar with different areas  
7 like that, so I didn't even know where we were.

8 Q. Can you describe what it was like?

9 A. It was long roads and woods. You saw houses and  
10 stuff like that, but it was the country kind of like.

11 Q. Was it still in Charleston?

12 A. Huh-uh, no.

13 Q. Was it Summerville?

14 A. It wasn't anywhere in Charleston. It wasn't in  
15 downtown. Because see, I know these areas, North  
16 Charleston and Summerville, Ladson and Goose Creek, I  
17 know those areas. I don't know anything about downtown  
18 like that and I knew it wasn't in Summerville.

19 Q. Do you remember if you went out I-26 to -- across  
20 a bridge?

21 A. No, we never went over a bridge. It was,  
22 basically, like a straight shot. Probably make like one  
23 turn. And then we kept turning around and stuff, so  
24 that really kind of threw me off of where I was at  
25 because he was trying to find the place. But when he

162

1 couldn't find it, that's when we just turned back -- we  
2 saw we was getting pressed for time because the truck  
3 had to be back at 9:00 and we had to turn back around  
4 and go -- you know, turn the truck back in and stuff.  
5 And I had to take a cab home to the house from Home  
6 Depot.

7 Q. And so, you rented it two days later?

8 A. Uh-huh. I rented it a day later -- no, it might  
9 have been -- I want to say it was two days later, but it  
10 might have been the next day. I'm not sure.

Page 138

## TROTMAN INTERVIEW 7-7-2010

11 Q. And you rented it in your name?

12 A. Uh-huh.

13 Q. Did you rent it with a credit card or --

14 A. Uh-huh. I have a prepaid card. I always have  
15 it. I was receiving unemployment and my unemployment  
16 went direct deposit to it.

17 Q. So did your unemployment just run out?

18 A. Yeah, it was exhausted. They let me file another  
19 extension, but they said they have to wait on congress  
20 for the results of if we got approved or not, but I  
21 wasn't waiting on that. I went ahead and tried to find  
22 me a job. And went and tried to find me a job and got  
23 the job the next day. (Inaudible). I love my job. I  
24 loved that job.

25 Q. It was a good job?

163

1 A. Well, after two months, I would have been making  
2 13, \$14 an hour. I really would have been on my feet to  
3 take care of my kids.

4 Q. That's not bad.

5 A. Yeah, I would have been -- I was making \$10 an  
6 hour just working -- you know, I was working 40-hour  
7 shifts 12 hours a week -- 12 hours a day, Friday,  
8 Saturday and Sunday. And I liked my job what I was  
9 doing. I was used to be in on my feet and using my  
10 hands because I used to work at Hilrom.

11 Q. Well, Grace, when you told us earlier that other  
12 people were babysitting --

13 A. That's what he told me, so I went by what he  
14 said.

## TROTMAN INTERVIEW 7-7-2010

- 15 Q. But now, do you believe that?
- 16 A. (Defendant shook head.)
- 17 Q. So in all the time that he was with you, Drigues  
18 was with you, nobody ever really babysat him other than  
19 you and, occasionally, Box?
- 20 A. No, there have been times like we went out and he  
21 had like his friends -- like his friend, Quetta, her  
22 daughter watched Drigues when we went out.
- 23 Q. Who is Cletta -- Clida?
- 24 A. Quetta.
- 25 Q. Quetta.

164

- 1 A. Her daughter, not her, but her daughter watched  
2 Drigues. I don't know her daughter's name, but I know  
3 she watched him one time for us to go out.
- 4 Q. Is she a teenager?
- 5 A. No, she's like 30 something.
- 6 Q. Oh.
- 7 A. Old like Trina, she like 34, way older than Box.  
8 And she was completely dumb for him.
- 9 Q. But as a general rule, he didn't have -- Drigues  
10 didn't have a babysitter or somebody that kept him?
- 11 A. That's the only thing he was telling me, but,  
12 like I said, I felt -- I just felt something wasn't  
13 right.
- 14 Q. Well, he told he was being babysat and then he  
15 told you he was with his mom, so did he tell you both  
16 things at the same time?
- 17 A. No, not at the same time. First, he told me he  
18 went back with his mom, then he told me that he had  
19 somebody watching him. So I was like okay. He was

Page 140

## TROTMAN INTERVIEW 7-7-2010

20 like, I was just trying to give you a break. And I  
21 said, well, all right. I said, Thank you for that,  
22 because I did need a break. So I was just -- like I  
23 told you, I said, once I started realizing Box did not  
24 care about me, don't care about these kids and I need to  
25 do what I could do for my kids, I just -- whatever he

165

1 said just went in one ear and out the next. Because I  
2 wasn't believing none of that stuff no more. I knew he  
3 was doing wrong in the streets. I knew he was doing the  
4 whole family wrong. Stuff started getting hectic,  
5 started struggling and every time he struggles, he's  
6 turns to the streets for help. When he turns to the  
7 streets thinking that the streets is going to help him  
8 solve his problem and all it does it bring more problems  
9 to us. Because I told him, I said, whatever you do out  
10 there in the streets is going to reflect on your family.  
11 whatever you do, it's going to happen -- you know what  
12 I'm saying, it's going to come back on us if they can't  
13 get to you.

14 Q. Yep.

15 A. There have been times we been robbed with me and  
16 my daughter in the house.

17 Q. Somebody came into the house?

18 A. (Defendant nodded).

19 Q. Where was he?

20 A. The first time it happened, it was just me and my  
21 daughter in the house. I wasn't pregnant or nothing  
22 then, just me and her. And the first time it happened,  
23 he had somebody come to the house -- oh, he there. I

## TROTMAN INTERVIEW 7-7-2010

24 just like (inaudible). He didn't say nobody was coming  
25 by the house or anything like that. But he came into

166

1 the house and the guys came in with a gun. They came in  
2 the house with a gun and stuff, asking me where stuff --  
3 where his chain was and stuff like that. And I told  
4 them I didn't know, but they already just had me shocked  
5 by the gun.

6 Q. Did the ransack the house or just --

7 A. They looked and stuff because they thought I was  
8 lying, like they thought his jewelry and stuff was  
9 there, but it wasn't. Because he really -- he always  
10 try to keep all that stuff with him. And then they  
11 left. And I called -- and they took my cell phone with  
12 them, so I couldn't call anybody, so I had to call the  
13 next door neighbor and call them and told them what  
14 happened.

15 Q. Did you report it to the police?

16 A. (Defendant shook head.)

17 Q. well, let's get back to trying to figure out  
18 where Drigues might be. I really need you --

19 A. I think he knows where Drigues might be at.

20 Q. You think he knows or you're positive he knows?

21 A. I'm positive he knows where Drigues is at.

22 Q. Do you have any idea where he is?

23 A. (Defendant shook head). But I think it has  
24 something to do with them Home Depot trucks and us  
25 riding. Because he kind of keeps everything to himself.

167

1 We don't like me to know what's going on.

Page 142

## TROTMAN INTERVIEW 7-7-2010

2 Q. So you think the Home Depot trucks were involved?

3 A. (Defendant nodded.)

4 Q. So why would he get it twice?

5 A. I'm not sure. (Inaudible) reason.

6 Q. Did he put anything different in the back of the  
7 truck the second night that he did not put in the truck  
8 the first night?

9 A. No, because all I saw was the mattress and the  
10 chairs. I really didn't see if there was anything else  
11 because I was inside the house.

12 Q. Did you ever see anything out of place as far as  
13 storage boxes, quilts, mattress pads, anything?

14 A. A trash can.

15 Q. A trash can? What type of trash can?

16 A. A round trash can.

17 Q. Metal one, plastic one?

18 A. It was from a distance. I couldn't really tell  
19 if it was plastic or metal. I know it was like black.

20 Q. Had you seen it before? Had it been in your  
21 house before?

22 A. Uh-huh.

23 Q. So it was something that you had. Did you take  
24 trash out to the street in it?

25 A. No. We had -- like we on like suburban. They

168

1 had the -- so, you know, all the trash cans always  
2 stayed outside in front of the yard. And I always just  
3 go out through the front door and throw the trash in the  
4 trash can, but every time I went in the trash can and  
5 stuff like that to throw stuff away, there was nothing

## TROTMAN INTERVIEW 7-7-2010

6 out the way, like, you know what I'm saying, would have  
7 been in there.

8 Q. But where did you see this round trash can that  
9 was black?

10 A. It was on the back of the truck. Like the  
11 mattress was over it. So like I said, it was just a  
12 little bit funny. Like I said, I saw it from a distance  
13 from in the house, so --

14 Q. Yeah, but you said you helped him put the  
15 mattress in the truck?

16 A. Yeah, I did. When I did it the first time, I did  
17 help him put the chairs and the mattress on the back of  
18 the truck.

19 Q. So when you helped him load the mattress the  
20 second time, did you notice the trash can on the truck?

21 A. Uh-huh, yeah.

22 Q. Where was it on the truck?

23 A. Just on the back of it. It was like a bed -- the  
24 truck had a bed, so it was just on the back of it. At  
25 first, he had wanted me to help him and then he was like

169

1 never mind.

2 Q. It's a closed truck?

3 A. No.

4 Q. Or is it open?

5 A. Open. It's not like one of those --

6 Q. Like a pickup truck?

7 A. It's -- in the front, it's like a pickup truck,  
8 but like the back, there's like metal. It wasn't like a  
9 --

10 Q. Yeah, but is it encased?

Page 144

## TROTMAN INTERVIEW 7-7-2010

11 A. No. It has the metal rails. You have the metal  
12 rails.

13 Q. But no roof, no top?

14 A. Huh-uh, no roof, no roof.

15 Q. Okay. So there was a round trash can that was  
16 black. How big was it? This big? This big?

17 A. Like a regular little house trash can.

18 Q. But not as big as the ones you drag to the --  
19 that you roll out to the street?

20 A. No, not big like that.

21 Q. Did you see him put that onto the truck?

22 A. Uh-huh.

23 Q. Did it appear to have any weight to it?

24 A. A little. A little. Because at first, he had  
25 wanted me to help and then he was like no, never mind.

170

1 So I went back in the house because the baby and them  
2 was crying, so I had to take care of them, breastfeed  
3 the baby and stuff. So I was sitting on the couch and  
4 the couch is by the -- usually be by the wall and when  
5 the garage door is open, you kind of see it looking at  
6 the truck.

7 Q. Was that a trash can that you had used before?

8 A. I had never used it. It was already there when  
9 we move in the house. Because, see, that's not our  
10 house. That's someone else house.

11 Q. You're renting it?

12 A. We renting it. The house goes in the man name,  
13 the lights was in the man name, the water in the man  
14 name. We just was helping him out because Box said he

## TROTMAN INTERVIEW 7-7-2010

15 was about to lose the house. So he said that he was  
16 helping him out. And, plus, that was the type of house  
17 that we wanted to live in and raise our family in and we  
18 liked the neighborhood and everything. So he was just  
19 helping the guy out and, you know, we started staying  
20 there. He was paying the guy rent and everything like  
21 that.

22 But as time went on, the rent -- June, the rent  
23 wasn't paid, July, the rent wasn't paid, so the man was  
24 telling Box like if you don't give me my money, you're  
25 going to get put out. And he thought he was playing and

171

1 stuff like that. And when my aunt was taking me home  
2 that night, that Sunday, she was going to take me back  
3 home, we realized that the landlord had already rented  
4 the house. My aunt did not want me to stay in the house  
5 like that, so I went back to my aunt house and I've been  
6 at my aunt house since. And she told me that I had to  
7 talk to my uncle and let him know what was going on just  
8 in case. Box talked to the landlord and the landlord  
9 wasn't hearing anything he had to say. So my people  
10 wanted to make -- she wanted to make sure that I talked  
11 to my Uncle Derrick to make sure that we was okay to  
12 have a place to stay just in case.

13 Q. Okay. You've watched a lot of TV, right? You  
14 said you like crime? You like to watch crime shows --

15 A. Well, I really watch a lot of cartoons because my  
16 daughter --

17 Q. You like the 48 Hours?

18 A. CSI Miami.

19 Q. First 48 Hours?

Page 146

## TROTMAN INTERVIEW 7-7-2010

20 A. Yeah.

21 Q. So, I mean, when you saw that round trash can,  
22 did you wonder what was going on? I mean, why would he  
23 be taking a trash can and a mattress and chairs?

24 A. I didn't even see why he was taking the stuff  
25 that he was and we couldn't find the boy house. I was

172

1 like why you taking that again.

2 Q. What did he say?

3 A. He was like, I got this. Hush. He's very  
4 private.

5 Q. So all he had on the truck was the black trash  
6 can, a mattress, single bed mattress and chairs?

7 A. Uh-huh, and a table.

8 Q. What kind of table?

9 A. Like a kitchen table.

10 Q. Wooden?

11 A. No, like plastic.

12 Q. So plastic folding chairs and plastic table?

13 A. The ones that go together, yeah.

14 Q. Oh, okay. And y'all were trying to get rid of  
15 that?

16 A. Uh-huh, he was giving it to someone.

17 Q. And when he came back?

18 A. I was sleeping. He had to wake me up so I could  
19 take the truck back. So when I woke up --

20 Q. What was on the truck?

21 A. Everything was gone. The mattress we put back in  
22 the house, but everything else was gone. And we had  
23 several folding chairs, so the folding chairs that was

## TROTMAN INTERVIEW 7-7-2010

24 on the back of the truck were gone and we had our own in  
25 the house that we left in the front. You know, how we

173

1 got that front patio area, we just had a chair right  
2 here and a chair right there. But all the other chairs  
3 were gone.

4 Q. The chairs were gone?

5 A. Uh-huh.

6 Q. And the table, was it gone?

7 A. Uh-huh.

8 Q. Okay. And the trash can was gone?

9 A. Uh-huh.

10 Q. If you had to guess where you went that first  
11 night when you were driving around, could you guess  
12 where -- I mean, from your driving experience, could you  
13 try to figure out where that was?

14 A. I just know it was going in the direction of  
15 Columbia.

16 Q. Going out toward Columbia. So you were going  
17 kind of northwest?

18 A. Uh-huh.

19 Q. And how many exits up did you go?

20 A. I'm not sure. I was on I-26. I'm not sure how  
21 many exits we passed or anything. I just know it was a  
22 long ride. And I was wondering why we were going so  
23 far.

24 Q. Well, I mean, you only had the truck for 75  
25 minutes, right?

174

1 A. Yeah, so it wasn't long, so we had to turn back  
Page 148

## TROTMAN INTERVIEW 7-7-2010

2 around, you know, and go back home.

3 Q. And two nights later, you only had it for about  
4 75 minutes?

5 A. Uh-huh, and we had to take the truck back.

6 Q. So it couldn't be that far up the interstate? Do  
7 you know where Jedburg is, Ridgeville?

8 A. Yeah, I know those areas. It wasn't in those  
9 areas, we passed those.

10 Q. It was further --

11 A. (Inaudible) Clemson Terrace and then the  
12 unemployment office is in Jedburg, and Jedburg, too, so  
13 I know about Ridgeville and Jedburg. And then I had  
14 this girl who used to do my hair in Ridgeville. My  
15 daddy's buried in Ridgeville, so those areas I do know  
16 of, but it was past all that.

17 Q. Do you know about how many exits past that?

18 A. No, ma'am. It started getting dark around 8:00,  
19 7:30, 8:00.

20 Q. And y'all were headed back?

21 A. Uh-huh.

22 Q. And he said he knew somebody up that way?

23 A. Yeah, he said he knew somebody from up that way.

24 He was trying to find his house, but he couldn't  
25 remember where exactly to go at. His phone was acting

175

1 up, so he couldn't get in touch with the dude, so we  
2 turned back around. I just looked at it as, you know,  
3 just a ride out the house and get out the house because  
4 we always home all the time, not really thinking about  
5 it. And I really wasn't even thinking anything.

## TROTMAN INTERVIEW 7-7-2

6 Because like I told you, at the time  
7 that something just wasn't right and  
8 change my life around because I didn  
9 same road he was on because road he

10 (WHEREUPON, there was a knock

11 (WHEREUPON, Agent McCants left

12 (WHEREUPON, Agent McCants entered

13 DEFENDANT TROTMAN: I'm not going home tonight?

14 AGENT MCCANTS: Well, it's daytime, so I'm not  
15 going home tonight either.

16 DEFENDANT TROTMAN: No, I'm talking about, like,  
17 I'm not going home ever? Like, I'm not going to see my  
18 kids anymore? I mean, that's fine, you know.

19 BY AGENT MCCANTS:

20 Q. I really want you to help me. Like I said,  
21 you're a mama. You think of Nikki, she's a mama. I  
22 mean, can you imagine one of your children being out  
23 somewhere and not knowing -- not being able to give them  
24 a proper burial? I mean, wouldn't you want to have that  
25 in your heart?

176

1 A. I wouldn't want to do nobody like that. I also  
2 don't want them to feel like -- you know what I'm  
3 saying, like all the stuff was me. I mean, I wouldn't  
4 hurt the child. I wouldn't do nothing to hurt him.  
5 That's what they was saying.

6 Q. Who was saying?

7 A. Her and her mama -- her mama -- well, she didn't  
8 say it. Her mom was saying all these things, calling me  
9 the devil. She was like I know the Lord and all this  
10 other mess and you not right. And I was like, what?

Page 150

## TROTMAN INTERVIEW 7-7-2010

- 11 well, I know you can go home any time you want.  
12 Q. Yeah.  
13 A. What I'm trying to figure out is am I ever going  
14 to go back home?  
15 Q. Well, when you say that --  
16 A. Because it seem like --  
17 Q. -- Drigues fell down the steps?  
18 A. Uh-huh.  
19 Q. That was in your house over on 133?  
20 A. (Defendant nodded.)  
21 Q. Were those wooden steps?  
22 A. They had carpet, but the floor that his head hit  
23 on was wood.  
24 Q. And how far -- did he fall all the way from the  
25 top?

D

177

- 1 A. Not from the top. They were coming down the  
2 stairs going fast and both of them right behind each  
3 other, they started tumbling down the steps.  
4 Q. And how long was it they were tumbling?  
5 A. You heard it. You can hear them boom, boom,  
6 boom, you know, coming down the stairs. So when we  
7 heard all that, we both ran to see what happened and  
8 that's when Drigues landed on the floor and Yaya fell on  
9 top of him. But his head really hit the floor hard. We  
10 made sure they was okay. He was kind of funny at first,  
11 but then he snapped out of it and he was okay. So we  
12 made sure -- we checked again and made sure he was okay  
13 and everything and he was fine.  
14 Q. And you never saw any swelling or --

## TROTMAN INTERVIEW 7-7-2010

15 A. Yeah, we checked all that, both of them; we  
16 checked for swelling, you know, just in case their hand,  
17 knees or anything like that. We checked everything and  
18 everything looked fine. The next day, I made sure they  
19 was straight and he was fine.

20 Q. I can tell you're racking your brain. Can you  
21 think of any possible place he might would put that  
22 child?

23 A. I don't know. It could be in the country  
24 wherever he was riding around at. I just -- let me see  
25 if I can remember. It was getting dark, so everything

178

1 that's noticeable wasn't noticeable. I couldn't  
2 remember what road we on. I couldn't see -- you know,  
3 it was just like we was riding.

4 Q. Could you visualize an exit? I mean, once you  
5 got off on the exit -- you had to take an exit if you're  
6 on 26. If you got off on an exit, did you go right or  
7 did you go back up under the interstate?

8 A. You know what, I think we got off an exit in  
9 Orangeburg. I think I remember seeing Orangeburg, if  
10 that helps.

11 Q. Like the first exit toward Orangeburg or --

12 A. There's several exits of Orangeburg, I just don't  
13 remember which one. Because he wasn't being sure which  
14 one to get off on. But I think Orangeburg and I think  
15 -- I got a feeling that's where he went at when he took  
16 the truck the next day, Orangeburg.

17 Q. When you got off the exit, which way did you go?

18 A. It was like going around --

19 Q. Right --

Page 152

## TROTMAN INTERVIEW 7-7-2010

20 A. -- when you get off the exit, you got to keep  
21 going around and we just kept going straight.

22 Q. So this is the interstate right here. Did the  
23 exit go like that?

24 A. It goes around like a U.

25 Q. Like that?

179

1 A. Uh-huh, and you keep going straight.

2 Q. So you went back under?

3 A. There wasn't a bridge. It was like that. When  
4 you got off the exit, you went around and you came this  
5 way, but this wasn't -- it wasn't the interstate,  
6 though, it kind of went around like that and went back.  
7 Because I don't remember going over no bridge.

8 Q. So more like that?

9 A. Yeah, that's like -- yeah.

10 Q. All right. Can you remember anything else about  
11 the drive, about what you saw?

12 A. Yeah, I saw woods, roads, old houses, stuff like  
13 that that people were staying in and stuff. It was like  
14 the country. Like it wasn't like how Summerville is or  
15 Charleston. It wasn't nothing like that, it was more of  
16 like the country life with a lot of woods and stuff.

17 Q. And when he was claiming that he was looking for  
18 one of his home boys or whatever, did he ever pull into  
19 any driveway?

20 A. No, we never pulled into any driveway. We kept  
21 like turning around in the road and stuff like that  
22 because he wasn't sure which direction to go in. So  
23 that's when I got lost and I just was listening to where

## TROTMAN INTERVIEW 7-7-2010

24 he tell me where to go at. And I was like man, we lost.  
25 we cannot find this place. I said, we pressed for time,

180

1 we need to go back home. And I said, These kids are  
2 ready to get out this car.

3 Q. So does he have a driver's license?

4 A. Huh-uh.

5 Q. But he drove the truck --

6 A. That's why he got so many warrants, driving under  
7 suspension.

8 Q. But he drove the truck the next night or two  
9 nights later?

10 A. Uh-huh.

11 Q. You're sure you weren't with him?

12 A. Huh-uh.

13 Q. Can you think of anything else that might help?

14 A. I know sometimes when he calls -- when I do --  
15 when he goes out and stuff, when I call him and try to  
16 figure out where he's at, he'll tell me he's in  
17 Orangeburg. That they went to the club in Orangeburg or  
18 something like that. That's what he'll tell me, but I  
19 don't know if that's where he actually be at.

20 Q. Have you ever been to a club in Orangeburg?

21 A. No, not with him. I've never been to any club in  
22 Orangeburg with him. He would always go with his  
23 friends. whoever wanted to go to Orangeburg, they would  
24 go.

25 Q. So does he know the area up there?

181

1 A. I think so. I think so. And that's everything.  
Page 154

## TROTMAN INTERVIEW 7-7-2010

2 Q. That's everything?

3 A. Yes, ma'am.

4 Q. And tell me one more time why you called the  
5 police?

6 A. Because I couldn't get in touch with him when I  
7 was trying to call his phone and stuff like that and he  
8 told me that the guy was going to bring Drigues to me.  
9 And when I saw that -- you know -- when I knew that he  
10 wasn't -- I didn't see Drigues yet. He was telling me  
11 he was on his way and stuff like that. I was trying to  
12 call him back, I couldn't get in touch with him. And I  
13 started getting scared because I didn't know who was  
14 bringing him or what was going on. So I took it upon  
15 myself to call the police.

16 Q. Well, were you afraid that Nikki was going to  
17 come after -- be upset with you?

18 A. Uh-huh. Because I think Box told her that  
19 Drigues was with me. And that's where all that  
20 commotion came in from because I think Box was telling  
21 her that he was with me the whole time. That's why she  
22 kept saying, She lying, she lying. They believing what  
23 he saying and they just thinking -- they don't even want  
24 to believe anything I got to say.

25 Q. Yeah, but didn't you call her and tell her --

182

1 A. I called her and told her what happened.

2 Q. You told her that somebody -- that he was there  
3 and he was gone?

4 A. Uh-huh.

5 Q. But that wasn't true?

## TROTMAN INTERVIEW 7-7-2010

- 6 A. Right.
- 7 Q. So why did you tell her that?
- 8 A. Box told me to tell her that.
- 9 Q. So he told you to tell her that he disappeared?
- 10 A. No, he ain't told me to tell her -- no, I called
- 11 her and told her -- once, you know, I didn't see Boo and
- 12 stuff and I know she was on her way down here and I kept
- 13 saying -- trying to wait on him, trying to call Box and
- 14 stuff and I didn't -- at the present time, I started
- 15 getting scared. I started panicking. I didn't know
- 16 what was going on. So I called the police and I --
- 17 Q. Yeah, but you called her before you called the
- 18 police, didn't you?
- 19 A. No, I called the police first.
- 20 Q. And then you called her --
- 21 A. Uh-huh.
- 22 Q. -- and told her?
- 23 A. Uh-huh. And I told her, I said I already called
- 24 the police, the police is on its way and everything. I
- 25 said --

183

- 1 Q. So were you kind of covering your tail?
- 2 A. How do you mean?
- 3 Q. Because he wasn't there --
- 4 A. By me calling the police?
- 5 Q. Drigues wasn't there? Yeah. Drigues wasn't
- 6 there and she was on her way.
- 7 A. Uh-huh.
- 8 Q. So you were there without him?
- 9 A. Uh-huh.
- 10 Q. So you were kind of like, I'm saying, covering

Page 156

## TROTMAN INTERVIEW 7-7-2010

11 your tail to say he's disappeared?

12 A. No, I felt that that's what really did happen,  
13 you know, he disappeared or whatever, but I just --  
14 because she already knew that -- Box has already told  
15 her that Drigues was with me and I didn't know that, so  
16 then when I found out, you know what I'm saying, he's  
17 supposed to be with me, I was like --

18 Q. Yeah, but you never saw anybody bring him?

19 A. Right.

20 Q. And you had a bad feeling that something happened  
21 to him before?

22 A. Uh-huh.

23 Q. So did Box tell you to call the police?

24 A. No, he didn't. I had called the police on my  
25 own. And then I wasn't even able to call the police off

184

1 my phone. My phone was going dead. So I asked the girl  
2 who was -- you know, that was sitting with me and  
3 helping me out if I could use her phone to call 911  
4 because my phone was going dead.

5 Q. So you called from a bystander?

6 A. (Defendant nodded.)

7 Q. Did you ever -- did you talk to Box and find -- I  
8 mean, did he ever tell you there wasn't a guy bringing  
9 him?

10 A. No, he never told me that.

11 Q. What did he say?

12 A. After that, I told him I had called the police  
13 and everything. And he was like, Okay, well, call me  
14 and let me know what's going on and stuff like that.

## TROTMAN INTERVIEW 7-7-2010

15 Q. So he didn't act upset?  
16 A. Yeah, he was kind of scared and stuff like that,  
17 but I don't know -- like I said, I don't know if he  
18 talked to Nikki or called Nikki or tell her something  
19 because, like I said, her mama was saying something and  
20 Box was saying something totally different from what he  
21 was telling me. So that's how I knew that he had to  
22 been talking to her telling her something different.  
23 That boy lies so much, you can't believe nothing he  
24 says. But all this, you know what I'm saying, me  
25 telling you the truth about everything, all this is

185

1 going to do is make me look guilty, just as guilty as  
2 him. And if they feel --

3 Q. Well, is he going to say that you knew what  
4 happened?

5 A. I don't know what he going to say. I know I just  
6 got a feeling he going to say whatever it takes to cover  
7 his behind. That's why I changed my mind and said well,  
8 let me tell this lady the truth. Because I've got to do  
9 what I got to do to save me. And I know Box, I know him  
10 and I know the type of person he is. He's going to do  
11 what it takes to take care of him. He's going to say  
12 whatever to take care of him.

13 That's why I said -- I kept thinking wrong y'all  
14 had me here. You can't do nothing but think. I've been  
15 thinking about everything. I kept contemplating on Box  
16 don't give a damn about me. Box is not going to give a  
17 damn about you. You've got to care about yourself, so  
18 you need to tell the truth. And I just kept going back  
19 over and over and over and over and over it. But I just

Page 158

## TROTMAN INTERVIEW 7-7-2010

20 got a feeling that -- I got a real good feeling that he  
21 going to do what it takes to try to save him and try to  
22 put everything on me because I know Box. I know him.

23 Q. Well, do you think that Drigues was injured bad  
24 enough that it would have killed him?

25 A. From falling down the stairs?

186

1 Q. Uh-huh.

2 A. The seizures -- well, no, I guess you'd call them  
3 seizures, but he never did that before with us. And  
4 like I said, I don't really know his medical history and  
5 stuff or he already been going through seizures or  
6 anything before. And it's like his mom never tried to  
7 tell us if he had any problems or anything like that.  
8 Like when she did send him to us, she would put like  
9 medicine in the bag, like different medicines in the  
10 bag, cortisone because he had eczema. But would never  
11 tell Box, you know what I'm saying, make sure Grace do  
12 this and that, make sure -- because he got this and  
13 stuff like that. The stuff would just be in the bag.  
14 And I'm like, Box, am I supposed to give this to him?  
15 You know, I don't know. What am I supposed to do with  
16 this stuff? It's in here, but I don't know if I'm  
17 supposed to give it to him. And if I am supposed to  
18 give it to him, I don't know what to give to him and  
19 stuff. I don't know if he's sick or if she's just  
20 putting in there just in case, you know what I'm saying.  
21 Because like I said, they only conversated. Me and her  
22 don't conversate at all like that. We really don't even  
23 know each other like that.

Page 159

## TROTMAN INTERVIEW 7-7-2010

24 The first time I ever was to talk to her on the  
25 phone was when we was staying in Churchill Commons. We  
187

1 was staying in apartments at that time. And I talked to  
2 her on the phone. I told her, I said, well, Box been  
3 with me sometime, you know, because he go out or  
4 whatever, but any time you feel you want to talk to  
5 Drigues, just call me. But she never did. We just kept  
6 it like that. We just kept -- me and her, we just kept  
7 it apart from each other. There was always  
8 conversations between him and her, her and Box, her and  
9 Box.

10 Q. Well, that day that you came home and you were  
11 only gone for a couple of hours and you said your sister  
12 picked you up and you got home and Drigues was gone?

13 A. Uh-huh.

14 Q. Did Box act any different?

15 A. Huh-uh. No, he didn't act different.

16 Q. Would he be the type that would get upset and  
17 spank a child real hard or hit a child?

18 A. Like when it came to like if Drigues was to do  
19 something bad or something like that or act up or  
20 something, I would tell Box and Box would discipline  
21 him. I really didn't -- I probably would pop him on his  
22 hand and stuff like that, but I barely even did that. I  
23 mean, he would discipline him.

24 And yeah, he had this little thing about himself,  
25 Drigues was like -- he was like feminine kind of. So

188

1 the mama wanted Box -- for him to be with his daddy to  
Page 160

## TROTMAN INTERVIEW 7-7-2010

2 change his feminine because he was around his mama and  
3 sister for so long -- around a lot of females for so  
4 long. So the only thing he would really discipline him  
5 on was to stand like a boy. And he would be like I'm a  
6 man and all that. You know, just trying to change his  
7 -- to try to let him know that he's a boy and not a  
8 girl.

9 Q. Yeah. Well, did he ever spank him?

10 A. Yeah, he disciplined him, yes.

11 Q. How did he spank him?

12 A. Just with his hands. Just pop him.

13 Q. Pop him or wail on him?

14 A. Not -- no, he wouldn't wail on him. He would  
15 just probably just hit him one time and that was it.

16 Q. You never saw him at any excessive spanking?

17 A. No. He only did stuff like that to me.

18 Q. So in your mind, what do you think happened?

19 A. I think Drigues is hurt and I think Box is trying  
20 to cover it up.

21 Q. When you say he's hurt --

22 A. And I feel that he's trying to cover it up  
23 through me or trying to see if there's something --

24 Q. So when you say you think that he's hurt, you  
25 mean to the point of death?

0

189

1 A. But I don't think he did it. I don't think he  
2 hurt him. I think it probably have something to do with  
3 the seizures that he was having.

4 Q. But if it was accidental, why wouldn't he tell  
5 you?

## TROTMAN INTERVIEW 7-7-2010

6 A. Warrants, he was too scared, not wanting to go  
7 back to jail because he already did two years in jail.

8 Q. He had that many warrants out on him?

9 A. Well, he was in -- like, this is before I even  
10 knew Box existed. But back in his past, he went to jail  
11 for two years for selling coke and crack or whatever.  
12 So he did two years. And I feel that because he had  
13 warrants for driving under suspension and stuff, he was  
14 scared and he didn't want to go back to jail and he  
15 didn't know what to do and he panicked. That's what I  
16 think happened.

17 Q. You think he panicked when Drigues was having a  
18 seizure or --

19 A. Yeah.

20 Q. And didn't call the ambulance or --

21 A. Yeah, he told me not to. When I said I wanted to  
22 call -- I need to call an ambulance, he was like, No,  
23 don't call the ambulance. I'm on the way to the house  
24 now. So I left it alone. I did what he --

25 Q. Is that the same day you went off with your

190

1 sister?

2 A. Uh-huh, with my sister.

3 Q. After he had that bad -- the worst seizure?

4 A. Yeah, that was the same day.

5 Q. Did he ever say anything to you about him  
6 observing any type of seizure? Did he see him --

7 A. Like if he had one when I was gone?

8 Q. Uh-huh.

9 A. No, he never said anything to me about that.

10 Q. He just said he's gone to his mom's?

Page 162

## TROTMAN INTERVIEW 7-7-2010

11 A. Yeah, he was like because of what happened, he  
12 wasn't really -- he didn't really -- we really thought  
13 they was pressuring him to go back to his mom and make  
14 sure he was all right and everything like that.

15 Q. But it happened so fast, his mom couldn't have  
16 gotten down here in two hours?

17 A. No, I was gone longer than that. That's what I'm  
18 saying, it wasn't just a couple hours. I was gone -- I  
19 didn't come back till like 10:30 or 11:00 that night.

20 Q. Oh, I thought you said you were just gone for a  
21 few hours?

22 A. I mean, I called every few hours. I mean, I  
23 guess, you know, I have to really be specific. But I  
24 was gone from the afternoon till that night.

25 Q. So what do you think Box is going to say?

191

1 A. Like I said, he's the type of person to try to  
2 save himself, so who knows what he might say. But if he  
3 trying to save himself, the only person he is going to  
4 try to put it on is me because we lived together.

5 Q. What would he say about you?

6 A. He probably would say I had something --  
7 something -- I don't know what he would say.

8 Q. He would say that you harmed -- would he say that  
9 you harmed Drigues?

10 A. Yeah, he probably would say that. He probably  
11 would try to put everything on me.

12 Q. What type of harm would he say that you would  
13 have done to him?

14 A. I don't know. Because like I told you, I don't

## TROTMAN INTERVIEW 7-7-2010

15 hit him. I don't do none of that. When I went -- he  
16 wouldn't say I did any harm or anything to him because,  
17 like I said, I don't even feel he did anything. I just  
18 think something happened with the seizure situation and  
19 he got scared and panicked.

20 Q. And in panicking, what did he do?

21 A. That's the question, I don't know because I left.

22 Q. Did you try to get him to take him to the doctor?

23 A. No, we didn't have any transportation at the  
24 time, but I did say -- I did tell him, I said, I think  
25 we need to take him to the hospital and he was like, No,

192

1 that's all right. He'll be all right. He said, I'm on  
2 the way to the house, so I'll figure out everything when  
3 I get there.

4 Q. And that was about a week after he had fallen?

5 A. Uh-huh. Are they going to let me go home?

6 Q. I don't know. I'm going to go out -- I'll go  
7 out. Do you have anything else, any other information?

8 A. No, ma'am.

9 Q. Let me see what's going to happen.

10 A. I really don't want to be in here by myself.

11 Q. Okay. Let me talk to them.

12 (WHEREUPON, Agent McCants leaves the room.)

13 (WHEREUPON, Agent McCants enters the room.)

14 BY AGENT MCCANTS:

15 Q. You're still awake?

16 A. I'm so sleepy.

17 Q. You remember anything else you want to tell me?

18 A. (Defendant nodded.)

19 Q. Okay.

Page 164

## TROTMAN INTERVIEW 7-7-2010

20 A. I'm starting to get a good feeling that Box told  
21 the truth.

22 Q. Huh?

23 A. I said I'm starting to get a good feeling that  
24 Box told the truth.

25 Q. You are? You think he will?

193

1 A. (Defendant nodded.)

2 Q. You think he will not be concerned about maybe  
3 having to say that he knew that his son fell down the  
4 stairs?

5 A. Can you repeat that?

6 Q. You don't think he'll be concerned about  
7 admitting that his son fell down the stairs and you  
8 didn't get him any treatment?

9 A. You think that he's going to admit to that?

10 Q. Yeah.

11 A. Yeah.

12 Q. You think he will?

13 A. (Defendant nodded.)

14 Q. You think he'll admit anything else?

15 A. I know he will admit to he panicked and he was  
16 scared.

17 Q. Did he ever admit that to you?

18 A. (Defendant nodded).

19 Q. So there is some more you need to tell me, isn't  
20 there?

21 A. (Defendant nodded).

22 Q. Okay. So did he tell you that he panicked?

23 A. When I was with Drigues, nobody killed him.

## TROTMAN INTERVIEW 7-7-2010

24 Between me and him taking care of him and stuff like  
25 that, nobody killed him.

194

1 Q. Okay.

2 A. I really feel that would happen to him, you know,  
3 was just scared and stuff was the cause of what  
4 happened.

5 Q. So you think the fall caused some damage that you  
6 didn't realize?

7 A. Uh-huh. So we panicked. We didn't know what to  
8 do.

9 Q. So then when would that have happened, when you  
10 panicked?

11 A. The same day of the last seizure.

12 Q. Were you there, too?

13 A. (Defendant nodded.)

14 Q. So you just -- did he wake up from that last  
15 seizure?

16 A. We just wasn't really worrying about it because  
17 we knew he would get back up. When it was time to go  
18 feed him, I was trying to wake him up to eat.

19 Q. And what happened?

20 A. I just keep thinking about if that was my kids, I  
21 would want to know what happened. And I'm just putting  
22 myself in Nikki's shoes right now.

23 Q. That's true, you would want to know what  
24 happened. So when you tried to wake him up to eat, had  
25 he been laying on the couch for a while?

195

1 A. (Defendant nodded.)

Page 166

## TROTMAN INTERVIEW 7-7-2010

2 Q. About how long do you think?

3 A. I mean, we was watching TV and stuff and just  
4 sitting there, so we figured he was just sleeping. We  
5 didn't think anything of it. So it was a couple hours  
6 later and stuff, you know. They had already ate  
7 breakfast and everything.

8 Q. So about what time of day was that seizure on  
9 that last day?

10 A. It was in the morning.

11 Q. So you were trying to feed him lunch?

12 A. Not like around 12:00, but like, you know, like  
13 in the afternoon.

14 Q. Later on --

15 A. Yeah, later on.

16 Q. -- began to suspect something?

17 A. Uh-huh.

18 Q. And you had the TV on?

19 A. Uh-huh.

20 Q. And then when you tried to wake him up, you  
21 couldn't?

22 A. (Defendant shook head.)

23 Q. Could you tell something was wrong when you  
24 touched him?

25 A. (Defendant nodded.)

0

196

1 Q. What? Was his body cold?

2 A. (Defendant nodded.)

3 Q. Was Box at work then?

4 A. (Defendant shook head.)

5 Q. Was this the weekend?

## TROTMAN INTERVIEW 7-7-2010

6 A. (Defendant shook head.)

7 Q. Did you call Box to come home?

8 A. (Defendant nodded.) Because at the time, he was  
9 still okay. And I told him, I said, Do you think I need  
10 to call the ambulance and he told me not to. He was  
11 like, I'm on my way home. (Inaudible).

12 Q. That was after the seizure that he fell down?

13 A. No, that was like about like a week -- he fell  
14 down stairs and then after that, the second time.

15 Q. So that was the third seizure?

16 A. (Defendant nodded.)

17 Q. And was there something about that one that made  
18 it worse?

19 A. He was still acting the same, but he was acting  
20 like he -- he just wasn't the same, like the other times  
21 was different.

22 Q. How? Can you tell me a little bit about how this  
23 particular time was different?

24 A. He was flimsy, but he was still breathing at the  
25 time and his heart was still beating.

197

1 Q. When you say flimsy, what's that mean?

2 A. (Defendant indicated).

3 Q. Floppy?

4 A. (Defendant nodded.) But he -- you know what I'm  
5 saying, because the other times that's how he was, too,  
6 but he would snap out of it, so I didn't think anything  
7 of it. But I made sure to call him and let him know  
8 what was going on, what I thought was going on. So he  
9 said he was on his way home, that's why I didn't call  
10 the ambulance. And he told me not to call the

Page 168

## TROTMAN INTERVIEW 7-7-2010

11 ambulance. He was on his way home, not to worry about  
12 anything.

13 Q. So he was more floppy this time than the other  
14 times?

15 A. Yeah, he was, right.

16 Q. Did he stay floppy longer? Did you put him on  
17 the couch?

18 A. Yeah, I laid him down because I figured he was  
19 just sleepy and he would snap out of it just like any  
20 other time, not thinking it was really going to be -- it  
21 was serious. We didn't know. We did not know.

22 Q. When Box got home, what was going on?

23 A. We went back in the house, he was still laying on  
24 the couch looked like he was sleeping. Box was like,  
25 just let him rest, just leave him alone. That's what we

198

1 did before. He jumped right up, nothing wrong. So  
2 that's what we did.

3 Q. Did y'all just go about your usual routine?

4 A. Uh-huh.

5 Q. Were y'all in there watching TV or --

6 A. Uh-huh.

7 Q. Everybody was in the living room?

8 A. Uh-huh.

9 Q. Then you said you tried to wake him to get him  
10 something to eat?

11 A. (Defendant nodded).

12 Q. And that's when you realized he hadn't been  
13 breathing?

14 A. (Defendant nodded).

## TROTMAN INTERVIEW 7-7-2010

- 15 Q. Did you check for a pulse?  
16 A. (Defendant nodded).  
17 Q. Or breath?  
18 A. Uh-huh.  
19 Q. And then you felt his skin was cool?  
20 A. (Defendant nodded).  
21 Q. Did you try anything to revive him?  
22 A. (Defendant nodded).  
23 Q. What did you do?  
24 A. I hocked him.  
25 Q. Huh?

199

- 1 A. I hocked at his chest.  
2 Q. Chest compression?  
3 A. And then I heard air was coming out, I figured he  
4 was okay.  
5 Q. So you heard some air coming?  
6 A. Uh-huh.  
7 Q. Even though he was kind of cool?  
8 A. (Defendant nodded). So I figured he was all  
9 right.  
10 Q. Then what did you do?  
11 A. I left him there thinking everything's okay  
12 because every time I would look at him, he was looking  
13 like he was breathing, he was sleeping. He looked like  
14 he was fine. So I'm like I'm just going to let him --  
15 just set there and let him rest a while.  
16 Q. So when you did chest compressions, you did it on  
17 the couch?  
18 A. No, I laid him on the floor because I was taught  
19 how to do it.

Page 170

## TROTMAN INTERVIEW 7-7-2010

- 20 Q. Oh, okay, so you knew how to do --  
21 A. Uh-huh.  
22 Q. -- CPR? Did you breath into him?  
23 A. Uh-huh.  
24 Q. Did you -- could you feel for a pulse?  
25 A. That -- I did feel a pulse and his heart was

200

1 still beating.

2 Q. Okay. And then what happened? Did you leave him  
3 on the floor?

4 A. No, I laid him back on the couch because, like I  
5 said, I thought he was -- his heart was -- you know what  
6 I'm saying, was still -- I heard air -- air was coming  
7 back out his mouth, so I was like okay, he's okay. And  
8 I laid him on the couch.

9 Q. And then how long did you leave him on the couch?

10 A. For about 30 minutes. I was letting him rest.  
11 And we just thought he was going to get right back up  
12 like he always does.

13 Q. And then did you notice something change? What  
14 made you check him again?

15 A. Just checked him to see if he was still all  
16 right.

17 Q. And what happened then? What happened when you  
18 checked him again?

19 A. He was stiff.

20 Q. So you could already feel the stiffening?

21 A. (Defendant nodded.)

22 Q. Now, was Box in the room at the time?

23 A. (Defendant nodded.)

## TROTMAN INTERVIEW 7-7-2010

24 Q. Had he been checking him?

25 A. (Defendant nodded.)

201

1 Q. So what did y'all do?

2 A. We sat and tried to think of what to do. We  
3 didn't know all -- you know, we didn't really -- we knew  
4 that when we call the ambulance, they would look at how  
5 long he was, you know what I'm saying, we didn't know  
6 when he left. We knew y'all would look at the time of  
7 how long he was like that and we really didn't know  
8 because, like I said, we didn't think anything was  
9 really wrong like that. We was just waiting for him to  
10 wake back up on his own like he always did. So we  
11 figured y'all would look at that and be well, why didn't  
12 y'all call the ambulance. And I was the one that said  
13 we needed to and he said no.

14 Q. So y'all were concerned at that point if you  
15 called an ambulance to -- to do something or -- you  
16 already knew that he was passed, that you might get in  
17 trouble for not calling early enough or something?

18 A. (Defendant nodded.) Right --

19 Q. Because they would figure out how long he had  
20 been -- how long do you think he had been deceased at  
21 the time you realized it?

22 A. Probably couple hours. Like I said, we thought  
23 he was just sleeping. We didn't think anything of it.  
24 We didn't do anything to him. We didn't kill him or  
25 nothing like that. We just couldn't believe that this

202

1 had happened to us.

Page 172

## TROTMAN INTERVIEW.7-7-2010

2 Q. Yeah.

3 A. We were good people. We took care of everybody  
4 that we could. We just couldn't believe that this  
5 happened to us. And we were scared and panicked.

6 Q. What did you do being scared and panicking?

7 A. He was the mastermind of everything from there  
8 on.

9 Q. So what happened next?

10 A. He thought of a way that we could hide the body.

11 Q. And how was that? How were you going to hide the  
12 body?

13 A. He said it came to him in his head.

14 Q. Uh-huh.

15 A. And he left and went and got some things and came  
16 back.

17 Q. What did he get?

18 A. The trash can.

19 Q. Did he get anything else?

20 A. Some bags.

21 Q. What type of bags?

22 A. Paper bags and plastic bags.

23 Q. Like garbage-type bags?

24 A. (There was no response.)

25 Q. And what did he do?

1 A. He hid the body in them.

2 Q. So he put the body in some of the bags?

3 A. And put the body in the trash can.

4 Q. Did he put it in bags first?

5 A. (Defendant nodded.)

## TROTMAN INTERVIEW 7-7-2010

- 6 Q. And then what did he do?
- 7 A. Try to find a way to carry it off.
- 8 Q. Okay. So he -- the part about you told me where  
9 he told you he was with Nikki, that's not true?
- 10 A. That's what he told me to tell, that's what he  
11 told me to say.
- 12 Q. So Box told you to tell people if they asked?
- 13 A. (Defendant nodded).
- 14 Q. And then Nikki was calling?
- 15 A. Not then.
- 16 Q. Huh?
- 17 A. Not then.
- 18 Q. So what did y'all -- what did you do after that?
- 19 A. That was it for a couple of days.
- 20 Q. You just left it in the garage?
- 21 A. (There was no response).
- 22 Q. And then did you get the truck?
- 23 A. That was the truth, we did go to Orangeburg and  
24 ride around and stuff. Like I said, I didn't know what  
25 we were riding around for, but I kind of could guess.

204

- 1 He wasn't like coming out and telling me.
- 2 Q. Did you -- do you know where he put the garbage  
3 can?
- 4 A. I don't know the name of the area.
- 5 Q. You don't or you do?
- 6 A. I said I don't know the name of the area.
- 7 Q. Was it the Orangeburg exit or was it another  
8 exit?
- 9 A. It was the first exit that we got to was the  
10 Orangeburg. We went to Orangeburg most of the time.

Page 174

## TROTMAN INTERVIEW 7-7-2010

11 Q. Okay. But where did you actually put the garbage  
12 can?

13 A. He put it and he told me to stay in the truck.

14 Q. Yeah, but can you remember where the area is?

15 A. I know we -- I know we was on the way back from  
16 Orangeburg, I know that.

17 Q. It was on the way back from Orangeburg?

18 A. (There was no response.)

19 Q. Was it an exit closer to Summerville?

20 A. No, closer to Orangeburg. It wasn't closer to  
21 Summerville.

22 Q. No, but, I mean, was it -- were you on the  
23 interstate coming --

24 A. Back home.

25 Q. -- back from Orangeburg?

205

1 A. Uh-huh.

2 Q. Did you take an exit? Which way did you go?

3 A. Right.

4 Q. So you're on I-26 coming back towards Summerville  
5 and take an exit to the right to go off like this and  
6 the interstate goes on?

7 A. Uh-huh..

8 Q. And did it hit another road or did it go on --

9 A. Not that time, we just kept going straight.

10 Q. And then where -- did you get on another road?

11 A. Yeah, we turned on -- turned left.

12 Q. Okay. And then what happened?

13 A. I then we had to turn to the right.

14 Q. Was that right away?

Page 175

## TROTMAN INTERVIEW 7-7-2010

15 A. Not really. It was a little bit of ways down,  
16 yeah, a little ways down. And we made another left  
17 there.

18 Q. Left?

19 A. Uh-huh.

20 Q. This is I-26, you get off the exit and take a  
21 left and then another left and then what?

22 A. We just kept going straight.

23 Q. How far?

24 A. A good little ways down.

25 Q. And?

206

1 A. And he told me to pull over.

2 Q. So you didn't turn, it was on this road?

3 A. We pulled off to the side, yes.

4 Q. Okay. And you pull off to the side onto the  
5 right?

6 A. No, on the left.

7 Q. So against traffic?

8 A. It was like -- the road was like this and you  
9 pull over to the side.

10 Q. No, but I'm saying you're going this way and you  
11 pull over this way?

12 A. Uh-huh.

13 Q. Okay. To the right?

14 A. Uh-huh. And he told me to stay in the car.

15 Q. Okay.

16 A. And he took the trash can off the truck.

17 Q. Did you see how far into the woods he went?

18 A. No, ma'am.

19 Q. Was it just a wooded area, was it marshy, was it  
Page 176

## TROTMAN INTERVIEW 7-7-2010

20 water?

21 A. Uh-huh, it was wooded. It was a lot of wooded  
22 area.

23 Q. So you think Orangeburg is up here?

24 A. Uh-huh.

25 Q. You don't remember what exit this would have

207

1 been?

2 A. No, ma'am, it was at night at that time. He was  
3 just like get off here. It was so fast. Like I always  
4 get off before this exit. So that's when I put on my  
5 signal light and got off.

6 Q. So if Orangeburg is this exit, it's the next one?

7 A. No, it wasn't that close. No, it wasn't that  
8 close.

9 Q. So it's further down?

10 A. (Defendant nodded.)

11 Q. But was it Ridgeville?

12 A. No, that's too -- that's close to Summerville.  
13 It wasn't Ridgeville. It was more close to like  
14 Orangeburg.

15 Q. Okay. But you never went back under the  
16 interstate?

17 A. Huh-uh.

18 Q. You just got off the exit?

19 A. Uh-huh.

20 Q. Took a left?

21 A. Uh-huh.

22 Q. And then took another left and then pulled over  
23 to the right?

## TROTMAN INTERVIEW 7-7-2010

24 A. Uh-huh.

25 Q. Into woods?

208

1 A. Uh-huh.

2 Q. You might have been -- what -- what kind of got  
3 you to the point where all of the things that happened  
4 yesterday occurred? Because Nikki was wanting --

5 A. No, he was getting scared. He was getting really  
6 scared. He didn't know what to do.

7 Q. Okay.

8 A. He was telling her all different kind of stories  
9 and lying and stuff to her. He made it seem like  
10 Drigues was with me, but he wasn't.

11 Q. Okay. So who decided that it would -- to have  
12 her meet downtown? Did he tell -- I'm going to ask you  
13 again because you told me last time he didn't tell you  
14 to call the police. Did you decide to call the police?

15 A. (Defendant nodded.)

16 Q. But you knew there wasn't anybody bringing him?

17 A. Box told me to call the police.

18 Q. Huh?

19 A. I said Box told me to call the police.

20 Q. But before you told me you had decided to call  
21 the police?

22 A. Yeah, I did. Once he told me to do it, I decided  
23 to call the police, too.

24 Q. So did he tell you to call the police when you  
25 got downtown?

209

1 A. No, not right off, no.

Page 178

## TROTMAN INTERVIEW 7-7-2010

2 Q. What did he tell you when you got downtown?

3 A. Well, I couldn't really get in touch with him.

4 Once I got downtown, I was talking to Nikki on the phone

5 letting her know where I was.

6 Q. So he told you where to go?

7 A. Like I say, he was the mastermind of everything.

8 Q. So he told you where to go, then you were talking

9 to Nikki?

10 A. He told me what to tell her, told me what to say.

11 Q. Okay. And then as Nikki got -- as it became

12 closer and closer to her arriving, is that when you

13 decided to call the police?

14 A. No, when she was getting closer to arriving, I

15 had already called the police. Did y'all already talk

16 to Box?

17 Q. They've been talking to him some and will be

18 talking to him some more.

19 A. They have to talk to him some more?

20 Q. Well, I mean, I don't know how deep they've

21 gotten into it. You think he's going to tell us where

22 he is?

23 A. I hope so. I hope he does. Because like

24 yesterday, the deeper this goes, the more charges you

25 can get into. So I'm just like I'm going down here

210

1 (inaudible) and tell the truth. I'm just sorry I keep

2 bringing you back and forth in here.

3 Q. Well, I kind of figured you knew a little bit

4 more than you were telling. Sometimes, it takes people

5 a while to do their soul searching.

## TROTMAN INTERVIEW 7-7-2010

6 A. The thing about it is he never hurt him. And we  
7 didn't know that was going to happen. We didn't know.  
8 And I'm so honest with you, we didn't know that was  
9 going to happen. I mean, that was the last thing we  
10 would have thought would have happened, was he would  
11 actually be gone. We couldn't believe it. We was in  
12 shock. We couldn't believe it. It took us a while to  
13 even get it in our head that -- we just kept thinking he  
14 was going to jump up and be all right. We didn't know.  
15 We didn't mean for it to get like this. And I already  
16 know I ain't going to see my kids the rest of my life  
17 and it's like I owe that to them, telling the truth  
18 about what happened to her boy. We're not murderers.  
19 We did not kill him. It just happened. It just  
20 happened. And I think it had something to do with that  
21 fall.

22 Q. To your knowledge, he had never had any seizures  
23 before?

24 A. Not with us, not acting like that. See, like I  
25 said, we just found out last year, September, that he

211

1 was his son and we've been keeping him since and going  
2 back and forth with his mom and stuff. So we don't  
3 really know him, if he have any medical history, if he  
4 was a sickly child. We didn't know what we were dealing  
5 with.

6 Q. Yeah.

7 A. So if something happened that she knew -- you  
8 know what I'm saying, that she probably knew something  
9 about with him, it wasn't like she told us to look out  
10 for it --

Page 180

## TROTMAN INTERVIEW 7-7-2010

11 Q. Yeah?

12 A. -- or to be careful if you do see him do this,  
13 make sure you call. This is what's happening to him and  
14 that you need to call the police or need to call the  
15 ambulance. We didn't know anything.

16 Q. When he fell down the stairs, do you know where  
17 he hit his head on -- like (inaudible), what part of his  
18 head hit the floor?

19 A. No, ma'am. Because my daughter fell on top of  
20 him. She kind of moved him when she got off him, so it  
21 was kind of hard to try to figure out where he kind of  
22 hit his head at.

23 Q. You didn't see anything right here?

24 A. Huh-uh.

25 Q. Does he have a lot of hair?

212

1 A. Yes, he does, he does.

2 Q. So you couldn't feel -- if you felt around on his  
3 head, you couldn't feel anything?

4 A. Huh-uh.

5 Q. Okay. And it's before Ridgeville and after  
6 Orangeburg?

7 A. (Defendant nodded.)

8 Q. If for some reason Box doesn't tell us the truth,  
9 do you think if you went out there you'd be able to find  
10 the area?

11 A. Not offhand. Because like I say, we just riding  
12 through (inaudible). He was like stop over there, you  
13 know what I'm saying. The exit was right there, I had  
14 to kind of slow down (inaudible) and make sure there was

## TROTMAN INTERVIEW 7-7-2010

- 15 no cars behind me and get over.
- 16 Q. But did you rent the truck twice?
- 17 A. Yeah, yeah.
- 18 Q. And this was the second time?
- 19 A. No, that was the first time.
- 20 Q. The first time? what did you rent the truck the
- 21 second time for?
- 22 A. To go back out there.
- 23 Q. For what?
- 24 A. Because he wanted to go back out there. Box
- 25 wanted to go back out there.

213

- 1 Q. Did he find it?
- 2 A. Uh-huh.
- 3 Q. Did he move it?
- 4 A. I don't know.
- 5 Q. what did he do?
- 6 A. He didn't move it. I guess he just wanted to see
- 7 him, if he was okay in the area, I guess.
- 8 Q. So he went back out there a second time?
- 9 A. And I went with him.
- 10 Q. And you went with him?
- 11 A. Yeah, but I was inside the car, so I didn't know
- 12 where exactly he put it at.
- 13 Q. But you don't think he moved it?
- 14 A. No.
- 15 Q. He just went to make sure it was hidden?
- 16 A. I don't know, if he moved it or not. Like I said,
- 17 that's a good question.
- 18 Q. Did he have a shovel?
- 19 A. No.

Page 182

## TROTMAN INTERVIEW 7-7-2010

20 Q. Did he get scratched up?

21 A. No, I don't think so.

22 Q. But he went out to make sure that it was okay or  
23 hidden or whatever, you're not sure?

24 A. Yeah.

25 Q. But that was the whole purpose of renting the

214

1 truck is to go back out there?

2 A. Yeah, but at first, I didn't know that's what he  
3 was doing. (Inaudible).

4 Q. Did the kids go with you? Were they able to ride  
5 in the truck?

6 A. The first time, yeah, they was riding in the  
7 truck with us. They rode with us in the truck.

8 Q. The second time?

9 A. Uh-huh.

10 Q. They went, too?

11 A. Uh-huh. My life is over.

12 Q. Pardon?

13 A. I said my life is over. There's no way you can  
14 tell me --

15 Q. I told you, I wasn't going to lie to you. I  
16 don't know --

17 A. But I know I ain't going back home.

18 Q. Yeah, I think you'll probably get charged with  
19 something.

20 A. Uh-huh. But I feel a lot better all the way.  
21 Like I told you earlier, I was like, well, I feel a  
22 little bit okay. And that's what probably gave it away  
23 that you knew I knew more than what I was telling you.

## TROTMAN INTERVIEW 7-7-2010

24 Q. Well --

25 A. So I was like I told her that much, then I may as

215

1 well go ahead and tell her the truth because regardless  
2 I'm going down for it. And I really feel I owe that to  
3 him.

4 Q. You owe that to him and you owe that to Nikki.  
5 She needs to know what happened to him.

6 A. But I do want them to know that I did not kill  
7 their son and did not hurt his son. I would never do  
8 that. I would never hurt their son. And that's what  
9 they're thinking right now, that I did something to him,  
10 and I didn't. Nobody did. It just happened. We were  
11 scared and we panicked and didn't know what to do. He  
12 was already stiff. We knew if we called the police, you  
13 know, the ambulance, we would have got locked up right  
14 then and there. And my main concern was my kids. I  
15 didn't want to get taken away from my kids because I  
16 care about my kids too much.

17 Q. Did you think it was the fall that had caused  
18 him?

19 A. I owe it to him. I owe it to his mama. I owe it  
20 to my kids. At least, they can say mama told the truth,  
21 you did what you had to do. They might hate me for the  
22 rest of my life. My kids are never going to come see  
23 me. And I've just been dumb and listened to him. I  
24 should have called the ambulance when I had the chance.  
25 And listening to him, that's my problem. Everybody said

216

1 I'm only listening to him. I only listen to whatever he  
Page 184

## TROTMAN INTERVIEW 7-7-2010

2 say. Always doing everything he told me to do. I  
3 didn't know it was going to backfire on me. And I  
4 always thought all these other girls that was messing  
5 with him while he was with me were dumb and fool, but  
6 I'm the biggest fool.

7 Q. Well, the thing is you need to think highly  
8 enough of yourself that you need to realize that you  
9 don't deserve to be abused.

10 A. They're probably going to try to kill me in  
11 prison. I ain't never been to jail before. I really  
12 don't know what it's like. And I'm so scared, but I got  
13 to deal with it because that's where I'm going to be at  
14 for the rest of my life.

15 Q. No, I doubt for the rest of your life.

16 A. They're going to be able to protect me in there  
17 like they say, them guards and stuff. They not going to  
18 be able to protect me. I know you've seen tears before  
19 and I know it doesn't bother you, but I'm really feeling  
20 that right now.

21 Q. I know it's difficult.

22 A. I never hurt him and that's what I'm saying. We  
23 did not kill him, we didn't. We didn't do anything to  
24 him. My family is going to hate me forever. I always  
25 wanted a family and now I'm never going to have any

217

1 family. My biggest issue was always wanting to have a  
2 family and be happy. That's all I wanted. That's all I  
3 ever wanted. I tried so hard I thought I was going to  
4 do all that to get what I wanted. I (inaudible).

5 Q. Well, hooking up with the wrong guy doesn't help.

## TROTMAN INTERVIEW 7-7-2010

6 A. And I didn't even know I was hooking the wrong  
 7 guy. I was so blinded. I was so blinded. And I wish I  
 8 could have get myself out of that situation before any  
 9 of this had happened. It should have been left. I  
 10 should have been gotten myself out of that situation.  
 11 I'm just so -- I'm just as dumb as everybody else.  
 12 Listening to him, instead of trying to save myself,  
 13 listening to him. I mean, I don't know what everybody  
 14 else would have did in that situation, you know,  
 15 thinking he all right. (Inaudible), you know, seeing  
 16 his son that way. I was like what would anybody do?

17 Q. Well, how did he react?

18 A. He was scared. He didn't even know how to feel.  
 19 He was still trying to get to know him. But he never  
 20 took the time to spend with him to know him.

21 Q. He didn't spend that much time with him, did he?

22 A. (There was no response.)

23 Q. Well, you did the right thing. I just hope we  
 24 can find him so his mom can give him a proper burial.

25 A. I don't even want to call (inaudible). I know

218

1 they going to be like well, what happened.

2 Q. well, I think being honest with them is the best  
 3 policy. You see how you wound and wound and wound and  
 4 wound around it. If you had just come out in the  
 5 beginning and said this is what happened, it would have  
 6 been so much easier.

7 A. I was scared. I didn't know what to do. And I  
 8 just was listening to him thinking that he knew what he  
 9 was talking about, he was smart, everything was going to  
 10 be all right. He always made things feel like

## TROTMAN INTERVIEW 7-7-2010

11 everything was going to be all right. And that we were  
12 going to make it. Just with anything, you know, bills  
13 and stuff like that. He wasn't the type to worry about  
14 anything.

15 Q. He let you do the worrying?

16 A. (Defendant nodded.)

17 Q. Can you think of anything else about this area?

18 A. No, ma'am, that's it. I think there was a gas  
19 station.

20 Q. Where?

21 A. I don't know, after you got off the I.

22 Q. Right here on the exit?

23 A. Uh-huh.

24 Q. Right off the exit?

25 A. Like around like --

219

1 Q. Right here?

2 A. Right here, somewhere there's a gas station.

3 Q. And everything down here, this is all woods?

4 A. Uh-huh.

5 Q. Okay, Grace. I'm going to have to return a  
6 couple of phone calls. That buzzer keeps buzzing when  
7 you've got messages. My supervisor is probably in the  
8 office. You did the right thing.

9 A. So what happens?

10 Q. They're going to have to talk with -- probably  
11 talk to the prosecutor.

12 A. That's for me?

13 Q. Uh-huh, and see what kind of charges there will  
14 be. But, I mean, the fact that you've -- it will be

## TROTMAN INTERVIEW 7-7-2010

15 better for you that you've told everything.

16 A. When they come down to the FBI, I'm just going to  
17 get 25 to life?

18 Q. It won't be an FBI charge, it's going to be a  
19 State charge. And I don't know what -- I don't think  
20 there's any --

21 A. Because I know the psychiatrist told me that if  
22 it is the State or something, it would have been 25  
23 years, but I probably would do like three years.  
24 Something like that he was saying -- he said I would  
25 probably have to sit like three years before my trial

220

1 date even come. So he was like, he said it was a  
2 percentage of how much --

3 Q. Yeah, if it's the State, you don't have to serve  
4 as much of your time as Federal, but this wouldn't be a  
5 Federal charge.

6 A. Then I thought about we didn't kill him, so that  
7 would bring it down, too.

8 Q. Yeah.

9 A. So I was saying well --

10 Q. The police here will have to work that out. And,  
11 of course, that was in Berkeley County, so that actually  
12 happened in Berkeley County. And this may be up in  
13 Orangeburg County or one of the other counties, I'm not  
14 sure. Do you need to go the restroom or anything?

15 A. Yes, ma'am.

16 (WHEREUPON, Agent McCants and Defendant Trotman  
17 left the room.)

18 (WHEREUPON, Agent McCants entered the room.)

19 BY AGENT MCCANTS:

Page 188

## TROTMAN INTERVIEW 7-7-2010

20 Q. You about fell asleep? Can I get you to look at  
21 these maps? These are exits. This is before 95. Do  
22 you remember if it was before 95 or after 95?

23 A. What's 95?

24 Q. The interstate 95 that crosses I-26. Coming from  
25 Orangeburg, there's a big intersection where --

221

1 intersections where I-95 goes across. Interstate 95.  
2 This one --

3 A. I got a feeling he's here, isn't he?

4 Q. No.

5 A. He's not here?

6 Q. No. This would be coming from Orangeburg. And  
7 you said you took a left --

8 A. Uh-huh.

9 Q. And then another left? And that would be that  
10 one. And this is a gas station you would pass.

11 A. Okay.

12 Q. And then the other one, you would be coming in  
13 this way. You take a left and another left, and this is  
14 a gas station.

15 A. I think --

16 Q. See this gas station?

17 A. Yeah.

18 Q. One is closer to the road and has (inaudible)  
19 your right. This one has more of a convenience  
20 (inaudible). This is a restaurant or something. With  
21 this, you would be coming here. You said left and then  
22 another left?

23 A. Uh-huh.

## TROTMAN INTERVIEW 7-7-2010

24 Q. This one is coming here, left and then a left.

25 A.. Right.

222

1 Q. You said lots and lots of woods.

2 A. (Inaudible) a lot of woods.

3 Q. Well, if you come off here, take a left and then

4 a left. And this one, come back, take a left. If you

5 came off the exit here, take a left and the another

6 left. And there's a gas station here?

7 A. And this is exit 177?

8 Q. Uh-huh. This is exit 177, yeah, and this is exit

9 165. This is before 95, so this is closer to

10 Orangeburg. This is the Holly Hill/Harleyville exit.

11 This is the Vance Road exit.

12 A. Gosh. They look so much alike.

13 Q. Yeah, that's why I was hoping we could tell from

14 this. There would be a big -- this is a big cement

15 plant. So if you came off of here and went here and

16 then here, because you couldn't go -- and then this

17 would be the cement plant and you really never saw this?

18 A. And you said this is where the gas station is?

19 Q. The gas station would be here. So as you came

20 off the exit, this would be the gas station. As you

21 came off the exit, and then you would go left and then

22 left.

23 A. These are the two exits to Orangeburg?

24 Q. These are the main ones for Ridgeville.

25 A. Okay.

223

1 Q. And then Vance Road. You would come here, here  
Page 190

## TROTMAN INTERVIEW 7-7-2010

2 and here. Do you remember if there was a lot of woods  
3 on either side?

4 A. Huh-uh.

5 Q. You're pretty sure it was left, left?

6 A. Uh-huh. I thought I heard him in the other room.

7 Q. No, there's another guy over there.

8 A. So when are they going to lock me up and arrest  
9 me?

10 Q. I don't know yet. I'll ask them if they can make  
11 a decision.

12 A. Not that I'm anxious to go. I know it have to be  
13 done.

14 Q. They're going to have to decide, I guess, what  
15 kind of charges. They'll have to talk with the  
16 prosecutor. Who took you to Home Depot to pick up the  
17 truck? Do you remember?

18 A. The girl that takes him to work?

19 Q. Kelly?

20 A. (There was no response).

21 Q. Both times?

22 A. I think I catch a cab.

23 Q. So the second time you caught a cab or the first  
24 time you caught a cab?

25 A. First time, I caught a cab. Second time, Kelly

□

224

1 took me.

2 Q. So can you --

3 A. They look so much alike.

4 Q. One would have been Vance Road and one would have  
5 been before 95, so before the big intersection -- and

## TROTMAN INTERVIEW 7-7-2010

- 6 this would be after 95 going on toward Ridgeville,  
7 called the Holly Hill/Harleyville exit. But you're  
8 quite certain about the left left?
- 9 A. Uh-huh.
- 10 Q. would this have been about the distance?
- 11 A. (Inaudible).
- 12 Q. Yeah.
- 13 A. That's why it's kind of confusing. Everything --  
14 the Shell gas stations, everything look the same.  
15 Everything look (inaudible) --
- 16 Q. This over here, if you would have noticed when  
17 you turned would have been --
- 18 A. Gosh.
- 19 Q. -- this big cement plant, probably noisy.
- 20 A. I also told one of the officers when he came in  
21 to get me, I said, I think I can get -- if Box hasn't  
22 been telling the truth, I think I can get him to tell  
23 the truth.
- 24 Q. Okay.
- 25 A. Because I don't know --

225

- 1 Q. See how -- you said you pulled over to the side?  
2 A. Uh-huh.  
3 Q. There's a little road, dirt road here.  
4 A. Never went on a dirt road.  
5 Q. So you would have been -- there's woods here,  
6 here, woods here. And then over here, there would have  
7 been --  
8 A. Woods.  
9 Q. -- woods. And woods here, all in here. But  
10 there would have been a little clearing here?

Page 192

## TROTMAN INTERVIEW 7-7-2010

- 11 A. I need (inaudible).
- 12 Q. Yeah. This one goes with 165, this one.
- 13 A. Oh, okay.
- 14 Q. And this one goes with this one.
- 15 A. Oh, okay.
- 16 Q. This one goes with this one. That would be
- 17 closer to the road?
- 18 A. I know it was closer to the road. I know the gas
- 19 station was closer to the road. But this is also closer
- 20 to the road, too, right?
- 21 Q. This is a little bit further back. It's a
- 22 smaller -- you can see this is smaller. That looks like
- 23 it has a restaurant or something.
- 24 A. Yeah.
- 25 Q. Do you recall, though -- do you recall 95 at all?

226

- 1 A. 95 is this, right?
- 2 Q. No, this is I-26, Interstate 26, coming from
- 3 Orangeburg. 95, we have a picture of it. It's a real
- 4 big -- it's another big interstate. It's not like these
- 5 two-lane roads. It's a big interstate.
- 6 A. I don't remember I-95.
- 7 Q. And you cross under -- how you go under it when
- 8 you're coming down I-26. So if you were in Orangeburg,
- 9 you had to go under. You remember going to Orangeburg?
- 10 A. Yeah, we went to Orangeburg first, I guess, just
- 11 to look around. And then on our way back -- there's one
- 12 of these exits -- there's one of them --
- 13 Q. And you think he would know?
- 14 A. (Defendant nodded).

## TROTMAN INTERVIEW 7-7-2010

15 Q. Okay. Well, hopefully, we can get him to --  
16 because they are -- they're pretty similar. If you  
17 could recognize the --

18 A. I mean, but even if I'm not able to see which  
19 one, I still can check both areas.

20 Q. Yeah. We're just hoping you can eliminate one of  
21 them and pick out one of them. How far down the second  
22 road do you think you went? Like if it was this road or  
23 this road, how far down the road would you have gone  
24 before you pulled over?

25 A. This is like a dirt road right here? This little

227

1 thing right here?

2 Q. I don't know if that's a dirt road or it's a  
3 power line. Do you remember a dirt road?

4 A. Uh-huh.

5 Q. You think this is the clearing, possibly, power  
6 lines.

7 A. Because I remember there was a dirt road where he  
8 made -- once he made a left, you know, a left, there was  
9 a dirt road on the side, but this ain't showing it.

10 Q. This is a dirt road right here.

11 A. No, I'm talking about once you turned on that  
12 left -- you turned that left, we turned like this.

13 Q. To where, like right here?

14 A. No, I'm saying once you made that left --

15 Q. This left?

16 A. Yeah.

17 Q. There was a dirt road where?

18 A. So like the car turning this direction --

19 Q. Where was the dirt road?

Page 194

## TROTMAN INTERVIEW 7-7-2010

20 A. It was like up here -- up in that area, but we  
21 didn't turn on it. I just remember seeing a dirt road,  
22 but we never turned on it or anything. These are so  
23 similar, gosh.

24 Q. Yeah, that looks like it could be, but we can't  
25 tell what that is.

228

1 A. I remember a house.

2 Q. Let me see if I can see with my glasses. I can't  
3 read it. But it looks like a little -- it might be a  
4 dirt road there. Let me get you oriented there. So you  
5 think there's a dirt road right here or right --

6 A. That we turned on.

7 Q. You turned on it?

8 A. No, we turned on this left right here and this is  
9 the actual road, all this right here. Somewhere on  
10 these roads.

11 Q. How far down would you have gone on those roads?  
12 Did you go a long ways?

13 A. We turned around because we had to come all the  
14 way up here. And we turned back around and went back  
15 this way.

16 Q. You turned around after he took the trash can  
17 off?

18 A. Huh-uh.

19 Q. Before?

20 A. Yeah.

21 Q. So which side of the road did he put the trash  
22 can on?

23 A. Right side.

## TROTMAN INTERVIEW 7-7-2010

24 Q. So he would have come back --

25 A. Uh-huh.

229

1 Q. If you had come here, he would have come all the  
2 way up here and turned around and come back?

3 A. Not all the way, but --

4 Q. It looks like there's places to turn around here.

5 A. Yeah, places that I turned around here, too.

6 Q. Well, you can turn here and here. So you think  
7 you did that and then came back?

8 A. Yeah, I know we turned around.

9 Q. And then it's on the right-hand side coming back.

10 A. Uh-huh. And Kelly didn't know what was going on.  
11 She just knew she was taking me to Home Depot.

12 Q. Okay. Here's (inaudible) in here.

13 A. Uh-huh.

14 Q. This looks like it could be a little dirt road  
15 right there.

16 A. I never turned on a dirt road, we just passed it  
17 by.

18 Q. You said you passed it, yeah.

19 A. I remember seeing a dirt road.

20 Q. This is a dirt road. So you come up here --

21 A. Once we turn a left, we saw a dirt road, like,  
22 you know, beside, but we kept passing and went down,  
23 turned back around, came back up.

24 Q. And put it off in the woods on this side?

25 A. On that side.

230

1 Q. See, this is a shield.  
Page 196

## TROTMAN INTERVIEW 7-7-2010

2 A. Yeah. I thought I was right here, that could  
3 have been a dirt road because I remember a dirt road  
4 being on the right side. As we were coming in, it was  
5 on my left, but when we turned back around, it was on my  
6 right.

7 Q. Do you remember where you stopped in relation to  
8 that, the road?

9 A. This looks like (inaudible). I saw nothing but  
10 woods.

11 Q. Yeah.

12 A. I saw a house, but I don't remember seeing a  
13 house on there.

14 Q. There's a house.

15 A. That's a house?

16 Q. Uh-huh. These are buildings, looks like  
17 warehouse-type buildings. Do you remember seeing any  
18 warehouses?

19 A. (Defendant shook head).

20 Q. But you're sure you turned around and it was on  
21 the right-hand side?

22 A. Uh-huh.

23 Q. And you're sure you took two lefts off the  
24 interstate?

25 A. Uh-huh. I am so sleepy.

231

1 Q. Well, hopefully, he'll be able to tell us. But  
2 that helps to narrow the search down. Let me see if  
3 they can come up with any better maps than that. You're  
4 making me sleepy.

5 A. Kelly didn't know what was going on.

## TROTMAN INTERVIEW 7-7-2010

6 Q. Okay. Yeah, I figured.

7 A. Yeah --

8 Q. Needed somebody to just drive --

9 A. Yeah, she didn't know what was going on.

10 Q. Okay.

11 A. And I don't want to get nobody involved that  
12 don't need to be involved.

13 Q. Yeah.

14 A. They just doing, you know, a good deed.

15 Q. Right, taking you somewhere. All right. Let me  
16 see if they can come up with anything better. All  
17 right, Grace.

18 (WHEREUPON, Agent McCants left the room).

19

20

21

22

23

24

25

Daily Report

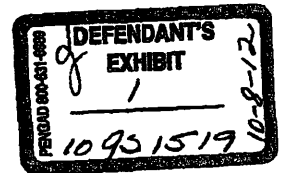
Econo in  
 200 H. Dr. (1-26 & 17)  
 Summerville, SC 29483  
 (843) 875-7567

Date: 6/3/10

	Room	Guest Name	Days	Cash	Charge	Notes
N/S S	102	N. FORTON	2/5			
S	103	JOHNNIE	2/7			
N/S S	104	C. Reeves	1/1		50.00	
N/S S	105	H. POLITE	1/1	50.00		
N/S S	106	Sam	2/2		280.00	pd for WKly Rate
N/S S	107	C. Hodges	1/1	50.00		
S	108	M. MICKLER	1/1		50.00	
S	109	R.A. SWEATMAN	1/1	50.00		
S	110	D. WHITAKER	1/1			To go 6/6/10
S	111	ALICE	1/2		100.00	
S	112	J. CANNADY	1/1	50.00		
N/S D	114	EGGLESTON	1/3		316.50	Also Rm 115
S	115	EGGLESTON	1/3			See Rm 114
D	116	Dillon	1/1	55.50		
D	117					
D	118	G. Shannon	1/1	55.50		
D	119	MURKIN	1/2	111.00		
N/S S	201	D. Ellington	1/1		50.00	
D	202					
N/S S	203					
D	204					
S	205	J. Carpenter	1/2	100.00		
S	206					
S	207	J. Coopers	1/1	50.00		
S	208	CAROL	1/2	100.00		
S	209					
S	210	C. WILLIAMS	1/1	50.00		
S	211	W. FOGLE	1/1		50.00	WROTE IN WRONG PLACE
S	212	GCTHEA	1/1	50.00		
S	214	K. CLAYTON	1/1	50.00		
S	215	A. Ball	1/1	50.00		
N/S D	216					
D	217	D. GREEN	2/2			Pd. \$111.00 CASH FOR SAT 6/5/10
D	218					
D	219					
D	220					
D	221					

55 + 39 = 94

TOTAL ROOM  
 CASH 1,405.00  
 CHARGE 1,163.00  
 TOTAL 2,568.00  
 B/F 3,055.00  
 G.T. 5,623.00





892

Daily Report

Econo in  
 200 Hwy Dr. (I-26 & 17)  
 Summerville, SC 29483  
 (843) 875-7567

Date: 5/4/10

	Room	Guest Name	Days	Cash	Charge	Notes
N/S S	102	N. FATHI	8/5			
S	103	JOHNNIE	8/7			
N/S S	104	B. McMILAN	1/1	50.00	50.00	
N/S S	105	MASON	1/1			
N/S S	106	SAM	1/1			30 c/3/10 From Florida
N/S S	107	WILLIAMS	1/1	50.00		
S	108	SMITH	1/1	50.00		
S	109	RORIE	1/1	50.00		
S	110	C. WRIGHT	1/1	50.00		
S	111	ALLEN	2/2			
S	112	M. STALLINGS	1/1	50.00		
N/S D	114	ECCLESTON	2/3			See Rm 115
S	115	ECCLESTON	2/3			See Rm 114
D	116	WHITELEGGY	1/1		55.00	
D	117					
D	118	SMITH	1/1	55.00		
D	119	VAUGHAN	2/2			
N/S S	201	T. LOWE	1/2	100.00		
D	202					
N/S S	203					
D	204	B. WINDOM	1/1	55.50		
S	205	J. CARPENTER	2/2			At 50.00 cash for day
S	206	BRYANT	1/1	50.00		
S	207					
S	208	CARTER	2/2			
S	209	K. PEGLER	1/1	50.00		
S	210	K. MOUTRIE	1/1	50.00		
S	211					
S	212	CARTER	1/1		50.00	
S	214					
S	215	PORTER	1/1	50.00		1 PILLOW
N/S D	216	W. MANN'S	1/1		55.50	IRON RETURNED
D	217	D. GREEN	3/3			At 411.00 cash on 6/3/10
D	218					
D	219					
D	220					
D	221					

94 + 39 = 133

TOTAL ROOM  
 CASH 1,268.00  
 CHARGE 416.50  
 TOTAL 1,734.50  
 B/F 5,623.00  
 G.T. 7,357.50

6/4/10 893

	Room	Guest Name	Days	Cash	Charge	Notes
S	301	Revised Tony Flowers	1/1	85 <sup>00</sup>		
N/S D	302	V. Williams - Hall	1/2			
D	303	SEE 304	1/1			SEE 304 PSH
D	304	HELMS	1/2	151 <sup>00</sup>		Pd. 55 <sup>00</sup> FOR 303 FOR 1/1/14
S	305	G. WHITE	1/1	50.00		✓ OUT
N/S D	306	L. SHEPHERD	1/1		55.50	
S	307	K. FLUDD	1/1	50 <sup>00</sup>		
N/S S	308	P. LOPEZ	1/1	50 <sup>00</sup>		
S	309	T. JOHNSON	1/1		50 <sup>00</sup>	
H/C S	310	LISKEY	1/1	50 <sup>00</sup>		
S	401					
N/S D	402					
D	403	G. SHANNON	1/1	55.50		
D	404					
D	405					
D	406					
N/S S	407					
N/S D	408	J. BELMONT	1/3		150 <sup>00</sup>	
N/S S	409					
N/S S	410					

894

Econo in  
 200 H. y Dr. (I-26 & 17)  
 Summerville, SC 29483  
 (843) 875-7567

Daily Report

Date: 6/5/10

	Room	Guest Name	Days	Cash	Charge	Notes
N/S S	102	N. FOTOU	4/5			
S	103	Johanna	7/7			
N/S S	104	J. HOLMAN	1/1	50.00		
N/S S	105	J. BURRISON	1/1		50.00	
N/S S	106	SAM	2/7			IRON
N/S S	107	E. JENKINS	1/1	50.00		
S	108	F. GAILLARD	1/1	50.00		DRIVACY
S	109	A. MCFARLAND	1/2	100.00		
S	110	J. SUMMERSETT	1/1	50.00		
S	111	EASTIGGI	1/1	50.00		
S	112	R. BURCH	1/1	50.00		ALSO 50.00 CASH FOR 1 MORE NIGHT
N/S D	114	EGGLESTON	3/3			See 115
S	115	EGGLESTON	3/3			See 114
D	116	B. GORDON	1/1	55.50		REFUNDED SEE FORM
D	117	V. PRINGLE	1/1		55.50	
D	118	C. SMITH	1/1	55.50		
D	119	W. McCANTS	1/1	55.50		
N/S S	201	T. Lowe	2/2			
D	202	EPB	1/1	55.50		
N/S S	203	L. PAULIN	1/2			MOVED FROM 308
D	204	J. CAPERS	1/1	55.50		
S	205	J. CARPENTER	1/1			PO on 6/4/10 ALSO 50.00 Cash
S	206	J. LACEM	1/1	50.00		
S	207	SPICES	1/1	50.00		
S	208	JOHNSON	1/1	50.00		
S	209	B. GETHERS	1/1	50.00		
S	210	J. COKER	1/1	150.00		ALSO AIR + AIR
S	211	SINGLETON	1/1		50.00	
S	212	SEE 210	1/1			SEE 210
S	214	SEE 210	1/1			SEE 210
S	216	POWERS	1/1	50.00		
N/S D	216	V. MANNIS	1/1		55.50	
D	217	D. GLASS	1/2			PO on 6/5/10
D	218	POWERS	1/1		55.50	
D	219	SELLERS	1/1	55.50		
D	220	MCGHEE	1/1	55.50		
D	221	KIRBY	1/1	55.50		
D	116	R. REDICK	1/1		55.50	

133 + 56 = 189

TOTAL ROOM  
 CASH 1,834.00  
 CHARGE 1,105.00  
 TOTAL 2,939.00  
 B/F 7,357.50  
 G.T. 10,296.50

6/5/10 895

	Room	Guest Name	Days	Cash	Charge	Notes
S	301	K. SIMMONS	1/1	85.00		
N/S D	302	M.W. CLEARING & GRADING	1/6		300.00	
D	303	SHAW	1/1		55.50	
D	304	HELM	2/2			
S	305	CLAWSON	1/1	50.00		LEAD
N/S D	306	SHEPHERD	1/1	55.00		LEAD
S	307	BENTON	1/1	50.00		
N/S S	308	PAULIN	(1/1)		100.00	MOVED TO 303
S	309	SIMMONS	1/1	50.00		
H/C S	310	E. THOMPSON	1/1	50.00		
S	401	A. WAYE	1/1		50.00	
N/S D	402	A. STACKHOUSE	1/2		111.00	
D	403	K. SIMMONS	1/1	55.50		(CHANGED MIND WANTED
D	404	WALKER	1/1	55.50		30
D	405	COURTNEY GREEN	1/1		55.50	IRON
D	406	M. KITT	1/1		55.50	
N/S S	407	T. VIETH	1/1	50.00		
N/S D	408	J. BELMONT	2/3			
N/S S	409	M. DAO	1/1	50.00		
N/S S	410	A. BROWN	1/1	50.00		
D	403	CALDWELL	1/1		55.50	

896

Daily Report

Econo in  
 200 Hwy Dr. (I-26 & 17)  
 Summerville, SC 29483  
 (843) 875-7567

Date: 6/6/10

	Room	Guest Name	Days	Cash	Charge	Notes
N/S S	102	N. FOTIQU	5/5			
S	103	JOHANNIE	1/7	200.00		
N/S S	104					
N/S S	105					
N/S S	108					
N/S S	107	L. Perry	1/1	50.00		
S	108	GALLIARD			50.00	PRIVACY
S	109	A. McFARLAND	2/2			
S	110	D. Nelson	1/1	50.00		
S	111	F. Elmore	1/1		50.00	
S	112	R. BURCH	1/1			Pr on 6/5/10
N/S D	114	D. Rocco	1/1	55.50		
S	115	B. Gathers	2/2	50.00		
D	116	SMITH	1/1	55.50		
D	117	T. Caldwell	1/1	55.50		
D	118					
D	119					
N/S S	201					
D	202					
N/S S	203	L. PAULIN	2/2			
D	204					
S	205	J. CRESWELL	1/1			Pr on 6/5/10
S	206	J. Capone	1/1	50.00		
S	207	J. Cannady	1/1	50.00		
S	208	SPROFFOLD	1/1	50.00		
S	209	M. Colver	1/1		50.00	
S	210					
S	211					
S	212					
S	214					
S	215					
N/S D	216					
D	217	D. Green	2/2			
D	218					
D	219					
D	220					
D	221					

189 + 33 = 222

TOTAL ROOM  
 CASH 1,157.50  
 CHARGE 600.00  
 TOTAL 1,757.50  
 B/F 10,296.50  
 G.T. 12,054.00

	Room	Guest Name	Days	Cash	Charge	Notes
S	301					
N/S D	302	H.W. CLARKE & GARAGE	2/6			
D	303	M.W. Cleaning & Grading	1/5		250.00	
D	304	O. Duffin	1/1	55.50		
S	305	T. Williams	1/1	50.00		
N/S D	306	Tri Lamate Tile	1/3		150.00	
S	307	C. Bryant	1/1	50.00		
N/S S	308	M. Flory	1/1		50.00	
S	308	Do not count				
H/C S	310	R. Ricker	1/1	50.00		
S	401	C. Stair	1/2	50.00		
N/S D	402	R. Stockman	2/2			
D	403					
D	404	S. McDavid	1/1	55.50		
D	405					
D	406					
N/S S	407	VIETH	1/1	50.00		
N/S D	408	J. BELMONT	3/3			
N/S S	409					
N/S S	410	A. Clark	1/2	50.00		

898

Econo in  
 200 Hwy Dr. (I-26 & 17)  
 Summerville, SC 29483  
 (843) 875-7567

Daily Report

Date: 6/2/10

	Room	Guest Name	Days	Cash	Charge	Notes
N/S S	102	B. SHELDON	1/1		50.00	
S	103	JOHNNIE	1/1			
N/S S	104					
N/S S	105	C. HODGES	1/1	50.00		IRON + BOARD
N/S S	106	L. SMITH	1/1		50.00	
N/S S	107	C. DUBERRY	1/1	50.00		
S	108					
S	109					
S	110					
S	111	C. PATTERSON	1/1		50.00	
S	112	D. HANKINS	1/1	50.00		
N/S D	114	MW CLEARING + GRADING	1/4		200.00	
S	115					
D	116	B. Walker	1/1	55.50		
D	117					
D	118	T. FERGUSON	1/1		55.50	
D	119	Y. MANNIS	1/1	10.00	45.50	
N/S S	201	TRI STATE GUNITE	1/1		50.00	
D	202					
N/S S	203					
D	204					
S	205	D. CRAWFORD	1/1	50.00		
S	206					
S	207					
S	208					
S	209					
S	210	HALL	1/1	50.00		✓ OUT
S	211					
S	212					
S	214					
S	216					
N/S D	216	THREE HORSES / CRUZ	1/2		111.00	
D	217					
D	218					
D	219					
D	220					
D	221	D. Green	1/1	55.50		

222 + 27 = 249

TOTAL ROOM  
 CASH 632.00  
 CHARGE 762.00  
 TOTAL 1394.00  
 B/F 12,054.00  
 G.T. 13,448.00

6/7/11 U

	Room	Guest Name	Days	Cash	Charge	Notes
S	301					
N/S D	302	M.W. CLEASING & GARDNER	2/6			
D	303	M.W. CLEASING & GARDNER	2/5			
D	304	J. KOENIG	1/1	55.00		
S	305	DISHMAN	1/1	50.00		
N/S D	306	TEN COUNTY TIRE	2/2			
S	307	R. BURCH	1/1	50.00		
N/S S	308					
S	309	DO NOT RENT				
H/C S	310					
S	401					
N/S D	402					
D	403					
D	404	S. McDAID	1/1	55.00		
D	405					
D	406	BELMONT	1/3		150.00	
N/S S	407	T. VIETH	1/1	50.00		
N/S D	408	DO NOT RENT				
N/S S	409					
N/S S	410					

AMW2010-07-01369

WITNESSES

J Potteiger  
Berkeley County Sheriff's Office

9-08-10

AGENCY CASE NUMBER

1007029622

ARREST WARRANT NUMBER

DIRECT INDICTMENT

DATE OF ARREST

July 8, 2010

ACTION OF GRAND JURY

True Bill

*[Signature]*  
Person of Grand Jury  
Date: 9-8-10

VERDICT

Foreperson of Petit Jury

Date:

INDICT  
9006

DOCKET NO. 2010-GS-08-1519

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

SEPTEMBER Term 2010

THE STATE

vs.

Roger A Williams  
[Redacted]  
B/M

Indictment for  
HOMICIDE BY CHILD ABUSE

MAINTENANCE  
CLERK OF COURT  
BERKELEY COUNTY, SC

2010 SEP -8 AM 11:33

FILED  
NPN

140

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BERKELEY )

INDICTMENT

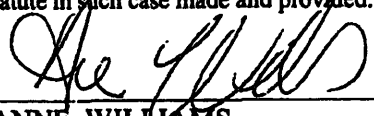
At a Court of General Sessions, convened on SEPTEMBER 8, 2010 the Grand Jurors of Berkeley County present upon their oath:

**HOMICIDE BY CHILD ABUSE**

**That Roger Williams did in Berkeley County on or between the dates of 5-20-10 and 6-07-10 cause the death of a child under the age of eleven while committing child abuse or neglect; and the death occurred under circumstances manifesting an extreme indifference to human life. This is in violation of 16-3-85 A (1)**

**To Wit: inflicting, or allowing to be inflicted by act or omission, harm on [Minor] DOB [redacted] causing his death; and/or failing by act or omission to supply [Minor] with adequate health care causing harm resulting in his death.**

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

  
\_\_\_\_\_  
ANNE WILLIAMS  
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

902  
COUNTY OF Berkeley  
STATE VS.  
Roger A Williams  
AKA:  
Race: BLACK Sex: M Age: 31  
DOB: SS#:   
Address:   
City, State, Zip: Summerville, SC 29483  
DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2010GS081519  
A/W#: DIRECT INDICTMENT  
Date of Offense: 6/7/2010  
S.C. Code § : 16-03-0085(A)(1)(B)(1)  
CDR Code #: 2356

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No   
In disposition of the said indictment comes now the Defendant who was  
TO: Homicide by Child Abuse

CONVICTED OF or  PLEADS

in violation of § 16-03-0085(A)(1)(B)(1) of the S.C. Code of Laws, bearing CDR Code # 2356  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC  §17-25-45  
w/minor 1st or Lewd Act)

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (defendant's initials)  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST: *[Signature]* 76403  
Williams, Anne SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
for a determinate term of 1.5 <sup>years</sup> ~~days/months~~ <sup>without parole</sup> or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment  
of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_

months/years and subject to South Carolina Department of Probation; Parole and Pardon Services standard conditions of  
probation, which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_  
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied  
by the State Department of Corrections.  
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal  
Domestic Violence ) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered PTUP \_\_\_\_\_  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
days/hours Public Service Employment

Payment Terms: \_\_\_\_\_  
 Set by SCDPPPS \_\_\_\_\_  
Obtain GED   
Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

Recipient: \_\_\_\_\_  
May serve W/E beginning \_\_\_\_\_  
Substance Abuse Counseling

\*Fine: \$ \_\_\_\_\_  
§ 14-1-206 (Assessments 107.5 %) \$ \_\_\_\_\_  
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00  
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ \_\_\_\_\_  
§ 56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_  
§ 56-1-286 (DUI Breath Test) \$25 \$ \_\_\_\_\_  
Proviso 47.9 (Public Def/Prob) \$500 \$ \_\_\_\_\_

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00  
§ 14-1-213 (Drug Court Surcharge) \$150 \$ \_\_\_\_\_  
§ 50-21-114(BUI Breath Test Fee) \$50 \$ \_\_\_\_\_  
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ \_\_\_\_\_  
Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00  
3% to County (if paid in installments) \$ 3.90  
TOTAL \$ 133.90  
Finé may be pd. in equal, consecutive weekly/monthly  
pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_  
\$ \_\_\_\_\_ paid to Public Defender Fund

Other: \_\_\_\_\_  
 Appointed PD or appointed other counsel,  
§ 47.12 requires \$500 be paid to Clerk  
during probation.

Clerk of Court/ Deputy Clerk *Lynnda J. Hill*  
Court Reporter: *Seborah Harrison*  
SCCA/217 (03/2011)

Presiding Judge *[Signature]*  
Judge Code: 2009  
Sentence Date: 10/11/12

AMW2010-07-01369

903 WITNESSES

J Potteiger

Berkeley County Sheriff's Office

*[Signature]* 9-02-10

AGENCY CASE NUMBER

1007029622

ARREST WARRANT NUMBER

DIRECT INDICTMENT

DATE OF ARREST

July 8, 2010

ACTION OF GRAND JURY

**True Bill**

*[Signature]*  
Person of Grand Jury  
Date: 9-8-10

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2010-GS-08-1521

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

SEPTEMBER Term 2010

THE STATE

vs.

Roger A Williams

B/M

Indictment for

UNLAWFUL CONDUCT TOWARDS A CHILD

MASTERS  
CLERK OF COURT  
BERKELEY COUNTY, S.C.

2010 SEP -8 AM 11:33

FILED  
*[Signature]*

*[Handwritten mark]*

STATE OF SOUTH CAROLINA )

INDICTMENT

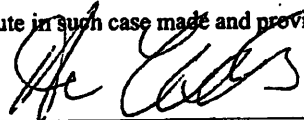
COUNTY OF BERKELEY )

At a Court of General Sessions, convened on SEPTEMBER 8, 2010 the Grand Jurors of Berkeley County present upon their oath:

**UNLAWFUL CONDUCT TOWARDS A CHILD**

That in Berkeley County, South Carolina, on or about/between 5-20-10 and 6-07-10, the Defendant, Roger Williams, did have charge or custody of child, [Minor] [redacted] and did place the child at unreasonable risk of harm affecting the children's life, physical or mental health or safety. This is in violation of Section 63-5-70 of the South Carolina Code of Laws (1976) as amended.

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

  
\_\_\_\_\_  
ANNE WILLIAMS  
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Berkeley  
STATE VS.

Roger A Williams

AKA:

Race: BLACK Sex: M Age: 31

DOB: SS#:

Address:

City, State, Zip: Summerville, SC 29483

DL#: SID#:

\*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Unlawful Conduct Towards a Child

in violation of § 63-05-0070 of the S.C. Code of Laws, bearing CDR Code # 2481  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS(CSC w/minor 1st or Lewd Act)  §17-25-45

The charge is:  As Indicted.  Lesser Included Offense.  Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST: Williams, Anne SC Bar# 76483 Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of 10 days/months/years or  under the Youthful Offender Act not to exceed years and/or to pay a fine of \$ ; provided that upon the service of days/months/years and/or payment of \$ ; plus costs and assessments as applicable\*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation; Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on:  
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.  
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence ) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered  
Total: \$ plus 20% fee: \$  
Payment Terms:  
 Set by SCDPPPS

Recipient:

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114(BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$ 133.90

Clerk of Court/ Deputy Clerk: Linda J. Hill  
Court Reporter: Deborah Garrison  
SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

905

INDICTMENT/CASE#: 2010GS081521  
A/W#: DIRECT INDICTMENT  
Date of Offense: 6/7/2010  
S.C. Code § : 63-05-0070  
CDR Code #: 2481

SENTENCE SHEET

CONVICTED OF or  PLEADS

PTUP \_\_\_\_\_  
\_\_\_\_\_ days/hours Public Service Employment  
Obtain GED   
Attend Voc. Rehab. or Job Corp. \_\_\_\_\_  
May serve W/E beginning \_\_\_\_\_  
Substance Abuse Counseling   
Random Drug/Alcohol testing   
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_  
\$ \_\_\_\_\_ paid to Public Defender Fund  
Other: \_\_\_\_\_

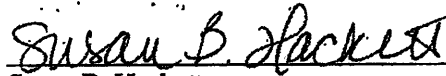
Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge: [Signature]  
Judge Code: 2000  
Sentence Date: 10/11/12

## CERTIFICATE OF COUNSEL FOR APPELLANT

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

July 9th, 2014



Susan B. Hackett  
Appellate Defender

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

ATTORNEY FOR APPELLANT

**ORIGINAL**

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

---

**Appeal From Berkeley County  
The Honorable R. Markley Dennis, Circuit Court Judge  
Appellate Case No. 2012-213388**

---

**THE STATE,**

**Respondent,**

**v.**

**ROGER WILLIAMS,**

**Appellant.**

---

**FINAL BRIEF OF RESPONDENT**

---

**ALAN WILSON  
Attorney General**

**DEBORAH R.J. SHUPE  
Senior Assistant Deputy Attorney General  
SC Bar No. 5098**

**Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727**

**SCARLETT A. WILSON  
Solicitor, Ninth Judicial Circuit**

**101 Meeting Street, Suite 400  
Charleston, SC 29401  
(843) 958-1900**

**ATTORNEYS FOR RESPONDENT**

**RECEIVED**

**JUL 21 2014**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal From Berkeley County  
The Honorable R. Markley Dennis, Circuit Court Judge  
Appellate Case No. 2012-213388

---

THE STATE,

Respondent,

v.

ROGER WILLIAMS,

Appellant.

---

**FINAL BRIEF OF RESPONDENT**

---

ALAN WILSON  
Attorney General

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ATTORNEYS FOR RESPONDENT

**RECEIVED**

JUL 21 2014

**SC Court of Appeals**

**TABLE OF CONTENTS**

**TABLE OF AUTHORITIES..... ii**

**STATEMENT OF ISSUE ON APPEAL..... 1**

**STATEMENT OF THE CASE..... 2**

**STATEMENT OF THE FACTS..... 3**

**ARGUMENT..... 9**

**The trial court properly admitted the photograph showing the cement  
    filled trashcan containing Child's body at the dump site because the  
    probative value outweighed any potential prejudicial harm..... 9**

**CONCLUSION..... 13**

**TABLE OF AUTHORITIES**

**Cases**

State v. Dial, 405 S.C. 247, 746 S.E.2d 495 (Ct. App. 2013)..... 10

State v. Gillian, 373 S.C. 601, 646 S.E.2d 872 (2007)..... 9

State v. Haselden, 353 S.C. 190, 577 S.E.2d 445 (2003)..... 9

State v. Jarrell, 350 S.C. 90, 564 S.E.2d 362 (Ct. App. 2002) .....10, 11

State v. Lyles, 379 S.C. 328, 665 S.E.2d 201 (Ct.App.2008)..... 9

State v. Martucci, 380 S.C. 232, 669 S.E.2d 598 (Ct. App. 2008).....9, 10, 12

State v. Nichols, 325 S.C. 111, 481 S.E.2d 118 (1997)..... 10

State v. Rosemond, 335 S.C. 593, 518 S.E.2d 588 (1999).....9, 10

State v. Torres, 390 S.C. 618, 703 S.E.2d 226 (2010)..... 9

**Statutes**

S.C. Code Ann. §16-3-85(A) (2003)..... 11

**Rules**

Rule 403, South Carolina Rules of Evidence .....9, 10

**STATEMENT OF ISSUE ON APPEAL**

The trial court properly admitted the photograph showing the cement filled trashcan containing Child's body at the dump site because the probative value outweighed any potential prejudicial harm.

**STATEMENT OF THE CASE**

**Respondent concurs with Appellant's procedural Statement of the Case.**

## STATEMENT OF THE FACTS

On September 8, 2010, the Berkeley County Grand Jury indicted Appellant Roger Williams on one count of homicide by child abuse and one count of unlawful conduct toward a child. The charges arose from the death of Appellant's two year old son ("Child").

During a pretrial hearing on September 12, 2012, Appellant moved to exclude photographs taken during Child's autopsy. The State indicated it was only offering seven photographs from the autopsy, which were primarily of the trashcan used to dispose of Child's body, and only one included a small part of the body itself. The purpose of the photographs was to "show the manner in which and the extent to which the defendants went to conceal the body," which was "very unique and very extensive," and to help the pathologist explain the "impact of that type of concealment on his examination of the body." (9/12/2012 Hearing Transcript [HT], pp. 13, 56; Record on Appeal [R.], pp. 3, 6). The circuit court indicated it was not inclined to admit the photographs, but would have "to wait to hear and see" the evidence at trial. (HT, pp. 56-57; R., 6-7).<sup>1</sup>

The matter was called for a jury trial on October 8, 2012, before the Honorable R. Markley Dennis, Jr., Circuit Court Judge. There were no additional pre-trial motions prior to selection and seating of the jury.

Grace Trotman (Trotman), who pled guilty to homicide by child abuse in connection with Child's death, testified she and Appellant were romantically involved from 2006 through 2010, and had two children together during that time. (Trial Transcript [TT]. pp. 189-195; R., pp. 85-91). In 2009, after the birth of their first child, Trotman and Appellant discovered Appellant had

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<sup>1</sup>Prior to trial, the circuit court excluded the challenged autopsy photographs, and none were offered at trial.

fathered Child by another woman in 2007, and the Child started visiting them shortly thereafter. (TT. pp. 199-200; R., pp. 95-96).

In May 2010, Appellant and Child's mother arranged for Child to spend the summer with Appellant and Trotman. (TT. pp. 332-333; R., pp. 217-218). Trotman described the relationship between Appellant and Child as "really good" initially, but Appellant started getting their two year old daughter to slap, scratch and drag Child "to get him to toughen up." (TT. pp. 208-209; R., pp. 104-105). Trotman testified Appellant believed Child acted effeminately, and he ultimately started hitting Child himself, leaving bruises. She stated she saw Appellant beat Child around ten times, initially just kind of paddling him and popping him on the arm, but eventually hitting Child's back or chest with a closed fist, or slapping "his head to the floor." Trotman was too scared to help Child because Appellant also physically abused her. (TT, pp. 210-229; R., pp. 106-125).

Trotman testified Child had a "seizure" after Appellant "boxed him in his back" during the week prior to Child's death. She described the seizure as Child "grunting," with something weird going on with his eyes, and a loss of consciousness, but he seemed to "snap out of it" when they gave him some water. (TT. pp. 214-215; R., pp. 110-111). The next morning, Trotman had to physically shake Child to wake him up, which she thought was a second seizure because he usually woke very easily, but he seemed "okay" and acted normally after he got up. (TT. pp. 216-217; R., pp. 112-113).

On Sunday, June 6 2010, Child had "poop on the back of his pants," and on the floor of his bedroom. Trotman testified Appellant got angry, and took Child into his bedroom, where she "just heard him kind of bumping and hitting him against the wall." When Trotman went into the

bedroom later, Child was "sitting on the wall like he was in a daze." (TT. pp. 218-223; R., pp. 114-119).

Trotman testified she was feeding her infant son the next morning (June 7), when Child and her two year old daughter started fighting. When the two did not stop at her verbal command, she popped them on their arms, and Child "fell to his bottom, lost his balance and hit his head on the wall." (TT. pp. 224-225; R., pp. 120-121). Child began "acting different, like the other days where he was having trouble breathing, like gasping for air," and Trotman tried to perform CPR on him. She then heard Child was breathing, and his heart was beating, so she ran outside to use a neighbor's phone. (TT. pp. 227-230; R., pp. 123-126).

Rather than call an ambulance, Trotman called Appellant at work. Appellant told her he would come home, but had to wait for a ride. Trotman then called Appellant a second time from another neighbor's phone to say they needed to call an ambulance, but he told her not to call an ambulance and to wait until he got home. Rather than go inside to check on Child, Trotman waited outside for Appellant. When he got home approximately an hour later, they went inside the home, where Appellant touched Child's chest and said "that boy dead." (TT. pp. 231-233; R., pp. 127-129).

Appellant devised a plan to dispose of Child's body, and told Trotman if the body was ever found, she should say Child fell down the stairs and hit his head "just in case the autopsy came back with blunt force trauma." (TT, p. 233; R., p. 129). Appellant left the home, and returned with a trashcan and cement. He then removed Child's clothes, wiped the body clean with peroxide "[s]o he wouldn't have any of his fingerprints on him," took the body out to the garage and wrapped it in trash bags and duct tape. (TT, pp. 234-235; R., pp. 130-131).

After wrapping the body, Appellant put cement in the trashcan, and put Child's body in the trashcan headfirst. When he realized he did not have enough cement, he called a friend to bring him more cement, which he then used to fill the rest of the trashcan. (TT. p. 235; R., p. 131).

The next day, Appellant and Trotman rented a truck and loaded the trashcan on it. They rode around looking for a remote area to dump it, but could not find one. They rented another truck the next day, and after Appellant got off work, they rode around again, ultimately putting the trashcan in a very remote, uninhabited area in Orangeburg County. (TT. pp. 235-236; R., pp. 131-132).

During the week of July 4<sup>th</sup>, Child's mother wanted to visit with him. In the on-going effort to hide Child's death, Appellant arranged for a rental car so Trotman could drive with her two children to the Battery in Charleston, where she pretended Child went missing. The police arrived and assisted in the search for Child. (TT. pp. 244-253; R., pp. 140-149).

Eventually, the police took Trotman to the police station, where they questioned her for hours, during which she told many false stories as she and Appellant had previously planned. She ultimately told the police what happened, however, and took them to the place she and Appellant dumped Child's body. (TT. pp. 254-257; R., pp. 150-153).

Lieutenant Dean Kokinda, with the Forensic Services Division of the Berkeley County Sheriff's Office, testified he took photographs at the site where Child's body was dumped. He described the site as extremely remote and heavily wooded, with the trashcan hidden under a discarded lounge chair. When the State offered the photographs as State's Exhibits 24 through 29, Appellant objected to Exhibits 28 and 29 as unduly prejudicial. The circuit court admitted

Exhibit 28 (photograph of trashcan and recliner), but excluded Exhibit 29 (close-up photograph of trashcan). (TT, pp. 360-369, State's Exhibits 24-29 [Photographs]; R., pp. 235-244).<sup>2</sup>

Nicholas Batalis, M.D., qualified as an expert in forensic pathology, performed the autopsy of Child's body, and determined the cause of death was "homicidal violence, including probably blunt head trauma," based on the condition in which the body was found, and two contusions he found on the scalp. Dr. Batalis further found there were no skull fractures followed by bleeding around the brain, and concluded Child suffered a "concussive type phenomenon," or what is called an axonal injury, which can occur if the brain is re-injured when it has not completely healed from a prior injury. (TT. pp. 460-468; R., pp. 273-281).

Carol Jenny, M.D., qualified as an expert in pediatrics, forensic pediatrics and abusive head trauma, testified Child suffered from a diffuse axonal injury, meaning the brain cells were concussed and stopped functioning, over the weeks leading to his death, and ultimately died because of "repeated head injuries which led to his eventual collapse." Based on the reports of Child suffering from seizures and multiple episodes of lost consciousness, she concluded Child had "multiple episodes of head injury/concussion," which made him vulnerable to repeated seizures due to "second impact syndrome." She stated medical intervention may have prevented Child's death, but he may have developed problems later in life. (TT. pp. 504-513; R., pp. 312-321).

Detective Bobby Shuler of the Berkeley County Sheriff's Office testified he participated in an audiotaped interview of Appellant on July 7, 2010. (TT. pp. 548-554; R., pp. 356-362). During that interview, Appellant admitted he concocted the plan to hide Child's body. He went to Lowe's, inquired about which cement dried the fastest, and purchased the trashcan and

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<sup>2</sup>State's Exhibits 24 through 29 will be transported to the Court for consideration.

cement. When he returned to the house, they took the Child's clothes off, wrapped his body in trash bags and encased him inside the trashcan with cement. (State's Exhibit 66).<sup>3</sup>

Appellant stated they rented a truck and took the trashcan out to a remote, secluded area, covered it with a discarded chair they found at the site, and left. They went back some time later to bury the trashcan, but left without burying it because the smell from the decaying body was too strong. (State's Exhibit 66).

Appellant also admitted lying to Child's mother to "buy time" after Child's death. When the mother became insistent about seeing Child over July 4<sup>th</sup>, Appellant told Trotman to go to Charleston and stage the missing child alert. (State's Exhibit 66).

Appellant's expert pathologist, Kimberly Collins, testified while Dr. Batalis found the cause of death was homicidal violence due to blunt force head trauma, due to the decomposed condition of the body, other forms of homicidal violence, such as asphyxia, commotion cordis, or the neck being wrenched to the side, could not be ruled out. (TT. pp. 487-489; R., pp. 295-297). On cross-examination, she testified she agreed with the way Dr. Batalis called the case. (TT. pp. 487-496; R., pp. 295-304).

During closing argument, the State referred to State's Exhibit 27 one time, describing it as the photograph of the trashcan with Child's body inside, filled with cement and a couch over it, and stating it showed how the trashcan was concealed. The solicitor did not refer to Exhibit 28 during closing. (TT. pp. 663-696; R., p. 435-468).

The jury convicted Appellant of homicide by child abuse and unlawful conduct toward a child, and the circuit court sentenced him to life imprisonment without the possibility of parole and ten years concurrent imprisonment, respectively. This appeal followed.

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<sup>3</sup>State's Exhibit 66 [Audiotape] will be transported to the Court for consideration.

## ARGUMENT

**The trial court properly admitted the photograph showing the cement filled trashcan containing the Child's body at the dump site because the probative value outweighed any potential prejudicial harm.**

Appellant contends the trial court erred in admitting State's Exhibit 28 because the prejudice outweighed the photograph's probative value due to its "graphic" nature, and the State used the photograph solely to provoke the passions of the jury. Appellant's argument ignores the photograph's corroborative nature, as well as its importance to the issue of Appellant's state of mind, particularly his "extreme indifference to human life," because it showed the extent of Appellant's efforts to dispose of Child's body.

Rule 403, South Carolina Rules of Evidence, provides relevant evidence "may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice." The probative value evaluation cannot be made in the abstract, but should be made in the practical context of the issues at stake in the trial of each case. *See State v. Lyles*, 379 S.C. 328, 665 S.E.2d 201, 206 (Ct.App.2008) ("When [balancing the danger of unfair prejudice] against the probative value, the determination must be based on the entire record and will turn on the facts of each case.") (citing *State v. Gillian*, 373 S.C. 601, 646 S.E.2d 872, 876 [2007]).

Photographs are unfairly prejudicial when they have a "tendency to suggest a decision on an improper basis, commonly, though not necessarily, an emotional one." *State v. Torres*, 390 S.C. 618, 703 S.E.2d 226, 228 (2010) (emphasis added). "The relevance, materiality, and admissibility of photographs are matters within the sound discretion of the trial court and a ruling will be disturbed only upon a showing of abuse of discretion." *State v. Martucci*, 380 S.C. 232, 669 S.E.2d 598, 607 (Ct. App. 2008) (quoting *State v. Haselden*, 353 S.C. 190, 577 S.E.2d 445, 450 [2003]); *see also State v. Rosemond*, 335 S.C. 593, 518 S.E.2d 588, 589-90 (1999). If

photographic evidence serves to corroborate the testimony of witnesses offered at trial, it is not an abuse of discretion to admit it. State v. Dial, 405 S.C. 247, 746 S.E.2d 495, 502 (Ct. App. 2013) (citing Martucci); see also State v. Jarrell, 350 S.C. 90, 564 S.E.2d 362, 371 (Ct. App. 2002) (citing Rosemond).

In this case, State's Exhibit 28 clearly corroborated Lt. Kokinda's testimony describing the dump site. While Lt. Kokinda was able to verbally describe the scene and the condition of the trashcan, the photograph gave the jury an actual visual depiction of what he described, allowing the jury to draw its own conclusions regarding the remoteness of the site, and the condition of the trashcan when it was discovered. (TT, pp. 362-368; R., pp. 237-243). The photograph also corroborated Trotman's testimony and Appellant's statement regarding the steps Appellant took to encase the body in cement and hide it.

Appellant's focus on the fact the State did not use the photograph to identify Child, or by a pathologist to describe the manner of death, is misplaced. South Carolina appellate courts have never interpreted Rule 403 so narrowly. Rather, as discussed above, the probative value of photographs that corroborate testimony, are not unduly gruesome, and help establish elements of the crime, outweighs any potential harm. See State v. Nichols, 325 S.C. 111, 481 S.E.2d 118 (1997) (graphic photograph of child's face admissible to corroborate testimony regarding the manner of death, and they were not unduly gruesome because there was an insignificant amount of blood visible) Martucci; Jarrell.

Contrary to Appellant's contention State's Exhibit 28 was "graphic," it simply shows a blue plastic trashcan full of cement, with a split on the side from which cement protruded. It does not show any significant blood or body fluid, and no part of Child's body is visible. Significantly, the circuit court did not admit State's Exhibit 29, which was a close-up of the split

on the side of the trashcan, and showed something oozing from the split with more insect activity. Thus, while the State does not concede the prejudicial effect of State's Exhibit 29 outweighed its probative value, the circuit court clearly conducted the required probative/prejudicial balancing test on the offered photographs.

Appellant conflates the nature of the photographs discussed at the pre-trial hearing with the photographs admitted at trial. The photographs at issue in the pre-trial hearing were taken during the autopsy as the body was being removed from the cement, and one of them showed a small part of Child's body. (HT, pp. 54-58; R., pp. 4-8). The circuit court excluded all the autopsy related photographs, and they are not at issue in this appeal. None of the photographs admitted at trial were related to the autopsy in any way, or showed any part of Child's body.

State's Exhibit 28 is much less "graphic" than many crime scene and autopsy photos routinely admitted in criminal cases in South Carolina. In fact, it simply is not on the same level in regard to potential gruesomeness, or potential emotional response as most of the photographs at issue in other cases. This case involved incredible brutality, and as a result, the facts and evidence of the case were unavoidably brutal. See Jarrell, 564 S.E.2d at 371 (some of the photographs in a homicide by child abuse were graphic because the facts of the case were very graphic).

Finally, State's Exhibit 28 went directly to the elements the State had to prove to establish the crime of homicide by child abuse. In order to prove Appellant's guilt on the charge, the State had to show Appellant caused "the death of a child under the age of eleven while committing child abuse or neglect, and the death occur[red] under circumstances manifesting an **"extreme indifference to human life."** S.C. Code Ann. §16-3-85(A) (2003) (emphasis added).

At a minimum, State's Exhibit 28 evidenced the ultimate manifestation of Appellant's extreme indifference to the life of his two year old son.

State's Exhibit 28 was understandably unpleasant, but its probative value as corroborative evidence and proof of a required element of the charged offense far outweighed any potential prejudice from the scene it depicted. See Martucci, 669 S.E.2d at 607 (relevant evidence should not be excluded merely because it is unpleasant or offensive). Accordingly, the circuit court did not abuse its discretion in admitting State's Exhibit 28, and its ruling should be affirmed.

**CONCLUSION**

The record supports the circuit court's ruling that the photograph in question was admissible. Accordingly, the State submits Appellant's convictions and sentences should be affirmed.

Respectfully Submitted,

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July 21, 2014

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal From Berkeley County  
The Honorable R. Markley Dennis, Circuit Court Judge  
Appellate Case No. 2012-213388

THE STATE,

Respondent,

v.

ROGER WILLIAMS,

Appellant.

CERTIFICATE OF COUNSEL

The undersigned certifies that this Final Brief of Respondent complies with Rule 211(b), SCACR, and the August 13, 2007, order from the South Carolina Supreme Court entitled, "Interim Guidance Regarding Data Identifiers and Other Sensitive Information in Appellate Court Filings."

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July 21, 2014

**ORIGINAL**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Berkeley County

R. Markley Dennis, Jr., Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

ROGER WILLIAMS,

APPELLANT

APPELLATE CASE NO. 2012-213388

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FINAL BRIEF OF APPELLANT

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TABLE OF CONTENTS

TABLE OF CONTENTS ..... 1

TABLE OF AUTHORITIES ..... 2

STATEMENT OF ISSUE ON APPEAL ..... 3

STATEMENT OF THE CASE ..... 4

STATEMENT OF THE FACTS ..... 5

ARGUMENT ..... 11

The trial judge erred in admitting a photograph of the deceased's body encased in cement where the danger of unfair prejudice clearly outweighed any probative value of the photograph in light of its obvious graphic nature and lack of any probative value to the elements of the offenses charged.

CONCLUSION ..... 20

TABLE OF AUTHORITIES

**Cases**

State v. Brazell, 325 S.C. 65, 480 S.E.2d 64 (1997) ..... 13

State v. Burkhardt, 371 S.C. 482, 640 S.E.2d 450 (2007)..... 15

State v. Collins, 398 S.C. 197, 727 S.E.2d 751 (Ct. App. 2012) ..... 13, 14

State v. Franklin, 318 S.C. 47, 456 S.E.2d 357 (1995) ..... 13

State v. Holder, 382 S.C. 278, 676 S.E.2d 690 (2009)..... 15, 16

State v. Jarrell, 350 S.C. 90, 564 S.E.2d 362 (Ct. App. 2002)..... 17

State v. Kornahrens, 290 S.C. 281, 350 S.E.2d 180 (1986) ..... 15

State v. Martucci, 380 S.C. 232, 669 S.E.2d 598 (Ct. App. 2008) ..... 16, 17

State v. Middleton, 288 S.C. 21, 339 S.E.2d 692 (1986) ..... 14

State v. Nichols, 325 S.C. 111, 481 S.E.2d 118 (1997) ..... 17

State v. Rosemond, 335 S.C. 593, 518 S.E.2d 588 (1999)..... 15

State v. Torres, 390 S.C. 618, 703 S.E.2d 226 (2010) ..... 13, 14, 15

**Statutes**

S.C. Code Ann. § 16-3-85(A) ..... 18

S.C. Code Ann. § 63-5-70(A) ..... 18, 19

**Rules**

Rule 403, SCRE..... 11, 13

STATEMENT OF ISSUE ON APPEAL

The trial judge erred in admitting a photograph of the deceased's body encased in cement where the danger of unfair prejudice clearly outweighed any probative value of the photograph in light of its obvious graphic nature and lack of any probative value to the elements of the offenses charged.

### STATEMENT OF THE CASE

On September 8, 2010, the Berkeley County Grand Jury indicted Appellant for homicide by child abuse (2010-GS-08-1519) and unlawful conduct toward a child (2010-GS-08-1521). R. 900. Prior to the trial on these charges, the Honorable R. Markley Dennis, Jr. presided over pretrial hearings on September 18, 2012. Debi Herring-Lash and Anne Williams represented the state, and James K. Falk represented Appellant. R. 1. During the pretrial hearing, Appellant entered a guilty plea to the charge of destruction or desecration of human remains. R. 11, line 2 – R. 17, line 6. Sentencing on this charge was deferred until after Appellant's trial on the other two charges. R. 15, lines 8-19. Appellant was convicted by the jury of homicide by child abuse and unlawful conduct toward a child. R. 496, line 22 – R. 497, line 14. Judge Dennis sentenced Appellant to ten years' imprisonment for unlawful conduct toward a child, life imprisonment without the possibility of parole for homicide by child abuse, and ten years' imprisonment for desecration of human remains. He ordered all sentences to run concurrently. R. 19, lines 16-24; R. 507, line 22 – R. 509, line 21; R. 902.

Appellant filed a timely notice of appeal. This brief follows.

## STATEMENT OF FACTS

Grace Trotman and Appellant were romantically involved from 2006 through 2010. R. 85, lines 20-21; R. 86, lines 1-11; R. 166, lines 13-21. Trotman and Appellant had their first child, Ya'jura W., together in September 2007. R. 88, lines 10-11; R. 89, lines 3-5. They had their second child, Ya'King W., on September 22, 2009. R. 91, lines 13-20. During this time, Trotman and Appellant discovered Appellant had fathered a son, hereinafter identified as Minor or deceased, by another woman in 2007. R. 95, lines 18-22. Minor began visiting with Trotman and Appellant in their home shortly after this discovery. R. 96, lines 12-15; R. 211, line 23 – R. 212, line 4; R. 212, lines 12-14. When Trotman inquired about disciplining Minor, Appellant told her “not to beat him,” only “pop him.” R. 100, lines 2-9. In May 2010, Appellant and Minor’s mother arranged for Minor to spend the summer with Appellant and Trotman while Minor’s mother relocated to Columbia. R. 217, line 23 – R. 218, line 19.

Trotman, the state’s key witness, described the relationship between Appellant and Minor as “really good in the beginning.” R. 104, line 22 – R. 105, line 2.<sup>1</sup> Trotman claimed that Appellant would encourage Ya'jura W. to “slap [Minor,] scratch [Minor], and drag [Minor] to get him to toughen up.” R. 105, lines 11-16. Further, Trotman claimed Appellant believed Minor acted effeminately and was slow mentally, which bothered Appellant. R. 106, lines 6-13; R. 107, line 6 – R. 108, line 16. Trotman claimed Appellant started hitting Minor, which left bruises. Tr. 212, line 19 – Tr. 213, line 2. Upon direct questioning by the prosecutor, Trotman testified that she saw Appellant beat Minor less than ten times. In the beginning, Appellant “would just kinda paddle and like pop him on his

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<sup>1</sup> Trotman pled guilty and agreed to testify against Appellant. R. 162, lines 2-20.

arm.” Then, she claimed he began using his closed fist to Minor’s back or chest or would “slap his head to the floor.” R. 124, line 20 – R. 125, line 9.<sup>2</sup> Trotman claimed she was too scared to help Minor. R. 109, lines 7-8.

According to Trotman, Minor had a “seizure” after Appellant “boxed him in his back.” R. 110, lines 5-8.<sup>3</sup> She described the “seizure” as Minor “grunting,” something “weird” going on with his eyes, and a loss of consciousness. R. 110, line 22 – R. 111, line 2; R. 157, lines 7-15. When they gave Minor some water, he “snapped out of it.” R. 111, lines 11-15. The following day, Minor woke only after Trotman shook him. She considered this the second “seizure” episode because Minor usually woke very easily. R. 112, lines 1-20. Minor was “okay” afterward and acted normally. R. 112, lines 21-23; R. 113, lines 8-10.

On Sunday, June 6, 2010, Minor “had poop on the back of his pants” and on the floor of his bedroom. R. 114, lines 10-19. Trotman claimed that Appellant took Minor into his bedroom and she “just heard him kind of bumping and hitting him against the wall.” Trotman did not seek to intervene – she stayed on the couch. R. 118, line 20 – R. 119, line 4. Eventually, Trotman entered the bedroom where she saw Minor “sitting on the wall like he was in a daze.” R. 119, lines 5 - 12. Initially, Trotman claimed Appellant stayed in the

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<sup>2</sup> Trotman also claimed that Appellant physically abused her during the relationship, which would result in her living with other people at various times. R. 91, line 21 – R. 92, line 9.

<sup>3</sup> This allegedly occurred within a week of Minor’s death. R. 124, lines 11-16; R. 169, line 12 – R. 170, line 8.

home all night on Sunday until he left for work on Monday; however, she admitted that she was unsure whether that was true. R. 119, line 23 – r. 120, line 14.<sup>4</sup>

Trotman gave numerous conflicting accounts of what occurred the following morning, Monday, June 7, 2010. At various times, she claimed Minor fell down a flight of stairs or was beaten by Ya'jura W., his two-year old sister. R. 151, line 6 – R. 153, line 6; R. 154, lines 14-24; R. 167, line 23 – R. 169, line 11; R. 510; R. 651; R. 696.

At the trial, Trotman testified she was feeding Ya'King W. when Minor and Ya'jura W. started fighting. When the two did not stop at her verbal command, she popped them on their arms. R. 120, lines 15-25. Minor "fell to his bottom, lost balance and hit his head on the wall." R. 121, lines 1-3; R. 189, lines 6-25.<sup>5</sup> Trotman claimed Minor "started acting different, like the other days where he was having trouble breathing, like gasping for air." R. 123, lines 8-12; R. 190, lines 15-17. She claimed she performed CPR on Minor; which she learned from a television program. R. 123, lines 13-20; R. 190, lines 18-21. After performing CPR, Trotman claimed Minor was breathing and his heart was beating. She then ran outside to use a neighbor's phone. R. 125, line 13 – R. 126, line 8; R. 190, lines 22-

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<sup>4</sup> Kelly Garrett testified that she received a telephone call from Appellant around 5 a.m. on Monday morning asking for a ride from the Economy Inn, where he was staying, to the home he shared with Trotman, and then to his place of work. R. 374, lines 3-23. Garrett picked Appellant up from his hotel room in Summerville shortly after 6 a.m. R. 377, lines 1-20. She then took him to his home where Trotman was waiting. R. 377, lines 21-25. She waited while Appellant retrieved his work items and took him to work. R. 378, line 8 – R. 379, line 4. Ron Patel, the owner of the Economy Inn in Summerville, testified that according to his daily report, an individual named "T. Williams" checked into room 305 for one day on June 6, 2010. R. 393, line 12 – R. 396, line 1; R. 890.

<sup>5</sup> On cross-examination, Trotman admitted she told police that she snapped and hit Minor on Monday morning while Appellant was working. R. 182, line 4 – R. 185, line 18. Whilden Baggett testified that Trotman demonstrated striking Minor after she "snapped" under the pressure. R. 400, line 1 – R. 402, line 12.

23. Instead of calling for an ambulance, Trotman called Appellant who was at work. Appellant told her he was on his way home, but had to wait for a ride. Trotman did not tell the neighbor's about Minor's condition. R. 126, line 10 – R. 127, line 19. Trotman used another neighbor's phone to call Appellant again. Tr. 231, line 20 - Tr. 232, line 22. Trotman did not return to Minor; instead, she waited outside for Appellant to arrive. R. 128, line 23 – R. 129, line 4; R. 191, line 25 – R. 192, line 3.

Appellant discovered Minor's lifeless body when he arrived home from work. R. 129, lines 7-10. The two then devised a plan to dispose of Minor's body – placing the body in a trash can and then covering the body with cement. R. 130, line 1 – R. 131, line 23. Trotman rented a truck, which the two used to transport Minor's body to Orangeburg County, where they placed the body in an isolated area. R. 131, line 25 – R. 132, line 9; R. 132, line 24 – R. 137, line 3.

During the week of July 4<sup>th</sup>, Minor's mother wanted to visit with Minor. R. 140, line 22 – R. 141, line 12; R. 220, lines 10-21. Trotman drove with her two children to The Battery in Charleston where she pretended Minor had gone missing. The police arrived and assisted in the search for Minor. R. 144, lines 16-22; R. 149, line 13 – R. 150, line 1; R. 224, line 11 – R. 225, line 16; R. 225, line 23 – R. 226, line 5. Eventually, the police transported Trotman to the police station where she was questioned for hours by various members of law enforcement over several days during which she told numerous lies. R. 151, line 6 – R. 153, line 6; R. 154, lines 14-24; R. 510; R. 651; R. 696. During the interrogation, Trotman told police where to find Minor's body. R. 153, line 8 – R. 154, line 10. At the end of the police interviews, Trotman confessed to hitting Minor. R. 157, lines 16-18.

The state's pathologist, Nicholas Batalis, opined the cause of death was "homicidal violence, including probable blunt head trauma" because of the condition in which the body was found and his finding of two contusions on the scalp. R. 273, lines 1-25. Dr. Batalis determined there were no skull fractures followed by bleeding around the brain. R. 279, line 8 – R. 280, line 1. Thus, he concluded Minor suffered "a concussive type phenomenon" or what is called an axonal injury. This occurs when the brain is hit back and forth in the skull resulting in a shearing injury. R. 280, lines 2-12. According to Dr. Batalis, axonal injury could occur when the brain is exposed to an injury after an initial injury when the brain has not completely healed from the initial impact. This second injury may occur within a relatively short period of time to the first injury. R. 281, lines 15-21. Dr. Batalis admitted that axonal injury was only "one way in which head trauma could have caused [Minor] to die." Additionally, he could not rule out "second impact" injury. R. 285, line 24 – R. 286, line 11.

Appellant's expert pathologist, Kimberly Collins, explained that while the state's pathologist certified death as homicidal violence including blunt head trauma, other forms of homicidal violence were not ruled out. R. 295, line 20 – R. 296, line 14. Dr. Collins explained Minor may have died from asphyxia, commotio cordis, or a violent push causing Minor's neck to wrench to the side. R. 296, line 15 – R. 297, line 17. Importantly, Dr. Collins explained the contusions to the scalp were not fatal. R. 298, lines 16 – R. 299, line 1. Although axonal injury was a possible cause of death, Dr. Collins determined it was not any more likely to have caused Minor's death than asphyxiation. R. 299, lines 2-16.

Dr. Carol Jenny, who testified on behalf of the prosecution, opined that Minor "died because of repeated head injuries which led to his eventual collapse." R. 313, lines 13-19.

In her opinion, Minor suffered from a diffuse axonal injury, meaning the brain cells were concussed and stopped functioning, over the weeks leading to his death. R. 315, line 22 – R. 316, line 2. This opinion was based entirely upon reports that Minor suffered from seizures and decreased levels of consciousness. R. 316, lines 3-14; R. 319, line 6 – R. 320, line 12; R. 329, line 20 – R. 330, line 4. Further, Dr. Jenny concluded Minor had “multiple episodes of head injury, of concussion” based upon the witness statements she received from the prosecutor. R. 320, line 13 – R. 321, line 10. Being hit multiple times makes a child more vulnerable to a repeat episode, which Dr. Jenny characterized as “second impact syndrome.” R. 321, lines 11-21. On cross-examination, Dr. Jenny was forced to admit that because she based her opinion upon reports of Minor’s behavior and not upon a physical examination, that her opinion would be incorrect if the reports were inaccurate. R. 330, lines 5-10; R. 337, lines 9-14; R. 337, line 21 – R. 338, line 5. Dr. Jenny also explained that a concussion could not result from a blow to the chest or the back, which were the types of hits Trotman claimed were perpetrated by Appellant. R. 330, lines 17 -23. She was also forced to admit that the site of the contusions was a common place for bruises to develop on new walkers. R. 332, line 13 – R. 333, line 2.

## ARGUMENT

The trial judge erred in admitting a photograph of the deceased's body encased in cement where the danger of unfair prejudice clearly outweighed any probative value of the photograph in light of its obvious graphic nature and lack of any probative value to the elements of the offenses charged.

### **Relevant facts**

Dean Kokinda, a lieutenant in the forensic services division of the Berkeley County Sheriff's Office responded to a call in Orangeburg County on July 7, 2010. R. 235, line 22 – R. 236, line 24. He was directed to an area behind an abandoned single-wide trailer approximately twenty-five feet into a wooded area. At the location, he found a blue plastic thirty-five gallon trash can full of cement. The area appeared to be a dumping site for household trash. R. 237, lines 16-25. The trash can had a split on the side from which cement protruded. Kokinda could see what he thought was “decomposing flesh,” insect activity, and maggots. R. 239, lines 1-10. When the prosecution sought to introduce six photographs from the scene, Appellant objected to the introduction of two of those – state's exhibits #28 and #29 - based upon Rule 403 of the South Carolina Rules of Evidence. The judge sustained the objection as to #29, but overruled the objection as to #28. R. 240, lines 4-17. Kokinda described the photograph as showing the trash can with the recliner, which had been resting atop the trash can removed. Additionally, the photograph showed the cement protruding from the top and a split in the plastic “towards the bottom and on the side.” This was the area where Kokinda saw insect activity. R. 243, lines 5-17.

Important for the analysis of whether the trial judge erred in allowing the state to introduce the photograph of the deceased, State's # 28, is how the trial judge ruled

concerning photographs from the autopsy. During a pretrial hearing on September 18, 2012 appellant moved to exclude photographs from the autopsy. The prosecutor intended to use seven photographs of the fifty taken during the autopsy. The prosecutor admitted there was “very little probative value to the pictures of the body” and as a result, the prosecutor was not seeking to admit those. However, the prosecutor wanted the seven photographs, showing the deceased’s body in a barrel, to “show the manner in which and the extent to which the defendants went to conceal the body” and for the pathologist “to explain the impact of that type of concealment on his examination of the body.” R. 2, line 23 – R. 3, line 19; R. 5, line 3 – R. 6, line 17; R. 7, lines 7-16.<sup>6</sup> The judge explained that his inclination was to exclude the photographs because they were not probative and the danger of unfair prejudice substantially outweighed any probative value. R. 6, line 18 – R. 7, line 3; R. 7, lines 19-25.

Appellant explained that number seven even showed the body parts. R. 8, lines 4-7. The judge surmised that the prosecution would present evidence that the body was “encased in cement” and all that was necessary to show that “somebody took the time to put a body, put it in cement.” However, the photograph did not “do anything” or “add to that.” According to the trial judge, the “only other reason is the inflammatory aspect of it.” He determined the photograph was “inflammatory.” R. 8, lines 14-25.

The prosecution used the photograph again during his closing argument to the jury. After placing the photograph on a screen, the prosecutor explained it was “a picture of the

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<sup>6</sup> Although the parties referred to these items as “pre-marked” and “marked,” it does not appear from the transcript that these photographs were filed with the Clerk of Court because the court reporter did not include a page for the exhibit list, and the transcript for the trial does not show these photographs as exhibits.

trash can with little [Minor]'s body in it, filled with concrete and a couch over it." R. 446, lines 1-5. He then applauds Trotman for leading the police to the body, which he speculated would have never been found without her assistance. R. 446, lines 5-15. At the end of his closing, the prosecutor presented a photograph of Minor to the jury as well while asking the jury to think about Minor during deliberations:

You know, this is what this case is about. You heard my voice, you heard this (indicating Ms. Herring-Lash) voice, the other attorney's voice, but no one is ever going to hear his (displaying picture of [Minor]) voice again. Think about this little boy when you go back there. Think about what his life was like in those last days. Think about justice. I am asking you to have the courage of your convictions when you think about that child. Don't cave in because you know he did this. Hold him accountable. This is about the truth and it's about justice and it's about time for justice in this case.

R. 468, line 19 – R. 469, line 8.

#### **Discussion**

“Photographs calculated to arouse the sympathy or prejudice of the jury should be excluded if they are irrelevant or unnecessary to substantiate material facts or conditions.” State v. Torres, 390 S.C. 618, 623, 703 S.E.2d 226, 228 (2010) (citing State v. Brazell, 325 S.C. 65, 78, 480 S.E.2d 64, 72 (1997)). Rule 403 of the South Carolina Rules of Evidence provides that even relevant evidence “may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice.” Photographs are unfairly prejudicial when they have a “tendency to suggest a decision on an improper basis, commonly, though not necessarily, an emotional one.” Id. (citing State v. Franklin, 318 S.C. 47, 55, 456 S.E.2d 357, 361 (1995)).

Recently, this Court reviewed the admissibility of the photographs using a four-step analysis in State v. Collins, 398 S.C. 197, 727 S.E.2d 751 (Ct. App. 2012). The first step required an examination of the probative value of the photographs, including whether the

photographs corroborated testimony. Next, an evaluation the danger of unfair prejudice resulting from the introduction of the photographs was conducted. Third, this Court balanced the probative value and unfair prejudice. Fourth, the Court reviewed the trial court's decision for an abuse of discretion. Id.

Determining the probative value of the photographs required an understanding of the practical context of the trial, including the charged offenses. Id. at 203, 727 S.E.2d at 754. Where the prosecutor elicited ample testimony from the forensic pathologist concerning the victim's injuries and the cause of death prior to the introduction of the photographs, "the photos added very little to the jury's ability to understand the pathologist's testimony on this point." Id. at 204, 727 S.E.2d at 756. Additionally, this Court held "the danger of unfair prejudice of the admitted photos is extreme" because looking at each of the seven color photographs of the ten-year old boy's partially devoured corpse on the autopsy table was "difficult," but the "combined effect of all seven is disturbing." This Court explained the photographs were "chilling." Id. at 208, 727 S.E.2d at 757.

In State v. Middleton, 288 S.C. 21, 24, 339 S.E.2d 692, 693 (1986), the Court held the trial court erred in admitting three color autopsy photographs of one of the victims in this capital murder trial. Although the photographs were used to corroborate other evidence, the trial judge erred in permitting their introduction because they were unfairly prejudicial. "[T]he information contained within the photographs was not really at issue." Additionally, "any arguable evidentiary value of the photographs" was negated by the forensic pathologist's testimony. Id.

In Torres, 390 S.C. at 623, 703 S.E.2d at 229, the prosecution offered several autopsy photographs into evidence during the sentencing phase of a capital murder trial.

The pathologist used the photographs to illustrate the number and location of the injuries, as well as the manner in which the injuries were inflicted. Id., 390 S.C. at 624, 703 S.E.2d at 229. The purpose of the close-up photographs was to help identify the nature of each particular injury. Id., 390 S.C. at 623, 703 S.E.2d at 229. As explained by the Court, “the scope of the probative value is much broader [in capital sentencing proceedings] than [in] the guilt phase.” Id. (citing State v. Kornahrens, 290 S.C. 281, 289, 350 S.E.2d 180, 186 (1986)). Thus, in capital cases, the Court has held autopsy photographs are admissible to show the circumstances of the crime and character of the defendant, which are considerations unique to the sentencing phase of a capital case. Id., 390 S.C. at 623-624, 703 S.E.2d at 229 (citing State v. Rosemond, 335 S.C. 593, 597, 518 S.E.2d 588, 590 (1999); State v. Burkhardt, 371 S.C. 482, 487, 640 S.E.2d 450, 453 (2007)). In Torres, the trial judge also exercised his discretion by excluding three photographs offered by the prosecution as they were duplicative and unfairly prejudicial. Id. Nevertheless, the Court warned that the photographs at issue were “at the outer limits of what our law permits a jury to consider ... [and] strongly encouraged all solicitors to refrain from pushing the envelope on admissibility in order to gain a victory which, in all likelihood, was already assured because of other substantial evidence in the case.” Id.

Our Supreme Court held autopsy photographs were admissible in a homicide by child abuse case where the photographs corroborated the testimony of the pathologist and refuted statements by the accused. State v. Holder, 382 S.C. 278, 676 S.E.2d 690 (2009). In Holder, 382 S.C. at 281-282, 676 S.E.2d at 692-693, the prosecution accused the victim’s mother and her live-in boyfriend of homicide by child abuse. Initially, Holder told hospital personnel the victim had been involved in an All-Terrain Vehicle (ATV) accident. Id.; at

281, 676 S.E.2d at 692. Holder testified that she was not aware of any marks on her son prior to his death and thought he was suffering from food poisoning. Id., at 291, 676 S.E.2d at 697. During an in-camera hearing concerning the photographs, the pathologist testified the photographs would assist him in “demonstrating the anatomic relationships and the disruption of those anatomic relationships. There may be some lack of knowledge of internal anatomy [among the jurors].” Id., at 290, 676 S.E.2d at 697. The pathologist admitted he could explain the injuries without the photographs but was not sure he could “explain it to their understanding.” Id. The pathologist then used the photographs to explain to the jury that some of the victim’s internal injuries showed signs of healing, the victim had external bruising to his abdomen, and the victim had extensive bruising over his body. Id.

The Court found the photographs demonstrated “the extent and nature of the injuries in a way that would not be as easily understood based on the testimony alone.” Id. The Court held the photographs in combination with the pathologist’s testimony was “particularly helpful to jurors who [were] unversed in medical matters.” Id., at 291, 676 S.E.2d at 697. In addition, the photographs refuted Holder’s testimony that she was not aware of any bruising on her son as the “photographs demonstrate[d] that the damage to the child would have been difficult to ignore” due to the extensive bruising in various stages of healing and torn internal organs. Id.

In the companion case to Holder, this Court held the autopsy photographs of the internal organs and other injuries of the child were admissible during the trial of Holder’s live-in boyfriend, Martucci. State v. Martucci, 380 S.C. 232, 669 S.E.2d 598 (Ct. App. 2008). This Court held the photographs were admissible to corroborate the testimony of the

pathologist and were relevant to prove the elements of the charged offense – homicide by child abuse. The photographs showed evidence of abuse, including injuries at various stages of healing, that the abuse was the cause of death, and that the abuse manifested an extreme indifference to human life, which were elements of homicide by child abuse. Id., at 250, 669 S.E.2d at 608.

In State v. Jarrell, 350 S.C. 90, 564 S.E.2d 362 (Ct. App. 2002), this Court held the admission of several autopsy photographs of the victim in the homicide by child abuse and accessory after the fact of murder case was not error. This Court held the photographs were necessary to corroborate the testimony presented. The photograph of the anal injuries due to sexual abuse corroborated the testimony of the pathologist and of other witnesses concerning Jarrell's motive for planning to kill the baby due to the abuse being readily apparent. Id., at 106, 564 S.E.2d at 371. The photographs corroborated the pathologist's time of death testimony, and testimony of others that the child was in a state of rigor mortis and the beginning stages of decomposition. Id. Finally, this Court concluded the photographs assisted the jury in understanding the testimony of the pathologist. Id., at 106-107, 564 S.E.2d at 371.

The admission of three photographs of the victim's face in a murder case was not erroneous because the photographs corroborated the experts' testimony of the angle and distance from which the victim was shot and to show the residue on the victim's eyelids suggesting his eyes were closed when he was shot according to our state supreme court. Thus, the photographs were relevant and probative of a material issue in the case. Additionally, the photographs were not unduly gruesome in light of the insignificant amount of blood. State v. Nichols, 325 S.C. 111, 121-122, 481 S.E.2d 118, 123-124 (1997).

The trial judge erred in admitting the photographs of the cement-filled trash can showing the split in the can and cement and evidence of insect activity because the danger of unfair prejudice to Appellant outweighed any probative value. The prosecutor used the photograph with only one witness – a police officer who described where the body had been found. The only other time the prosecutor used the photograph was during his closing argument when he was arousing the passions of the jury during his plea for justice for Minor. The photograph was not used by the prosecutor to identify the victim or by the pathologist to describe the manner of death.

Petitioner was charged with homicide by child abuse pursuant to section 16-3-85 of the South Carolina Code. The state was required to prove Appellant caused “the death of a child under the age of eleven while committing child abuse or neglect, and the death occur[ed] under circumstances manifesting an extreme indifference to human life” or that Appellant knowingly aided and abetted another person to commit child abuse or neglect, and the child abuse or neglect resulted in the death of a child under the age of eleven. S.C. Code Ann. § 16-3-85(A). The statute further defined child abuse or neglect as an act or omission which caused harm to the child’s physical health or welfare. Still further, the statute defined harm as resulting from infliction or allowing to be inflicted physical injury, from the failure to supply essential care that results in death, or resulting from abandonment causing death. Additionally, the prosecution had charged Appellant with violating section 63-5-70 of the South Carolina Code, which makes it unlawful for a parent to “place a child at unreasonable risk of harm affecting the child’s life, physical or mental health, or safety,” to “do or cause to be done unlawfully or maliciously any bodily harm to the child so that the


life or health of the child is endangered or likely to be endangered,” or to willfully abandon the child. S.C. Code Ann. § 63-5-70(A).

For purposes of both of the statutory provisions, the issue before the jury was who inflicted harm upon the child. The photograph of Minor’s body encased in cement in a trash can where insect activity had begun the process of decomposition failed to provide any probative evidence concerning the identity of the perpetrator of the injuries to the child. The more distant photographs, to which Appellant did not object, clearly showed the trash can in the isolated area. The only purpose served by showing the graphic photograph to the jury was to inflame the jurors’ passions resulting in a verdict not based upon evidence, but upon passions and prejudices.

CONCLUSION

Appellant respectfully requests this Court reverse his convictions and sentences and remand for a new trial.

Respectfully submitted,

  
Susan B. Hackett  
Appellate Defender

ATTORNEY FOR APPELLANT

This 29th day of July, 2014.

# The South Carolina Court of Appeals

The State, Respondent,

v.

Roger A. Williams, Appellant.

Appellate Case No. 2012-213388

The Honorable R. Markley Dennis, Jr.  
Berkeley County

Trial Court Case No. 2010GS0801519, 2010GS0801521

---

## ORDER

---

It appears that Appellant, with full understanding of all possible consequences of this action and with agreement of counsel, wishes to withdraw and dismiss this matter. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

FOR THE COURT

BY V. Claire Allen  
DEPUTY CLERK

Columbia, South Carolina

cc: Susan Barber Hackett, Esquire  
Alan McCrory Wilson, Esquire  
Deborah R.J. Shupe, Esquire

**FILED**

**RECEIVED**

*October 24, 2014*

OCT 24 2014

*dij*

ATTORNEY GENERALS  
OFFICE



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

November 19, 2014

**RECEIVED**

NOV 19 2014

ATTORNEY GENERALS  
OFFICE

The Honorable Mary P. Brown  
PO Box 219  
Moncks Corner SC 29461-0219

### REMITTITUR

Re: The State v. Roger A. Williams  
Lower Court Case No. 2010GS0801519, 2010GS0801521  
Appellate Case No. 2012-213388

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

The exhibits being returned:

State's Exhibit #4: Audio of 7-7 interview with defendant  
State's Exhibits #24, 25, 26, 27, and 28: Photographs of dump site  
State's Exhibit #29: Photograph of trashcan  
State's Exhibit #66: Audio of interview with defendant

Please sign attached copy of this letter and return to acknowledge receipt of these items.

Very truly yours,

*Jay A. Kitaj*  
CLERK

Enclosure

cc: Susan Barber Hackett, Esquire  
Alan McCrory Wilson, Esquire  
Deborah R.J. Shupe, Esquire

**Receipt Acknowledgement:**

Name: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF SOUTH CAROLINA

County of Berkeley

IN THE COURT OF COMMON PLEAS

Roger A. Williams 303509

Full name and prison number (if any) of Applicant

v.

State of South Carolina

APPLICATION FOR  
POST-CONVICTION REVIEW

MARY P. BROWN  
CLERK OF COURT  
BERKELEY COUNTY, SC

2015 AUG 27 AM 10:40

FILED

**INSTRUCTIONS TO READ CAREFULLY**

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Broad River Correctional Institution

---

2. Name and location of Court which imposed sentence Berkeley County General Sessions

---

3. Name(s) of co-defendant(s) (if any) Grace trotman

---

4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:  
 (a) 2010G50801519 2010G50801521

AW

(b) \_\_\_\_\_  
(c) \_\_\_\_\_

5. The date upon which sentence was imposed and the terms of the sentence:

(a) Oct. 11, 2012  
(b) \_\_\_\_\_  
(c) \_\_\_\_\_

6. Check whether a finding of guilty was made:

(a) after a plea of guilty \_\_\_\_\_  
(b) after a plea of not guilty  ✓  
(c) after a plea of nolo contendere \_\_\_\_\_

7. Did you appeal from the judgment of conviction or the imposition of sentence?

Yes

8. If you answered Ayes@ to (7), list:

(a) the name of each Court to which you appealed:  
i. Court of Appeals  
ii. \_\_\_\_\_  
iii. \_\_\_\_\_

(b) the result in each such Court to which you appealed:  
i. Withdraw from appeal  
ii. \_\_\_\_\_  
iii. \_\_\_\_\_

(c) the date of each such result:  
i. Oct. 24 2014  
ii. \_\_\_\_\_  
iii. \_\_\_\_\_

(d) if known, citations of any written opinion or orders entered pursuant to such results:  
i. \_\_\_\_\_  
ii. \_\_\_\_\_  
iii. \_\_\_\_\_

9. If you answered Ano@ to (7), state your reasons for not so appealing:

(a) Meritless Issue

- (b) \_\_\_\_\_
- (c) \_\_\_\_\_

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) Ineffective Assistant of trial counsel
- (b) Prosecutorial Misconduct
- (c) \_\_\_\_\_

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

- (a) Failure to object to prosecutorial misconduct
- (a) ● Failure to impeach State's witness Grace trotman
- (b) ● Giglio vs U.S. violations

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? None
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? None
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? None
- (d) any other petitions, motions or applications in this or any other Court? None

13. If you answered Ayes@ to any part of (12), list with respect to each petition, motion or application:

- (a) the specific nature thereof:
  - i. \_\_\_\_\_
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
  - iv. \_\_\_\_\_
- (b) the name and location of the Court in which each was filed:
  - i. \_\_\_\_\_
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_

iv. \_\_\_\_\_

(c) the disposition thereof:

i. \_\_\_\_\_

ii. \_\_\_\_\_

iii. \_\_\_\_\_

iv. \_\_\_\_\_

(d) the date of each such disposition:

i. \_\_\_\_\_

ii. \_\_\_\_\_

iii. \_\_\_\_\_

iv. \_\_\_\_\_

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. \_\_\_\_\_

ii. \_\_\_\_\_

iii. \_\_\_\_\_

iv. \_\_\_\_\_

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?  
*NO*

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. \_\_\_\_\_

ii. \_\_\_\_\_

iii. \_\_\_\_\_

(b) the proceedings in which each ground was raised:

i. \_\_\_\_\_

ii. \_\_\_\_\_

iii. \_\_\_\_\_

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) These issues is mandated by law to be raised within P.C.R. Proceedings
- (b) \_\_\_\_\_
- (c) These issues are to be attacked in initial review collateral Proceeding

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? \_\_\_\_\_
- (b) your trial, if any? Yes
- (c) your sentencing? Yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? \_\_\_\_\_
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? none

18. If you answered Ayes to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

- i. James Falk Esq.  
3 Broad St. suite 450, Charleston, S.C. 29401
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

(b) the proceedings at which each such attorney represented you:

- i. trial proceedings
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

19. State clearly the relief you seek in filing this application:

Conviction and Sentence to be reversed and Vacated

20. Are you now under sentence from any other court that you have not challenged?

NO

Revised 3/2003

STATE OF SOUTH CAROLINA )

County of Berkeley )

VERIFICATION

I, Roger Williams, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Roger Williams

SWORN to and subscribed before me this 25th day of August, 2015.

Susan H. Tyler (L.S.)  
Notary Public

My Commission Expires  
March 5, 2018

My Commission Expires: \_\_\_\_\_

MARY P. BROWN  
CLERK OF COURT  
BERKELEY COUNTY, SC

FILED  
2015 AUG 27 AM 10:58

**APPLICATION TO PROCEED WITHOUT PAYMENT  
OF COSTS AND AFFIDAVIT  
IN SUPPORT THEREOF**

I, Roger Williams, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

*Roger Williams*  
Applicant

SWORN or affirmed to and subscribed before me this

25th day of August, 2015.

*Dorson D. Frye*  
Notary Public

My Commission Expires  
March 5, 2018

My Commission Expires: \_\_\_\_\_

FILED  
AUG 27 AM 10:04  
MARY P. BROWN  
CLERK OF COURT  
BERNIE COUNTY, NE

FORM 5

STATE OF SOUTH CAROLINA )

IN THE COURT OF COMMON PLEAS

COUNTY OF BERKLEY )

Roger A. Williams, № 303509 )

Full name and prison number (if any) of Applicant. )

2015-CP-08-2034

v. )

AMENDED APPLICATION FOR

State of South Carolina )

POST-CONVICTION RELIEF

2015 MAY 21 PM 1:56  
HARRY P. BROWN  
CLERK OF COURT  
BERKLEY COUNTY, SC

FILED  
*[Handwritten Signature]*

**INSTRUCTIONS - READ CAREFULLY**

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Broad River Correctional Institution, Broad River Road, Columbia, SC
2. Name and location of Court which imposed sentence Berkley County General Sessions
3. Name(s) of co-defendant(s) (if any) Grace Trotman

Revised 3/2003

4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
- (a) 2010-GS-08-01519
  - (b) 2010-GS-08-01521
  - (c)
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) October 11, 2012
  - (b)
  - (c)
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty
  - (b) after a plea of not guilty X
  - (c) after a plea of nolo contendere
7. Did you appeal from the judgment of conviction or the imposition of sentence?  
    Yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
    - I. South Carolina Court of Appeals
    - ii.
    - iii.
  - (b) the result in each such Court to which you appealed:
    - I. Withdrew the appeal
    - ii.
    - iii.
  - (c) the date of each such result:
    - I. October 24, 2014
    - ii.
    - iii.
  - (d) if known, citations of any written opinion or orders entered pursuant to such results:
    - I.

ii. —

iii. —

9. If you answered "no" to (7), state your reasons for not so appealing:

(a) No issue had merit.

(b) —

(c) —

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) 1. Trial Counsel was ineffective in cross examining co-defendant

2. Trial counsel failed to properly ask for a directed verdict

3. Trial counsel failed to request jury instruction on the jury agreeing on means of death.

4. Trial counsel failed to require the state to elect as to their theory of the case.

5. Trial counsel failed to object to the mug shot of co-defendant being introduced.

6. Trial counsel failed to object to the expert of the state using hearsay testimony to form her opinion.

7. Trial counsel failed to properly cross examine the expert for the state.

8. Trial counsel failed to object to picture of my son being introduced.

9. Trial counsel failed to properly cross examine the expert for the state

10. Trial counsel failed to move to quash the indictment.

11. Trial counsel failed to object to an improper charge as to aiding and abetting homicide by child abuse being a lesser included of homicide by child abuse.

12. Trial counsel failed to object to statements about my religious beliefs.

13. Trial counsel failed to object to the appeal to racial prejudice through the testimony of co-defendant.

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

(a) 1. Trial Counsel failed to properly cross examine the co-defendant as to her video taped statement where she admitted to striking my child and this should

Revised 3/2003

have been shown to the jury.

2. Trial counsel failed to ask for a directed verdict on the issue of whether I failed to render medical aid which resulted in the death of my child.

3. Trial counsel failed to ask for an instruction that the jury had to unanimously agree as to the means of causing the death of my child.

4. Trial counsel failed to require the State to elect as to which theory they were going to the jury on as the state argued several different means by which the alleged crime could have been committed /

5. Trial counsel erred in allowing the mug shot of the co-defendant to be introduced showing she had bruises that were old and could not have been inflicted by the applicant. The State used the picture as evidence of abuse by the applicant and in their closing argumnet. Tr. at 665. Trial Counsel also failed to object to testimony from the co-defendant that I had abused her. The testimony violated Rule 404b.

6. Trial counsel failed to object to the expert for the state relying upon the out of court statements of witnesses and thus deprived me of my right to confront the witnesses against me in violation of Crawford v. Washington, 541 U.S. 36 (2004)

7. The trial counsel failed to object or question the expert for the state about the expert relying upon the false statement made by the co-defendant in her confession.

8. Trial consel failed to object to the picture of my son showing some bruises when the evidence established that I was never accused of striking my son in the face.

9. Trial counsel failed to question the validity of the opinion of the expert when the testimony of the expert was based upon inconsistent facts as to the number of seizures and the timing of the seizures and as to the timing of the alleged abuse.

10. Trial counsel failed to move to quash the indictemnt as the facts alleged there were so vague that the jury could have convicted me for failing to render aid while I was at work and by contending that I failed to prevent the co-defendant from inflicting injuries while I was at work.

11. Trial counsel failed to object to the judge charging that aiding and abetting

Revised 3/2003

homicide by child abuse is a lesser included offense of homicide by child abuse.

12. Trial counsel failed to object to the testimony as to my religious beliefs or lack of religious beliefs as to a belief in God. On pages 198 to 199 the co-defendant was permitted to testify as to my lack of a belief in God. Such testimony violates Rule 610 of the South Carolina Rules of Evidence.

13. Without objection, the state was permitted to elicit testimony from my co-defendant that I was racially prejudiced. This testimony was not relevant to any issue at trial. This is found on page 199 of the transcript.

(b) —

(c) —

12. Prior to this application have you filed with respect to this conviction:

(a) any petition in a State Court under South Carolina Law? No

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No

(d) any other petitions, motions or applications in this or any other Court? No

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

I. N/A

ii. —

iii. —

iv. —

(b) the name and location of the Court in which each was filed:

I. N/A

ii. —

iii. —

iv. —

(c) the disposition thereof:

I. N/A

Revised 3/2003

- ii. —
- iii. —
- iv. —

(d) the date of each such disposition:

- I. N/A
- ii. —
- iii. —
- iv. —

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- I. N/A
- ii. —
- iii. —
- iv. —

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- I. N/A
- ii. —
- iii. —

(b) the proceedings in which each ground was raised:

- I. N/A
- ii. —
- iii. —

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) The issues raised here can only be raised in a Post Conviction Relief application.

Revised 3/2003



the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Boye Will

SWORN to and subscribed before me this 17<sup>th</sup>  
day of May, 2018.

[Signature] (L.S.)  
Notary Public

My Commission Expires: 12/7/2019

**APPLICATION TO PROCEED WITHOUT PAYMENT  
OF COSTS AND AFFIDAVIT  
IN SUPPORT THEREOF**

I, \_\_\_\_\_, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

\_\_\_\_\_  
*Applicant*

SWORN or affirmed to and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_  
*Notary Public*

My Commission Expires: \_\_\_\_\_

STATE OF SOUTH CAROLINA  
COUNTY OF BERKELEY

COURT OF COMMON PLEAS  
2015-CP-08-2034

ROGER WILLIAMS, )  
 )  
 Applicant, )  
 )  
 -vs- )  
 )  
 STATE OF SOUTH CAROLINA, )  
 )  
 Respondent. )

TRANSCRIPT OF RECORD  
May 23, 2018  
Charleston, South Carolina

B E F O R E:

The Honorable Roger M. Young, Sr., Judge.

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

Clarence Rauch Wise, Esquire  
Attorney for the Applicant

Kelly Oppenheimer, Esquire  
Attorney for the Respondent

Amanda K. Haffenden, RPR, CRR  
Circuit Court Reporter

## E X A M I N A T I O N S

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RE CROSS</u>
James Falk	6 --	38 --	47 57	53 --
Roger Williams	60	70	--	--
Anne Williams	84	94	--	--

## E X H I B I T S

<u>APPLICANT'S</u>	<u>DESCRIPTION</u>	<u>MARKED</u>	<u>ADMITTED</u>
1	Applicant's Motion to Disclose Rule 404(b)	8	8
2	Booking Photograph of Grace Trotman	18	18
3	DVD of Trotman Interview and Photographs	26	26
4	Photograph of Victim	28	28
5	DVD of Interview of Grace Trotman	108	108

1 (May 23, 2018.)

2 THE COURT: All right. If everybody is here,  
3 we'll start.

4 MS. OPPENHEIMER: May it please the Court:  
5 This is Roger Williams versus the State of South  
6 Carolina, docket number 2015-CP-08-2034. During its  
7 September 2010 term, the Berkeley County grand jury  
8 indicted applicant for homicide by child abuse and  
9 unlawful conduct towards a child. Thereafter, during its  
10 November 2010 term, the Berkeley County grand jury  
11 indictment applicant for destruction and desecration of  
12 human remains. James Falk, Esquire represented him on  
13 these charges.

14 On September 18, 2012, applicant appeared  
15 before the Honorable R. Markley Dennis, Jr. and pled  
16 guilty as indicted for desecration of human remains.  
17 Sentencing was deferred. Applicant then appeared before  
18 Judge Dennis and a jury on October 8 through 11, 2012 on  
19 the remaining two charges. Jury convicted applicant as  
20 indicted, and Judge Dennis sentenced him to a term of  
21 imprisonment of life without the possibility of parole  
22 for homicide by child abuse and a concurrent term of ten  
23 years imprisonment on the desecration of human remains  
24 and unlawful neglect of a child.

25 Applicant filed a timely notice of appeal,

1 and appellate defender Susan B. Hackett of the South  
2 Carolina Commission on Indigent Defense, office of  
3 appellant defense perfected an appeal on applicant's  
4 behalf. Following briefing, the Court of Appeals issued  
5 a written order on October 24, 2014 indicating applicant  
6 wished to withdraw his appeal; therefore, the Court of  
7 Appeals dismissed the appeal. Remittitur was issued on  
8 November 19, 2014.

9 On August 27, 2015, applicant filed an  
10 application for post-conviction relief alleging  
11 ineffective assistance of counsel and prosecutorial  
12 misconduct. The State made its return on June 2, 2016  
13 requesting an evidentiary hearing be held. Thereafter,  
14 through his counsel, applicant has amended his  
15 application twice to include various allegations of  
16 ineffective assistance of counsel. Applicant is present  
17 today and is represented by Rauch Wise.

18 THE COURT: All right. You ready?

19 MR. WISE: The one housekeeping thing is, is  
20 there any way we can release his right hand so he can  
21 make some notes for me?

22 THE COURT: Sure.

23 MR. WISE: Secondly, I met with Mr. Williams  
24 and talked with the Attorney General's office, and there  
25 are several grounds, if you have a copy of the amended

1 application, and the amended application should be 1  
2 through 13 on page 3.

3 THE COURT: Give me a second. I was looking  
4 at it earlier. This has only got nine.

5 MS. OPPENHEIMER: It's page three.

6 THE COURT: I have two amended applications,  
7 but they appear to be the same thing. Maybe that's --

8 MR. WISE: I sent one to the clerk last week.  
9 I hope I didn't send the wrong one.

10 MS. OPPENHEIMER: May I approach, Your Honor?

11 THE COURT: Those appear to be the same  
12 thing.

13 MR. WISE: We've got an extra one, 1 through  
14 13 on page 3.

15 After discussing with Mr. Williams and after  
16 further evaluating the matter, particularly doing a lot  
17 of reading yesterday, we are withdrawing the following  
18 numbers so you can mark through these: Number three,  
19 number six, number seven, number nine, and number eleven.

20 THE COURT: All right.

21 MR. WISE: The State, in discussing this  
22 morning, allowed me to add 14, which dealt with his  
23 admissibility of his video interview, not on Miranda  
24 grounds, but on the grounds that the officer in the  
25 interview is constantly telling Mr. Williams that he's

1 not telling the truth and needs to be truthful. It's  
2 testimony that got in front of the jury through this  
3 video that the officer no \* -- so it's strictly a legal  
4 issue.

5 MS. OPPENHEIMER: Your Honor, we would just  
6 amend that just a little bit because we were made aware  
7 of this allegation this morning. At the conclusion of  
8 the hearing, we would just ask to be able to supplement  
9 with briefing or anything afterwards if we feel like  
10 we're not able to fully argue that issue because of the  
11 late notice by Mr. Wise.

12 MR. WISE: I have no problem with that. I  
13 don't believe it will lead to additional testimony, but I  
14 could be wrong. I would be surprised if it does.

15 THE COURT: All right.

16 MR. WISE: I call Mr. Falk.

17 JAMES FALK,

18 having been first duly sworn,  
19 was examined and testified as follows:

20 DIRECT EXAMINATION

21 BY MR. WISE:

22 Q. What's your occupation?

23 A. I'm an attorney.

24 Q. How long have you been practicing the law?

25 A. I was licensed in 1984.

1 Q. Did you come to represent Roger Williams in this  
2 case?

3 A. Yes.

4 Q. Tell us basically how it came about.

5 A. At the time I was working with the Bush Law Group,  
6 and I believe they had contacted the Bush Law Group for  
7 legal representation. I was the guy to do the case.

8 Q. Okay. I believe he was in jail at the time?

9 A. No, he was not.

10 Q. So when did your representation of him start,  
11 roughly?

12 A. I know it was pretty truncated because the trial  
13 date had already been set, and maybe a couple months, but  
14 I don't have the exact date.

15 Q. It wasn't like a year or two.

16 A. No, it was not.

17 Q. And in this case, your basic defense was what?

18 A. I was trying to generate reasonable doubt by  
19 having the jury see that it was Grace Trotman is the one  
20 that, you know, hit the final blow.

21 Q. She's the one that pled guilty?

22 A. That's the causation, yeah.

23 Q. You concede there was aggravating facts in this  
24 case against Mr. Williams independent of the child abuse?

25 A. There were some bad facts.

1 Q. And you made the decision one time to enter a plea  
2 to desecration of human remains?

3 A. Yes. Short answer, yes.

4 Q. In order to kind of --

5 A. I thought it was a strategy to try to keep a lot  
6 of the really bad photographs out because they would not  
7 be relevant to the charge, but everything is relevant to  
8 the desecration charge.

9 Q. All right. And is there any real dispute of that  
10 charge based on the statement?

11 A. No.

12 Q. All right. Now, you made a motion in this case  
13 for 404(b) evidence.

14 A. Yeah.

15 Q. I hand you this and ask if you recognize that as a  
16 copy of the motion.

17 A. Yeah. Let me just look at the date.

18 MR. WISE: I would like to introduce this as  
19 Applicant's 1.

20 MS. OPPENHEIMER: It's part of the record.  
21 It's attached to the clerk's records.

22 THE COURT: Okay. It's admitted.

23 (Applicant's Exhibit 1 marked for  
24 identification and admitted into evidence.)

25 BY MR. WISE:

1 Q. And the purpose of this motion was basically what?

2 A. For the State to tell me what 404(b) kind of Lyle  
3 testimony they were planning on introducing.

4 Q. Did they ever respond to it?

5 A. I believe so.

6 Q. Do you know what they said they were going to  
7 introduce as 404(b)?

8 A. Not specifically.

9 Q. Okay. So if there's a response, it obviously  
10 wasn't a written response or was it verbal?

11 A. Yes.

12 Q. Verbal response?

13 A. Yes.

14 Q. Now --

15 A. If there is a pleading, then there -- I don't  
16 recall seeing a written response. If it's in the record,  
17 it's in the record.

18 Q. And I'll concede it's not unusual to get a verbal  
19 response on these motions.

20 A. Right.

21 Q. Let's look at the transcript on page 196 at  
22 lines -- basically, it's one through five. Basically,  
23 one through five of 196.

24 A. Yes.

25 Q. And I believe it actually starts from the

1 beginning of 195, and the question was, at line 21 on  
2 195: Why were you staying with your mom?

3 And the answer was: Because something  
4 happened between me and Box.

5 Question: What happened?

6 Answer: He abused me.

7 How?

8 Ripping my hair out, throwing me around the  
9 house, hitting and boxing me.

10 Were you pregnant then?

11 Yes, ma'am.

12 That was another bad act, alleged bad act by  
13 Mr. Williams?

14 MS. OPPENHEIMER: Objection, Your Honor.  
15 He's testifying and leading the witness.

16 MR. WISE: All right. I'll rephrase the  
17 question.

18 BY MR. WISE:

19 Q. What does that allege that Mr. Williams did?

20 A. That he struck her.

21 Q. And is that commonly called what in the criminal  
22 code?

23 A. Domestic violence.

24 Q. All right. Is that a crime?

25 A. Yes.

1 Q. Is that a crime for which he wasn't on trial?

2 A. Yes.

3 Q. All right. Was an objection made to that?

4 A. No. I don't know if it was, but it doesn't look  
5 like there was.

6 Q. Okay. Did the State ever tell you they were going  
7 to use that as 404(b) evidence?

8 A. I have to say I do not recall.

9 Q. All right. Let's look again on page -- I think  
10 it's 316, at lines 10 through 12, all right? And the  
11 question was asked on direct examination of Ms. Trotman:  
12 What do you mean, get in trouble?

13 Answer: Like, either he be cursing me out  
14 bringing me down or be hitting me.

15 Do you remember that from reading it?

16 A. I see it now, right.

17 Q. I'm sure you don't remember from the trial itself.

18 A. Yeah.

19 Q. And does that mention a crime in there?

20 A. I guess the answer is the same as the prior  
21 testimony.

22 Q. Right, mentioned the crime of CDV, and was there  
23 any objection to that crime?

24 A. No.

25 Q. All right. Now, let's turn to 423, and this is

1 the testimony of another witness, Ishmael Rivers, who  
2 was, I believe, a jailhouse informant of some sort.

3 And on 423, line 21, the question I have,  
4 what did he say about their relationship -- back up a  
5 little bit. Line 18, the question was: Did Mr. Williams  
6 tell you or talk to you about his relationship with Grace  
7 Trotman?

8 And the answer was: A little bit.

9 And then the question was: What did he say  
10 about that relationship?

11 And the answer was: That he used to beat her  
12 up. Whatever.

13 All right. Also, is that a crime in South  
14 Carolina?

15 A. Same answer.

16 Q. And was there an objection raised to that  
17 question?

18 A. No, there was not.

19 Q. Now, let's go to closing arguments on page 665,  
20 and go to lines 6 through 7, and in the closing  
21 arguments, there, the State argues: Y'all saw how he  
22 treats Grace, how he treats all these women.

23 You saw that?

24 A. Yeah.

25 Q. All right. And do you know or based upon the

1 trial what that was a reference to?

2 A. What I presume the reference to was that he had  
3 multiple romantic relationships going on at the same  
4 time.

5 Q. Was it also in reference to the alleged misconduct  
6 that she had previously testified about?

7 A. I guess the record will speak to that, but that is  
8 what I assume we were talking about.

9 Q. And so would it be fair to say -- did the State  
10 use that other bad conduct in their closing argument?

11 MS. OPPENHEIMER: Objection. Leading.

12 MR. WISE: All right. Rephrase it.

13 BY MR. WISE:

14 Q. Did the State introduce evidence of other bad  
15 conduct?

16 A. If you want to point me to an example --

17 Q. Well, the example I just gave you about the CDV.

18 A. They introduced that, that's correct.

19 Q. Did they mention that in their closing arguments?

20 A. I don't see where it was mentioned.

21 Q. You don't see it on page 665?

22 A. I guess you and I can disagree. My whole closing  
23 argument was talking about the two-timing, triple-timing  
24 that was going on, and that's what I really thought.

25 Q. The what?

1       A. That he was having multiple romantic relationships  
2 going on at the same time, so Ms. Trotman was watching  
3 somebody else's child, that there was some overlapping  
4 time where they got together. That's what I thought we  
5 were talking about there.

6       Q. Okay. Now, on page 201 of the transcript,  
7 starting at line 21 and continuing on the next page to  
8 line 3 --

9       A. Yes.

10      Q. And this was direct examination of Grace Trotman.

11      A. Yes.

12      Q. And the question was asked: Do you know if Roger  
13 had an opinion that he expressed to you about those  
14 songs?

15                   Do you know what those songs were referencing  
16 to?

17      A. I guess I'm looking back over this and your  
18 conversation with me earlier. I guess that's an  
19 allegation or they want the jury to draw an inference  
20 that he is not a Christian.

21      Q. We'll get to that in a minute. When the question  
22 is made: He didn't let him sing the songs, do you know  
23 what songs he was talking about?

24      A. No, I don't.

25      Q. Then we probably need to go back a little bit

1 to -- let's go back to 201, to the line about -- line 16  
2 on 201 and the question was asked what kind of child was  
3 the minor child, and she answered: Very happy. He liked  
4 to sing. He always --

5 What would he sing?

6 Church songs he learned in school.

7 A. Okay.

8 Q. So those would be the songs he was referring to.

9 A. All right.

10 Q. And then they continue after that: Why not?

11 Because he was, like, he wanted to -- he  
12 didn't believe in God. I mean, he didn't believe in  
13 Jesus, and so he didn't want his son singing songs like  
14 that.

15 Was that bringing his religious belief -- do  
16 you have an opinion as to whether or not that brought his  
17 religious beliefs into play in this case?

18 A. I guess -- yeah, I think you can draw that  
19 conclusion.

20 Q. In any of the discovery, did you have any  
21 indication that question was going to be asked?

22 A. No.

23 Q. Had any conversation with the solicitor's office,  
24 any indication that question would be asked there?

25 A. There was so much I was worried about. I don't

1 remember anything about these songs.

2 Q. And you had a lengthy interview with her with the  
3 police that went on for several hours?

4 A. That's right.

5 Q. And do you recall if anything about his not  
6 believing in God was in that interview?

7 A. No, I don't.

8 Q. And you didn't make an objection to that.

9 A. Well, I did not, but I had -- you want me to  
10 explain my answer?

11 Q. Sure, because if I don't, she will.

12 A. Okay. Well, my theory here was that the worst  
13 thing -- clearly, I wasn't anticipating that response,  
14 and I really did think that that was the worst thing that  
15 they were going to hear, but I certainly didn't want to  
16 remind the jury again and again by bringing it up in  
17 objections and highlighting it. I was hoping it would  
18 sort of play through it. Obviously, it reads worse than  
19 the transcript does, if you're listening from the jury  
20 box.

21 Q. One of those things that the more you mention it,  
22 the worse it gets?

23 A. Yes.

24 Q. So the theory, while you didn't like it --

25 A. I can't tell you that was my theory, but if that

1 happened today, that would be my theory, and I'm assuming  
2 that's what happened then.

3 Q. Are you familiar as we sit here today -- and I  
4 apologize for not bringing a copy of Rule 610 from the  
5 South Carolina rules of evidence about religious beliefs.

6 A. Right.

7 Q. All right. Let's go to page 202, lines 13 through  
8 18, and this, again, is during Grace Trotman's testimony,  
9 all right?

10 And the question was asked: Did Roger tell  
11 you what he thought about the school?

12 You're reading along with me?

13 A. Yes.

14 Q. Okay. Do you recall what Roger thought about the  
15 school or didn't think about the school even being  
16 relevant to this case?

17 A. No, I don't.

18 Q. And the answer was: He didn't want him to go to  
19 school. He feel like he was going to teach him what he  
20 needed to know. He didn't want white people to teach his  
21 kids.

22 A. Yes.

23 Q. Had you seen any indication in any of her  
24 testimony prior to this that she would say Roger Williams  
25 is prejudiced against white people?

1 A. No.

2 Q. Was there an objection made to that?

3 A. No. That would be the same -- I would assume it's  
4 the same reasoning.

5 Q. On page 254, we get to the booking photo of Grace  
6 Trotman, and beginning at line 15: And do you recall  
7 that being the booking photo of Grace Trotman?

8 A. Yes.

9 MR. WISE: I'd like to introduce this as  
10 Applicant's 2, which is a copy of State's Exhibit 55 at  
11 trial.

12 MS. OPPENHEIMER: No objection.

13 THE COURT: Admitted.

14 (Applicant's Exhibit 2 marked for  
15 identification and admitted into evidence.)

16 BY MR. WISE:

17 Q. I show you Applicant's 2, and it's a picture of  
18 Grace Trotman, and on that, her left eye appears to be a  
19 black eye?

20 A. I'll let the photo speak for itself.

21 THE COURT: You're on page 254?

22 THE WITNESS: 264.

23 THE COURT: Okay.

24 BY MR. WISE:

25 Q. There was no objection to that picture?

1 A. No.

2 Q. Give me one second. And going back to page 665 of  
3 the transcript, in the closing argument where the State  
4 again made reference to how Mr. Williams treats  
5 Ms. Trotman, correct?

6 A. Yes.

7 Q. Could the jury make a connection that this picture  
8 is an indication of --

9 MS. OPPENHEIMER: Objection. He can't speak  
10 to what the jury may or may not have taken into account.

11 MR. WISE: Let me rephrase the question.

12 BY MR. WISE:

13 Q. The picture, Applicant's 2, that was taken when  
14 she was arrested, wasn't it?

15 A. That's correct.

16 Q. All right. How long had she and Mr. Williams been  
17 separated at the time that she was arrested?

18 A. I do not recall.

19 Q. Do you recall any testimony at all in this record  
20 from Ms. Trotman that Mr. Williams inflicted those  
21 injuries on her?

22 A. I do not recall.

23 Q. On page 300 of the transcript is when you  
24 attempted to introduce a video interview with  
25 Ms. Trotman.

1 A. Yes.

2 Q. Tell us about that.

3 A. Well, there's a part at the very end of the video  
4 that I thought would be helpful, where she shows -- she  
5 sort of demonstrates -- she demonstrates how she struck  
6 him, and I'm not sure if she demonstrated how his head  
7 had turned -- I can't recall, but I just remember her  
8 demonstrations, that I thought would be helpful.

9 Q. Is it a dramatic moment in the video?

10 A. I mean, it was at the end. Tension was sort of  
11 building through the video, yeah.

12 MR. WISE: Your Honor, I would like to  
13 introduce the video of that interview.

14 THE COURT: All right.

15 MS. OPPENHEIMER: Your Honor, I haven't seen  
16 this video at all. It's hearsay, if it's her interview.

17 MR. WISE: Yes and no. It's a video that he  
18 attempted to introduce at trial and did not preserve for  
19 appellate purposes, and I think it's very relevant to Mr.  
20 Williams' defense.

21 THE COURT: So the trial Court denied it?

22 MR. WISE: That's correct.

23 THE COURT: They didn't proffer it?

24 MR. WISE: No.

25 MS. OPPENHEIMER: No, that's -- he attempted

1 to introduce it twice. There was an offer and a bench  
2 conference, both times, and Mr. Falk moved on, but  
3 Ms. Trotman during testimony never denied anything she  
4 said in that video. She actually explained that she made  
5 a mistake, and she ended up demonstrating this action at  
6 trial, and it was just for impeachment purposes so it  
7 wouldn't come in as a prior inconsistent statement. She  
8 never --

9 THE COURT: So what's your theory on  
10 introducing it?

11 MR. WISE: The theory on it is -- the theory  
12 on it is this: She shows hitting this child and the  
13 child hitting his head against the wall right before he  
14 died. All right?

15 THE COURT: Okay.

16 MR. WISE: It's a moment in the video. They  
17 may have been talking to her for a good two hours, and I  
18 don't expect the Court to look through this for two  
19 hours, but I can tell you where to look. At one point,  
20 the officer says, basically, I know you're holding back.  
21 Tell me what you know. Tell me what you know.

22 She breaks down and starts crying and then  
23 demonstrates how she hit the child and the child's head  
24 hit the wall. At the trial, she testified the child fell  
25 to the floor and then his hit head on the wall, which is

1 a little different.

2 MS. OPPENHEIMER: Your Honor, on page 300 of  
3 the record, she's asked if she could demonstrate how she  
4 hit the victim. She did demonstrate that. She also  
5 testified that on this video and through her interview  
6 she showed how the victim fell to the floor and fell back  
7 and hit his head on the wall.

8 She never denied making those statements at  
9 all. She admitted it. It was brought out through  
10 cross-examination. It's improper extrinsic evidence of a  
11 prior inconsistent statement when she doesn't ever deny  
12 making those statements, and she actually demonstrated  
13 how she hit the victim in the courtroom, in front of the  
14 jury.

15 MR. WISE: Let me clarify some things for Mr.  
16 Falk, if I may.

17 BY MR. WISE:

18 Q. You were in the courtroom, obviously, when she  
19 testified?

20 A. Yes.

21 Q. Was her courtroom testimony as dramatic as this  
22 videotape?

23 A. Her courtroom testimony was dramatic, whether it  
24 was that particular point with, you know --

25 Q. What was -- let me go back. What was your purpose

1 in wanting to introduce this evidence?

2 A. I was trying to get it in as a prior inconsistent  
3 statement, so I was trying to get her to deny that she  
4 did it.

5 Q. In the trial, she admitted hitting the child on  
6 the shoulder or the hand?

7 A. Whatever she's testified to. I'm sorry. I don't  
8 have that.

9 THE COURT: So what you're -- I guess your  
10 basis for putting it in was that he should have proffered  
11 it so the appellate Court could have reviewed it?

12 MR. WISE: Definitely that, because I think  
13 it is probative, and I think it is pretty dramatic.

14 THE COURT: Okay.

15 MR. WISE: All right.

16 THE COURT: Well, I'll allow it in, then, if  
17 that's what your theory is. Ultimately, the judge didn't  
18 agree, but he didn't proffer it so that the appellate  
19 Court could review it, and that's why you're saying he's  
20 ineffective.

21 BY MR. WISE:

22 Q. I believe your testimony was that you attempted to  
23 introduce the tape and the judge denied it, the video,  
24 and the judge denied it.

25 A. That's correct.

1 Q. And did you make a proffer on the record?

2 A. I did not.

3 Q. And show it to the judge or --

4 A. I did not.

5 Q. Did you introduce it as a Court's exhibit for  
6 purpose of appellate review?

7 A. No.

8 Q. Okay. Let's turn to page 331, and at that point,  
9 beginning at line 7, they introduce the picture of his  
10 son.

11 A. Uh-huh.

12 Q. Allegedly showing he had a black eye and a bump on  
13 the head.

14 A. Yes.

15 Q. Okay. Do you know from the testimony when that  
16 bump allegedly occurred?

17 A. No.

18 Q. All right. Do you recall it being back in March  
19 of the year of this incident?

20 A. Is that from the transcript?

21 Q. Yeah. I'm trying to find that page too.

22 A. I'm not going to have an independent recollection.  
23 Whatever it says in the transcript.

24 Q. I believe -- let me see if my client's got that  
25 page. 345, at line 19 through 20, and she says, Maybe

1 the spring of 2010, correct?

2 A. Yes.

3 Q. So this was some month or two, at least, before  
4 this incident.

5 A. Could you remind me -- I know this trial was in  
6 2012.

7 Q. June 7th.

8 A. Yeah.

9 Q. Okay? All right. Now, the scientific testimony  
10 in this case was basically what about if you hit your  
11 head and have a concussion?

12 A. It's -- I know the terminology was axonal damage.  
13 There's connective tissue in the brain that gets damaged  
14 each time.

15 Q. And how long do you have to be careful with a  
16 child, do you remember that?

17 A. I don't remember.

18 MS. OPPENHEIMER: Objection. He's not a  
19 doctor. He can't testify as to the results of brain  
20 damage.

21 MR. WISE: I'm asking about the testimony  
22 from the trial, from the expert, if he recalls that.

23 THE COURT: Go ahead.

24 THE WITNESS: In general, but not specific.

25 BY MR. WISE:

1 Q. You recall generally it was a couple weeks?

2 A. Maybe even more general than that. I'm not trying  
3 to be hard. I just do not remember.

4 Q. Transcript will show what it says.

5 A. Exactly.

6 Q. Did you raise an objection -- let me see. Do you  
7 recognize that as an exhibit that was introduced?

8 A. Yes.

9 MS. OPPENHEIMER: We have no objection.

10 (Applicant's Exhibit 3 marked for  
11 identification and admitted into evidence.)

12 BY MR. WISE:

13 Q. Did you raise an objection to the picture --

14 A. I did not.

15 Q. Let me go through -- on the ground that it  
16 couldn't be relevant to the injury the child allegedly  
17 suffered in June?

18 A. I did not.

19 Q. Okay.

20 MR. WISE: Excuse me one second again.

21 BY MR. WISE:

22 Q. They also had an interview with Roger Williams?

23 A. That's correct.

24 Q. And it lasted long?

25 A. It was long.

1 Q. It wasn't a few minutes?

2 A. Yes.

3 Q. It was introduced?

4 A. Yes.

5 Q. Do you recall in that interview, did the  
6 interviewing officer on a regular, constant basis,  
7 basically telling Roger, You're not telling the truth.  
8 Be honest with us, something like that, words to that  
9 effect?

10 A. I can tell you I certainly recall that testimony  
11 in her interview. I don't specifically -- it would not  
12 surprise me if it was there.

13 Q. Okay. Did you pose any objection to that  
14 interview based on not Miranda, he clearly was given  
15 Miranda warnings, but that the officer in that interview  
16 was constantly telling Mr. Williams that: You're not  
17 telling the truth, be honest with us, and stuff like  
18 that?

19 A. No, I did not.

20 Q. So you didn't interpose an objection based upon  
21 basically the officer's testifying --

22 MS. OPPENHEIMER: Objection. Asked and  
23 answered.

24 MR. WISE: Let me rephrase it then.

25 BY MR. WISE:

1 Q. Would the officer be able to testify to something  
2 like that from the witness stand in the courtroom?

3 A. I would doubt it.

4 MR. WISE: I would like to introduce this as  
5 the next applicant's exhibit.

6 MS. OPPENHEIMER: No objection.

7 (Applicant's Exhibit 4 was marked for  
8 identification and admitted into evidence.)

9 BY MR. WISE:

10 Q. Now, in your directed verdict motion, and it's on  
11 page 618, beginning at line 9 and runs through the end of  
12 that page and, I think, the first line of the next page,  
13 review that quickly for me, if you would.

14 A. Yes.

15 Q. The State's theory in this case as to how Mr.  
16 Williams is culpable is based on two premises?

17 A. Okay.

18 Q. Do you remember what they are?

19 A. Well, I think the issue in the case is whether or  
20 not he was the cause of the child's death.

21 Q. Through what means?

22 A. My recollection of the expert's testimony was that  
23 it was repeated axonal damage, whatever that was.

24 Q. Did the State allege it was also done by active  
25 omission, not calling the ambulance?

1       A. It was my -- it was sort of my sense of what was  
2 going on that they were just trying to -- failure to call  
3 the ambulance, I thought the State was trying to argue,  
4 you know, evidence of guilt, that, you know --

5       Q. All right.

6       A. Evidence of a guilty conscious and doesn't want to  
7 call the ambulance. That's what I thought their argument  
8 was.

9       Q. Do you remember the testimony about Grace's call  
10 to Mr. Williams at his place of employment?

11      A. Yes.

12      Q. And I believe she testified and I believe the  
13 person at the place of employment testified that she said  
14 the child was not breathing.

15      A. Okay. I remember an issue about this telephone  
16 call. It would not surprise me if that's what the  
17 testimony was.

18      Q. If you look on page 330, line 16 through 20 -- let  
19 me look at it again. 230, excuse me. I don't see how I  
20 got 330 out of that.

21      A. All right.

22      Q. During Ms. Trotman's testimony, the question was  
23 asked: Was he breathing?

24                Answer: No.

25                And did they bring Roger to the phone?

1                   So that was obviously not when she was  
2 calling Mr. Williams.

3           A. Right.

4           Q. So the testimony was he was not breathing when she  
5 called Mr. Williams?

6           A. Right.

7           Q. And I'll let you -- you brought that out on  
8 cross-examination, right? Did you ever think of asking  
9 for a directed verdict on the issue of aiding and  
10 abetting, or at least a jury instruction, that the  
11 jury -- in order for the jury to convict him of homicide  
12 through omission, not rendering aid, that the child had  
13 to be alive when he found that out?

14          A. No.

15          Q. Would you agree that you cannot commit the crime  
16 of homicide by child abuse through failure to render  
17 medical aid if the child is already dead?

18                   MS. OPPENHEIMER: Objection. Counsel is  
19 testifying.

20                   THE COURT: What's your objection?

21                   MS. OPPENHEIMER: Counsel is testifying.  
22 Leading the witness.

23                   THE COURT: It is a convoluted question, but  
24 I don't know of a different way to ask it.

25 BY MR. WISE:

1 Q. Part of homicide by child abuse is failing to  
2 render aid, act of omission.

3 A. Okay.

4 Q. If someone is dead, could failure to render aid be  
5 a basis for a conviction?

6 A. If someone is dead?

7 Q. When they find out about the problem.

8 A. I think that would be an argument to be made.

9 Q. That wasn't made at the directed verdict motion?

10 A. No.

11 Q. All right. Now, look at page 668 of the  
12 transcript, the closing arguments of counsel for the  
13 State, line 25 through the top of the next page, all  
14 right, where the State argued that: Even if you don't  
15 believe the act, what about the failure to act? I will  
16 quote the person who knows the best, and that's the  
17 defendant. In the tape, he said something that was very,  
18 very true, and who would know better than him? He said,  
19 We didn't call the ambulance. That's what makes both of  
20 us guilty.

21 A. Okay.

22 Q. All right? And, obviously, is the reference there  
23 to the last incident?

24 A. I believe so.

25 Q. So based upon that argument, would it be correct

1 to say that the State's theory was that Mr. Williams'  
2 failing to call the ambulance after Grace called him  
3 would render him liable?

4 A. Can you repeat --

5 Q. Excuse me?

6 A. Again, I really thought the State's theory was  
7 that the repeated history of --

8 Q. I understand that.

9 A. Right. Okay.

10 Q. I think the closing arguments shows they actually  
11 had two theories, that and the omission, but, clearly,  
12 they're talking about he's liable if he didn't call the  
13 ambulance after Grace called him.

14 A. Okay.

15 Q. And if the child is dead, he can't be guilty.

16 A. Right.

17 Q. Look also on page 678, where they again argue at  
18 line 15: That is a fact they both agree on, and he said  
19 it best himself. Neither of them would call the  
20 ambulance, and that means they are both guilty.

21 A. Okay.

22 Q. Again, that's the omission aspect of homicide by  
23 child abuse, correct?

24 A. All right.

25 Q. Okay. And then on 691, at line 9, the State

1 argues: If the child is not breathing, of course you'd  
2 call an ambulance, unless you got something to hide.

3           Again, it's the omission aspect of homicide  
4 by child abuse, isn't it?

5       A. I don't know.

6       Q. All right. Backing up just a moment, on 692, on  
7 lines 6 through 8, even the State argued she tells  
8 everybody in the neighborhood that he is not breathing,  
9 didn't he?

10      A. Yes.

11      Q. Which is a correct recitation of the facts?

12      A. Yes.

13      Q. All right. Let's go to 694, beginning line 16,  
14 where the State argued he didn't call the ambulance after  
15 any of the seizures, and he certainly didn't call the  
16 ambulance after the last seizure.

17      A. Yes.

18      Q. That's again the argument about the act of  
19 omission being the basis for that conviction.

20      A. Okay.

21      Q. And then 695, at line 6, they again argue:  
22 There's Mr. Williams' quote. We didn't call the  
23 ambulance, and that's what makes us both guilty. Again,  
24 I said this before. Harm is not just inflicting, it is  
25 allowing it to be inflicted, and, again, that was arguing

1 the act of omission, correct?

2 A. Okay.

3 Q. All right. I mean, would you agree that's what  
4 the State was attempting to argue there?

5 A. All right.

6 Q. So based upon this, not all, but a good portion of  
7 that argument based upon Mr. Williams saying, I didn't  
8 call the ambulance on the day that Grace called me, and  
9 the State was arguing that's the basis for the  
10 conviction?

11 A. That's what, you know -- yes. Whatever the  
12 State's closing argument is, is what it was.

13 Q. Excuse me?

14 A. The State made the closing arguments on the  
15 record.

16 Q. And said what it says?

17 A. And said what it says.

18 Q. Now, did you ever make a motion to quash the  
19 indictment in this matter?

20 A. No.

21 MR. WISE: I'd like to introduce this as a  
22 copy of the indictment.

23 MS. OPPENHEIMER: It's already in my packet  
24 that you have, Your Honor. It's already in the record.  
25 It was included with the State's return, so I don't think

1 it's necessary to introduce it, but if he wants to, he  
2 can.

3 MR. WISE: That's fine. Less paperwork the  
4 better.

5 BY MR. WISE:

6 Q. I want to hand you a copy of the indictment in  
7 this case. All right? What does it allege Mr. Williams  
8 did?

9 A. Caused the death of the child while committing  
10 child abuse or neglect, and the death occurred in  
11 circumstances manifesting extreme indifference to human  
12 life. This is in violation of 16-3-85(a)1, to wit,  
13 inflicting or allowing to be inflicted by act or omission  
14 harm on Rodricus Williams, dob 11/08/07, causing his  
15 death and/or failing by act or omission to supply  
16 Rodricus Williams with adequate health care causing harm  
17 resulting in his death.

18 Q. I'll agree that follows the language of the  
19 statute, okay, but does that tell you what Mr. Williams  
20 really did?

21 A. There are no more specific -- they don't allege  
22 any more specific --

23 Q. It doesn't tell you he didn't call the ambulance,  
24 correct?

25 A. Right.

1 Q. Didn't tell you that he permitted Grace to beat  
2 this child up, correct?

3 A. Correct.

4 Q. Didn't tell you that he actually inflicted the  
5 blows.

6 A. No specifics.

7 Q. All right. As opposed to Grace inflicting blows,  
8 correct?

9 A. Correct.

10 Q. So does it put you on really good notice of what  
11 the State expects to prove at the trial?

12 A. I think by the time I walked into this case, I was  
13 on notice of what the State expected to prove because,  
14 again, I think we had about 3,000 pages of discovery.  
15 It's not like I got this at the very beginning. I knew  
16 what they were trying to prove.

17 Q. I understand that. All right. But even you  
18 concede that you thought the State's primary theory was  
19 he inflicted the blows and not act of omission, based  
20 upon the discovery?

21 A. Based upon the discovery.

22 Q. Is that correct?

23 A. Yeah.

24 Q. Turn, please, to page 680 of the transcript, and  
25 this is going back to the issue about the picture of the

1 son, lines 9 through 12, all right? The State argued:  
2 What is kind of chilling about that is that is exactly  
3 what the pathologist says the knot is on his head, what  
4 they see on the scalp after his death. They're talking  
5 about the picture, right?

6 A. Right.

7 Q. So the State used that picture as the basis for  
8 showing that the injuries were inflicted shortly before  
9 the child died, would that be a correct statement?

10 A. I'm not sure what the -- I'm not sure what the  
11 State was doing with that.

12 Q. In reality, the picture was taken a good month  
13 earlier.

14 A. That's what I understand, yeah.

15 Q. All right. If you'll let me assemble my papers,  
16 that's all the questions I have. I, unfortunately, got  
17 them --

18 MR. WISE: Your Honor, for purposes of  
19 this -- I don't know if you want me to play these videos  
20 for you today. I can. I can tell you the only one that  
21 needs to be looked at, only a portion of, is the Grace  
22 Trotman video, and I can give you the times on it as to  
23 where the relevant portion would be.

24 MS. OPPENHEIMER: We would say if you are  
25 going to watch any portion of that video because it has

1 been admitted under the rule of completeness you should  
2 review the entire thing.

3 MR. WISE: Okay. She said that, I did not,  
4 but I understand.

5 THE COURT: I'll look at it later then.

6 MR. WISE: All right.

7 THE COURT: You can tell me where what you  
8 think is important is.

9 MR. WISE: It's at 45 minutes and 10 seconds.

10 THE COURT: Okay.

11 BY MR. WISE:

12 Q. And just one other question I realized I didn't  
13 ask Mr. Falk.

14 In your opening statement, did you make  
15 reference to that video?

16 A. Yes, I did.

17 Q. And you told the jury they would see it?

18 A. Yes, I did.

19 Q. And, unfortunately, they didn't.

20 A. That's correct.

21 MR. WISE: Thank you.

22 THE COURT: Okay.

23 CROSS-EXAMINATION

24 BY MS. OPPENHEIMER:

25 Q. Good afternoon, Mr. Falk. Is it fair to say that

1 you were formally substituted as counsel on June 5, 2012?

2 A. I'm sure it is, yes.

3 Q. So you had ample time to prepare for a trial?

4 A. Yes.

5 Q. And counsel made reference to some 404(b) motions.

6 You did file that?

7 A. Yes.

8 Q. And you had a pretrial hearing on that?

9 A. Yes.

10 Q. And you were really trying to keep out the  
11 applicant's drug use, correct?

12 A. And there were some other issues I thought, yeah.

13 Q. And you were successful in keeping out any  
14 reference to his drug use?

15 A. Yes.

16 Q. Now, your theory of the case was that Ms. Trotman  
17 actually committed the fatal blow. She was the one that  
18 failed to render aid, and she was the one that was truly  
19 guilty of this homicide, correct?

20 A. Yes.

21 Q. And in order to show that, didn't you have to  
22 introduce evidence of the relationship she had with the  
23 applicant to show that she had reason to abuse his child?

24 A. That's what I was trying to do in my closing  
25 argument.

1 Q. And isn't it true that the victim in this case was  
2 actually three months younger than Ms. Trotman's child  
3 with the applicant?

4 A. Yes. If that's what the record said. I know they  
5 were close in age.

6 Q. So your theory was she was jealous of  
7 Ms. Washington, the mother of the victim?

8 A. Yes.

9 Q. And that she was abusing this child because it  
10 wasn't hers.

11 A. Yes.

12 Q. But she was stuck taking care of this child?

13 A. That's what I tried to argue, yes.

14 Q. And there's no denying that the applicant abused  
15 this child, correct?

16 A. I don't believe so.

17 Q. And isn't it true that he said that he was going  
18 to man this child up?

19 A. Yes.

20 Q. He didn't like the way he stood with his hand on  
21 his hip?

22 A. Yes.

23 Q. And isn't it true that the applicant called this  
24 child a faggot?

25 A. I believe so.

1 Q. And so there's no denying that in the three months  
2 or so that the victim was staying with the applicant that  
3 the applicant was repeatedly abusing him, correct?

4 A. Correct.

5 Q. And with reference to the church songs, did  
6 Ms. Trotman introduce that he -- the applicant did not  
7 like the church songs to show a reason why the applicant  
8 might have abused him?

9 A. I don't believe so.

10 Q. You don't think so?

11 A. I'm sorry. What's your question?

12 Q. My question is if there was any testimony about  
13 these church songs. The applicant didn't like it when  
14 the victim sang these songs, correct?

15 A. Correct.

16 Q. And there's no denying that would be yet another  
17 reason why he did not like this child, correct?

18 A. Correct.

19 Q. And with regards to the reference to the  
20 applicant's belief in God, that was the only time it was  
21 mentioned throughout the entire trial, correct?

22 A. I believe so.

23 Q. And it's fair to say that that statement was not  
24 brought up to show that the applicant was not a Christian  
25 but that he abused the victim, correct?

1 A. Correct.

2 Q. And you attempted to introduce the video of  
3 Ms. Trotman, correct?

4 A. That's correct.

5 Q. At any point did she deny making mistakes in her  
6 interview?

7 A. I can't recall. I mean, I think she admitted to  
8 this -- I think she admitted to the actions in the  
9 interview, but -- you mean other types of factual  
10 mistakes?

11 Q. Well, there was a reference that she made a  
12 mistake as to when the seizures took place, correct?

13 A. Okay. Okay.

14 Q. And she never denied that she mixed up those  
15 seizures, when they happened?

16 A. I don't believe so.

17 Q. And she never denied that she indeed hit the  
18 victim?

19 A. No.

20 Q. And she demonstrated that to the Court and the  
21 jury, correct?

22 A. With the spoons.

23 Q. Yes. And she did demonstrate how she hit the  
24 child?

25 A. Yes.

1 Q. And it's fair to say that Ms. Trotman's testimony  
2 at court was dramatic, correct?

3 A. Yes.

4 Q. Just as dramatic as that video of her interview?

5 A. A lot of the testimony was pretty dramatic.

6 Q. And you did try multiple times to get the video  
7 in, correct?

8 A. Yes.

9 Q. And Judge Dennis would not allow you?

10 A. Correct.

11 Q. Do you recall why Judge Dennis would not allow you  
12 to?

13 A. I don't think he thought she had denied it to the  
14 point that I was allowed to bring in the extrinsic  
15 evidence under 613.

16 Q. And with regards to this picture of the victim,  
17 was the State's theory more that there was prolonged  
18 abuse by the applicant?

19 A. I believe so.

20 Q. So this picture would have been relevant to show  
21 that whenever the victim went to stay with the applicant  
22 that he would come back with bruises, correct?

23 A. I think that's fair.

24 Q. And isn't it fair to say that they blamed it on  
25 their other child?

1 A. Yeah.

2 Q. Who was three months older?

3 A. Yeah, yeah. I'm sorry. The child's name was  
4 Ya-Ya or Yo-Yo or something like that.

5 Q. Now, as a tactic during interviews, are you  
6 familiar that law enforcement is allowed to confront the  
7 interviewee with contradictory evidence that they found?

8 A. Absolutely.

9 Q. And would you agree law enforcement is allowed to  
10 say they believe an interviewee is lying?

11 A. Yes.

12 Q. So did you see any reason to object to the  
13 statements of the applicant?

14 A. I did not.

15 Q. Now, with the failure to call 911, it was actually  
16 Ms. Trotman who did not call 911, correct?

17 A. That's correct.

18 Q. She was the one with the victim when he stopped  
19 breathing, correct?

20 A. That's correct.

21 Q. Now, just because Ms. Trotman believed the victim  
22 had stopped breathing, does that, in fact, mean the  
23 victim had stopped breathing?

24 A. Of course you don't -- I don't think there's any  
25 proof as to when the child died.

1 Q. To the point where medical aid could have been  
2 rendered if 911 had been called?

3 A. Possibly.

4 Q. And do you recall Ms. Trotman testifying that she  
5 didn't call 911 immediately and she called the applicant  
6 because that's what she did?

7 A. Yes.

8 Q. And because she was so afraid that she would get  
9 in trouble with the applicant, that that's why she called  
10 him?

11 A. Yes.

12 Q. And she never called 911 because he, in fact, told  
13 her not to call 911, correct?

14 A. That's correct.

15 Q. Now, with regards to the indictment, did you see  
16 any reason to quash it?

17 A. As I said, I had -- you know, it's not like I got  
18 this indictment right before a preliminary hearing. I  
19 mean, I had already had -- this came when I got all the  
20 discovery, but it came in one big lump, so no.

21 Q. And isn't it true that the indictment is just a  
22 notice document?

23 A. Yes.

24 Q. And from that, you could tell what the applicant  
25 was charged with?

1       A. Certainly based on all the discovery that I had at  
2 the time, yes.

3                   MS. OPPENHEIMER: Beg the Court's indulgence.

4 BY MS. OPPENHEIMER:

5       Q. Did you feel it was necessary to require the State  
6 to disclose its theory to you prior to trial?

7       A. No.

8       Q. Why not?

9       A. As I said, I thought the theory of the case was  
10 that he was the one that caused the repeated abuse and --  
11 it was my impression that everything else was more going  
12 to cover up that, that all the other actions, not calling  
13 911, more a matter of covering up.

14       Q. And so based on the discovery, you kind of had a  
15 good idea of what the State was going to go forward on?

16       A. I thought so, yes.

17       Q. And based on your own investigation of this case,  
18 you had a good idea?

19       A. Yes.

20       Q. Now, why did you not object to the objection of  
21 Ms. Trotman's mugshot?

22       A. It didn't concern me -- I didn't think -- first of  
23 all, I didn't think I would be successful. I thought a  
24 lot of people take really bad mugshot pictures. I'm not  
25 going to draw the same conclusion that that mugshot

1 picture shows domestic violence.

2 Q. So it's based on a trial strategy; is that  
3 correct?

4 A. Yes.

5 Q. And the State, in fact, was alleging that the  
6 applicant abused the victim, not Ms. Trotman, correct?

7 A. Yes.

8 Q. And do you believe that the introduction of that  
9 photograph hurt your case in any way?

10 A. None.

11 MS. OPPENHEIMER: Beg the Court's indulgence.  
12 I have no further questions.

13 THE COURT: Redirect?

14 MR. WISE: Just a few questions on redirect.

15 REDIRECT EXAMINATION

16 BY MR. WISE:

17 Q. Let's go to page 300 of the transcript, again at  
18 line 12. Okay?

19 A. Yes.

20 Q. After the video had been denied, I believe that's  
21 the point where the video had been denied?

22 A. Uh-huh.

23 Q. All right. You asked her the question: It's your  
24 testimony not that you raised your arm back to hit him,  
25 and she said no, correct?

1 A. Correct.

2 Q. Do you recall on the video her demonstrating  
3 raising her arm back and hitting this child?

4 A. As I said, I remembered it was dramatic, and I  
5 don't know if it was her raising her hand or her showing  
6 what the child's head looked like, but I knew it was  
7 something.

8 Q. And the next question was: And your testimony is  
9 that you didn't show his head hitting the wall; is that  
10 correct?

11 A. Yes.

12 Q. All right. And her answer was: I showed her how  
13 you fell to the floor, fell back, and his head hit the  
14 wall.

15 Do you recall in the video it dramatically  
16 showing that -- when she hit the child, his head hit the  
17 wall.

18 A. I have not reviewed the tape. All I know is that  
19 I remembered it was a thing.

20 Q. The video will speak for itself, Your Honor. You  
21 can, based upon that testimony, review the video.

22 Secondly, did the State introduce even a scintilla  
23 of evidence that this child was breathing when she called  
24 Mr. Williams at his place of employment?

25 A. I don't recall.

1           Q. All right. You don't recall -- I've read a  
2 summary of your closing argument, and the State pretty  
3 much told everybody the child wasn't breathing.

4           A. Right.

5           Q. So I assumed if there was some evidence to the  
6 contrary, the State would have mentioned it?

7           A. I would assume.

8           Q. Okay. You never understood from that indictment  
9 that the State's theory was that failure to call 911  
10 after Grace Trotman called Mr. Williams at work was a  
11 basis for convicting him?

12          A. Again, I thought the theory was that there was  
13 more evidence of this very elaborate -- first step of  
14 this very elaborate coverup that started after that.

15          Q. And the comment was made that the indictment is a  
16 notice document?

17          A. Yes.

18          Q. All right. So that document did not put you on  
19 notice that they were going to say that his failure to  
20 call 911 after Grace Trotman called him was part of their  
21 theory?

22          A. I don't know.

23          Q. There's nothing in the indictment that gives you  
24 an indication of that?

25          A. No.

1 Q. Yet that was something they argued at length in  
2 their closing argument.

3 A. Okay.

4 Q. Even to the point of quoting Mr. Williams saying:  
5 We didn't call the ambulance.

6 A. Okay.

7 Q. Correct?

8 A. All right.

9 MR. WISE: Excuse me one moment.

10 BY MR. WISE:

11 Q. And if the child was not breathing, would there  
12 have been any medical aid he could have rendered?

13 A. If the child was not breathing, yeah, I would  
14 assume so, yes.

15 Q. Was there any medical aid he could have rendered  
16 to that child if that child was already dead?

17 A. No.

18 Q. Okay.

19 MR. WISE: Excuse me one moment.

20 BY MR. WISE:

21 Q. Did you ever contemplate clarifying the issue of  
22 the child not breathing by having the judge instruct the  
23 jury that if they find the child was deceased when Grace  
24 Trotman called Mr. Williams they could not convict him  
25 then for failure to call the ambulance, or was that --

1 A. No, I did not.

2 Q. You did not. And you would agree that would have  
3 helped your theory of the case some?

4 A. Possibly.

5 Q. All right. If the jury knew that if the child was  
6 not breathing they can't use his admission of "we didn't  
7 call the ambulance" against him, would that have helped  
8 your case?

9 A. Yes. I mean. Obviously, I think that's not what  
10 the jury convicted on.

11 MR. WISE: Excuse me one moment.

12 Your Honor, I sent to the State a copy of the  
13 guilty plea and sentencing of Grace Trotman, and I would  
14 like to introduce that as an exhibit on the issue of the  
15 prejudice from the picture of Grace Trotman.

16 MS. OPPENHEIMER: We would object, Your  
17 Honor. It's hearsay. The applicant's handwritten notes  
18 are all over that transcript.

19 MR. WISE: I'm sorry. And that is --

20 MS. OPPENHEIMER: Still hearsay. It's an  
21 out-of-court statement made by the co-defendant. It's  
22 offered to prove the truth of the matter asserted. It's  
23 also irrelevant to Mr. Falk's effectiveness. He had  
24 nothing to do with Ms. Trotman's case, and under the rule  
25 of completeness, this is just the sentencing transcript.

1 This is not the guilty plea transcript prior to trial, so  
2 we would object to all of those.

3 MR. WISE: In the interest of completeness, I  
4 will hand you the whole thing, okay, sentencing  
5 transcript.

6 The purpose of it, Your Honor, is this:  
7 We've alleged that Mr. Williams was prejudiced by the  
8 introduction of that picture, all right? Mr. Falk says  
9 he didn't think it was really that prejudicial. The  
10 judge who presided over this trial, Ms. Williams' {sic}  
11 trial, makes a comment in there about the black eyes of  
12 Ms. Williams {sic}, so if the judge can perceive that she  
13 was beat up from that picture, I think that's some  
14 probative evidence that the jury could perceive that she  
15 was beat up from that picture.

16 MS. OPPENHEIMER: Your Honor, we have the  
17 solicitor here that can testify to the fact that  
18 Ms. Trotman's mugshot was introduced into evidence at  
19 trial. This sentencing transcript of what the judge at  
20 Ms. Trotman's sentencing may or may not have said is  
21 irrelevant to this case and Mr. Falk's effectiveness in  
22 representing the applicant.

23 MR. WISE: We would have to give you a  
24 redacted copy.

25 THE COURT: All right. Well, I'll let it in

1 for whatever weight you want to give it.

2 MR. WISE: The redacted portion shouldn't go  
3 and the underlined copy shouldn't go, but I'll get a copy  
4 and I'll send it to you first.

5 Could we take about five minutes?

6 THE COURT: Yes.

7 MS. OPPENHEIMER: We would have recross.

8 THE COURT: Well, go ahead and ask him his  
9 question. Is it a lot?

10 MS. OPPENHEIMER: No, just a few.

11 RECROSS-EXAMINATION

12 BY MS. OPPENHEIMER:

13 Q. So what did the jury convict the applicant of?

14 A. Homicide by child abuse.

15 Q. So there was no -- and why did they convict him?

16 Was it based on the evidence of his abuse towards the  
17 child?

18 A. That's what I thought.

19 Q. Now, turning to page 300 of the transcript, you  
20 actually asked Ms. Trotman to demonstrate how she hit the  
21 victim, correct?

22 A. Okay. Yes.

23 Q. And she demonstrated that for the jury, correct?

24 A. Yes.

25 Q. And that was consistent with what she said in her

1 interview tape, correct?

2 A. I'm sorry. I was busy reading the transcript.

3 What was the question?

4 Q. It was consistent with what was shown in the  
5 interview, correct?

6 A. I believe so.

7 Q. Now, Ms. Trotman called the applicant while he was  
8 at work to ask if she should call 911, correct?

9 A. That's correct.

10 Q. He told her not to call 911.

11 A. I think that's the testimony, yes.

12 Q. And she stood outside waiting for the applicant to  
13 come home from work for about an hour?

14 A. Yes.

15 Q. And when he came home from work, didn't he come  
16 home and say: That boy dead?

17 A. I believe so.

18 Q. And that's when he went and got the trash can?

19 A. Yes.

20 Q. And he went and got the cement?

21 A. Yes.

22 Q. And he undressed the victim?

23 A. Yes.

24 Q. And put the victim's body in that trash can and  
25 filled it with cement?

1 A. Yes, yes, yes.

2 Q. And so if medical aid could have been rendered --  
3 well, the State's theory was that the applicant hit the  
4 victim in the head multiple times, correct?

5 A. That's correct.

6 Q. Not that he -- he didn't call 911, but that was  
7 their main theory, that this applicant hit the victim in  
8 the head multiple times, correct?

9 A. Yes.

10 Q. And that caused the victim to have these seizures?

11 A. Yes.

12 Q. And he had multiple seizures leading up to his  
13 death, correct?

14 A. Yes.

15 Q. It wasn't just this one fatal blow that caused the  
16 victim's death, correct?

17 A. No, and because -- that's where the testimony of  
18 the expert, I think, was the most difficult for us,  
19 because if it was just the one blow, then we have a good  
20 case of telling the jury that it's Grace Trotman, but the  
21 medical expert kept talking about this period of --  
22 whatever her terminology was, axonal damage it sounded  
23 like, you know.

24 Q. And you got your own expert, correct?

25 A. I did.

1 Q. To challenge the cause of death of the victim?

2 A. I consulted with Dr. Collins. I got funding from  
3 the indigent defense, and I consulted with Dr. Collins  
4 and she helped me prepare for -- what's the expert's  
5 name, Jenny, Carol Jenny?

6 Q. Dr. Batalis?

7 A. But really, primary, I don't think -- you know,  
8 how to try to combat the testimony of Dr. Jenny.

9 Q. And did she ultimately agree with the State's  
10 experts?

11 A. She could not really disagree with it.

12 Q. And she testified at trial, correct?

13 A. Yes, she did.

14 Q. And going back to discovery, you reviewed that  
15 discovery with the solicitors, correct?

16 A. Yes, I did.

17 Q. For several hours; isn't that right?

18 A. Yes.

19 Q. And so you knew everything that they had against  
20 the applicant, correct?

21 A. I believe so.

22 Q. And so therefore you kind of knew what their  
23 theory would be beforehand?

24 A. Yes.

25 Q. In the indictment, you knew that he was charged

## JAMES FALK - FURTHER REDIRECT EXAMINATION

1 with homicide by child abuse, correct?

2 A. Yes.

3 Q. And that is merely a notice document, correct?

4 A. It's my understanding it's a notice document, yes,  
5 and we were ready for trial that day. Changing the  
6 indictment would have not changed the outcome. They  
7 would have --

8 MS. OPPENHEIMER: I have no further  
9 questions.

10 MR. WISE: Just a couple questions.

11 FURTHER REDIRECT EXAMINATION

12 BY MR. WISE:

13 Q. On the interview tape of Ms. Trotman, okay, what  
14 did she demonstrate as to how she hit the child in that  
15 case?

16 A. I'm trying to piece together this from this --

17 Q. I understand.

18 A. And, again, the tape is what the tape is. I  
19 remember it being something, and, as I said, I can't  
20 remember if it was her raising her arm or the child  
21 standing, but I thought it was some type of  
22 demonstration.

23 Q. So as you sit here today, you can't really say  
24 whether or not what she testified in the courtroom was  
25 consistent with what's on that tape.

1           A.   When I'm looking at the transcript and trying to  
2 remember that situation, I think I thought at the time  
3 that -- I mean, I would have a hard time showing an  
4 inconsistent gesture. I mean, I think her testimony, her  
5 verbal testimony, was all consistent.

6           Q.   But you have no recall as you sit here today  
7 whether her trial testimony is consistent with what's on  
8 that video?

9                       MS. OPPENHEIMER: Asked and answered.

10                      THE COURT: Overruled.

11                      THE WITNESS: I can't. Again, as I said, I  
12 haven't seen that video.

13 BY MR. WISE:

14           Q.   In the interview with Mr. Williams with the police  
15 officer, Mr. Williams constantly said he hit his son in  
16 the chest.

17           A.   Yes.

18           Q.   I think occasionally in the back, but he never  
19 admitted to hitting him in the head.

20           A.   Okay.

21           Q.   Is that correct, or do you recall that?

22           A.   I don't know -- I don't have a specific  
23 recollection.

24           Q.   Okay. So the testimony about Mr. Williams hitting  
25 this child several times in the head only came from Grace

1 Trotman?

2 A. If there was -- again, the record is what the  
3 record is.

4 Q. There is certainly no statement from Mr. Williams?

5 A. I'm really not trying to be difficult. If you're  
6 telling me that's not on the tape, that's not on the  
7 tape. I don't have recollection of the tape.

8 Q. And you don't know if the jury based their  
9 decision on an act of omission or an act of commission?

10 A. No.

11 MR. WISE: Thank you.

12 THE COURT: Re-recross?

13 MS. OPPENHEIMER: No thank you, Your Honor.

14 THE COURT: Okay. You can step down. All  
15 right. Let's take ten minutes.

16 THE WITNESS: Am I excused?

17 MS. OPPENHEIMER: No objection.

18 THE COURT: Yes.

19 (Recess taken.)

20 THE COURT: All right. You got any more  
21 witnesses?

22 MR. WISE: We got one more. We call  
23 Mr. Williams.

24 THE COURT: Okay.

25 ROGER WILLIAMS,

ROGER WILLIAMS - DIRECT EXAMINATION

1           having been first duly sworn,  
2           was examined and testified as follows:

3                           DIRECT EXAMINATION

4           BY MR. WISE:

5           Q.   All right.  Mr. Williams, a few questions,  
6           briefly, in this matter.

7                           Let's go first to the cross-examination of  
8           Grace Trotman.  Have you had a chance to review the video  
9           in this case?

10          A.   Yes, sir.

11          Q.   More than once?

12          A.   Yes, sir.

13          Q.   All right.  How does that video match with her  
14          testimony at the trial?

15          A.   In looking at the video, what happens is Grace  
16          gives -- and when you look at the video, she shows a  
17          number of times -- she shows popping him on the arm, in  
18          one instance, and then when you continue watching the  
19          video, she actually -- Captain Baggett asks her to get  
20          up.

21                           MS. OPPENHEIMER:  Objection.  Hearsay.

22                           MR. WISE:  He's going by what -- the video is  
23          in evidence.  He's going by what's on it.

24                           THE COURT:  That's fine.  Go ahead.  
25          Overruled.

1 THE WITNESS: She shows to the officer -- he  
2 says, Describe how you did it. She gets up.

3 She said, I shoved him on his shoulder, and  
4 when I struck him on his shoulder, he conked his head,  
5 and she shows his head hits the wall. Not only does she  
6 show --

7 MS. OPPENHEIMER: Your Honor, I'm going to  
8 object. The video is the best evidence of it, not the  
9 applicant's version of his viewing of the video, so we  
10 would ask that -- Your Honor is going to review the  
11 video. We would ask Mr. Wise to move on.

12 MR. WISE: I think one of the obligations I  
13 have to prove is prejudice, and I think his testimony  
14 about the video can help establish that.

15 THE COURT: Overruled. Go ahead.

16 BY MR. WISE:

17 Q. Go ahead.

18 A. Your Honor, when you watch the video, Grace  
19 Trotman shows the left side of my son's head being hit  
20 directly into the wall, where at trial she was asked:  
21 Can you describe how you did it?

22 She said, I popped him on his arm. He fell  
23 to the floor, and the back of his head hit the wall,  
24 which is totally untrue. It's misinformation.

25 Q. Do you think it hurt your case not to be able to

1 get the video in?

2 A. It clearly hurt my case because had the jury been  
3 allowed to see my son head make direct contact, it's the  
4 left side where the injury's at.

5 Can I say this? My son has no broken bones,  
6 no healed bones, no fractures. That's in the record, and  
7 that's been pointed out by the pathologist, ma'am: No  
8 broken bones, no healed bones, no intercranial  
9 hemorrhages, none of that, except the left side of his  
10 head which Grace shows him hitting in that video.

11 Q. Okay. Now, we also contend your trial counsel did  
12 not properly ask for a directed verdict.

13 A. Yes, sir.

14 Q. Let me go to the next question. Obviously you're  
15 not trained in the law, correct?

16 A. No, sir.

17 Q. Okay. So we're not asking you for your legal  
18 opinion, all right, but based upon the testimony in the  
19 transcript, was there evidence that your son was  
20 breathing after -- from the time Grace called you?

21 A. Grace gave so many inconsistent statements. At  
22 one point, she said he wasn't breathing, at one point,  
23 but on the cross-examination of Jim Falk, she was forced  
24 to say, No, he was not breathing.

25 Q. And you believe you were prejudiced by his not

1 asking for a directed verdict which would allow, as the  
2 State argued, the jury to convict you for --

3 A. I believe trial counsel was ineffective for not  
4 asking for a directed verdict upon failure to render aid  
5 a couple different ways. The one way, the way that you  
6 described what the State is alleging, they stated that  
7 Grace -- well, the State is not alleging. Grace snapped,  
8 and she struck my son, but the State is putting the duty  
9 upon me, saying: While Mr. Williams was at work when he  
10 received the phone call, and, mind you, the facts of the  
11 case, Grace called and said that the kids were playing.  
12 This was established in the trial transcript.

13 So when she told me that, under those facts, I  
14 just thought, Okay. Don't call the police. I'm on my  
15 way. Go get Miss Mary, so when trial counsel didn't ask  
16 for a direct verdict upon the State not showing my son  
17 wasn't breathing, I believe it prejudiced me because the  
18 jury was able to use that to say, well, Mr. Williams  
19 didn't call 911 from work, and they used it against me to  
20 find me guilty.

21 One more is by the facts established in the case,  
22 the State is alleging my son received multiple seizures.  
23 Trial counsel should have asked for a direct verdict upon  
24 this because in the trial transcript, the State only  
25 shows my son receiving one seizure, and that's Friday,

1 June 4. Saturday, they said that it was hard to wake up  
2 Rodricus.

3 Sunday, in the trial transcript, Grace  
4 acknowledged she didn't see a seizure Sunday. She said  
5 she didn't see a seizure. She didn't see any signs of a  
6 seizure on Sunday and Monday while I was at work. The  
7 State is alleging a seizure, so trial counsel should have  
8 asked for a direct verdict upon the failure to render  
9 aid, meaning the State saying multiple seizures, but they  
10 only showed one, and also the fact that my son wasn't  
11 breathing, and the jury could use that to find me guilty.

12 Q. All right. Now, they showed a picture of Grace  
13 Trotman, all right? Do you think that prejudiced you?

14 A. It clearly prejudiced me.

15 Q. In what way?

16 A. Because in trial counsel's opening argument, he  
17 stated to the jury that Grace --

18 Q. When you say trial counsel, you're talking  
19 about the defendant or the State?

20 A. Jim Falk. I apologize. Jim Falk -- in Jim Falk's  
21 opening arguments, he told the jury that Grace Trotman  
22 wants to be a victim, in his opening arguments. So when  
23 the State -- after the State asked Grace -- asked her to  
24 describe different alleged assaults I would do to her,  
25 and she testified I would rip her hair out, black her

1 eyes, and then they turn around and show a picture of  
2 that, showing her hair ripped out and black eyes, it  
3 clearly prejudiced me because you bolstering her  
4 credibility.

5 Q. I believe the record established through her  
6 testimony y'all had separated how long before she was  
7 arrested?

8 A. The incident that happened to my son happened in  
9 June. We got locked up in July, so the picture, her  
10 mugshot photo, is totally, totally irrelevant to this  
11 case.

12 Q. Had y'all been separated a week or so?

13 A. Yes, sir, two weeks. So you're showing a picture  
14 of her beat up, she's testifying, of me beating her up.  
15 You're allowing the jury to use that against me when that  
16 picture was totally irrelevant to the case.

17 Q. All right. Now, they also introduced a picture of  
18 your son?

19 A. Yes, sir.

20 Q. And I believe the records show they were taken in  
21 spring?

22 A. Yes, sir, in the spring of 2010.

23 Q. Do you recall the expert testimony about how long  
24 people recover from concussions?

25 A. I don't recall.

1 Q. You don't recall?

2 A. I mean, I recall, but I thought you was asking me  
3 a page number.

4 Q. No, not the page number; generally, a couple  
5 weeks?

6 A. Uh-huh.

7 Q. That was testimony?

8 A. Yes, sir.

9 Q. And that picture was clearly --

10 A. In the spring of 2010.

11 Q. And did the State use that picture to imply that  
12 was the injury that the doctors saw?

13 A. They absolutely did. In closing arguments, when  
14 the State introduced the picture into evidence, they told  
15 the jury, Y'all pass this picture around. If you look  
16 real closely, you can see the knot in the forehead, and  
17 this is in the same area where the pathologist said she  
18 sees contusions in the testimony.

19 Q. And you think as a result that prejudiced your  
20 case?

21 A. That picture totally prejudiced me. By that  
22 picture being taken in the spring of 2010, the incident  
23 that took place to my son happened in June of 2010. What  
24 the State failed to do, the State failed to prove by  
25 clear and convincing evidence that I was the one who

1 caused the knot, and not only that, and, further, in the  
2 trial transcript, the State didn't even prove if it was  
3 an accident or not that caused that knot in my son's  
4 head.

5 Q. So all they had was a picture taken by --

6 A. They had a picture taken, and Nikki asked, What  
7 happened? And I explained to her what Grace told me that  
8 Ya-Ya did, but the State is alleging that I'm trying to  
9 state that the bump that happened on his forehead that  
10 Ya-Ya did trying to make it seem like I'm putting it on  
11 my daughter.

12 Q. Now, there was the statement in there about your  
13 religious beliefs?

14 A. Yes, sir.

15 Q. Was it relevant to your case at all?

16 A. It was irrelevant. It was totally false.

17 Q. Did it prejudice your case?

18 A. Yes, sir, I believe it did because anybody that  
19 comes from a religious background, if they hear you don't  
20 believe in God, from right there they'll look at you  
21 totally different.

22 Q. Particularly in this area?

23 A. Yes, sir.

24 Q. They also ask you a question -- they also asked  
25 Grace a question about your objecting to white people

1 teaching your children -- your child.

2 A. Your Honor, that was a total misinformation.

3 Q. Did that prejudice your case?

4 A. Yes, sir, that prejudiced me because I had eight  
5 white jurors.

6 Q. On the jury panel?

7 A. On the jury panel.

8 Q. And do you think an objection should have been  
9 raised?

10 A. Trial counsel should have -- yes, sir. They  
11 should have objected to that statement being made.

12 Q. Now, let's talk about your interview. All right?  
13 A tape of your interview -- a disk of your interview was  
14 introduced, correct?

15 A. Yes, sir.

16 Q. All right. Did the officers in that video tell  
17 you more than once that you're lying?

18 A. Yes, sir.

19 Q. How did they -- the judge is going to see it, but  
20 do you think -- do you have an opinion about whether the  
21 jury hearing these officers saying that you're lying was  
22 prejudicial to your case?

23 A. Yes, sir, because if they have a person of  
24 authority that is stating: Mr. Williams, you're lying,  
25 you're lying, then they would believe that the defense

1 I'm raising is a total lie.

2 Q. Is that more than one time?

3 A. More than one time.

4 Q. Numerous times?

5 A. Numerous times.

6 Q. And no objection was made to that?

7 A. Not once.

8 Q. There's no question that any statement you made  
9 was admissible because they read you the Miranda  
10 warnings, correct?

11 A. They could admit it, yes, sir.

12 Q. And that's not your contention here?

13 A. No, sir, it's just the fact that when the officer  
14 stated during the interview: Mr. Williams, you're lying,  
15 you're lying, you're lying, that's when --

16 Q. And as a result, the jury heard an officer say in  
17 his opinion you're lying?

18 A. Yes, sir. Yes, sir, so they used that.

19 Q. Now, if not individually, do you think  
20 collectively these errors hurt your case?

21 A. Yes, sir. From the beginning to the end, from the  
22 videotape not being played where it clearly showed that  
23 Grace denied making the statement, then you turn around  
24 showing a picture of her, making her look like a victim,  
25 that clearly went against me.

1           Not only that, you bring in my son's picture,  
2 trying to show an earlier -- we don't know if it was  
3 accidental or what. You bringing it in and you telling  
4 the jury, This is the same area where the pathologist  
5 sees contusions, all that prejudice against me, including  
6 with the failure to -- on the direct verdict.

7           Q. You and I discussed this, okay? There are some  
8 reprehensible facts from you in this case.

9           A. Yes, sir.

10          Q. And you pled to one of them, desecration of human  
11 remains?

12          A. Yes, sir.

13          Q. And that's not at issue here?

14          A. No, sir. I was totally wrong.

15          Q. You pled to that and were punished for that?

16          A. Before trial, I pled guilty to the improper burial  
17 of the body, and I was going to trial on the fact that  
18 did I take my son's life, which I didn't.

19                   MR. WISE: Thank you. Answer the questions  
20 the State has.

21                   THE COURT: Cross?

22                                   CROSS-EXAMINATION

23 BY MS. OPPENHEIMER:

24           Q. When did the victim start staying with you?

25           A. My son, back in 2009 -- there's so much

1 misinformation in the case. Before me and Grace even got  
2 back together, I already had my son in May of 2009.

3 Q. So you cheated on Grace with the victim's mother,  
4 correct?

5 A. Yes, ma'am. Well --

6 Q. And you had a son by both of them within three  
7 months, correct?

8 A. Yes, ma'am.

9 Q. And you actually denied being the father of the  
10 victim at first, correct?

11 A. Yes, ma'am.

12 Q. And it wasn't until the victim's mother bought a  
13 paternity test at CVS that you agreed you would take that  
14 test, correct?

15 A. I just want to make a small correction. I'm the  
16 one that bought the paternity test.

17 Q. If that's in the transcript, that would differ  
18 from your opinion, correct?

19 A. Yes, ma'am.

20 Q. Now, when he started staying with you, did the  
21 victim sing songs?

22 A. Yes, ma'am.

23 Q. Was he a happy kid?

24 A. He was very happy. He stayed happy.

25 Q. He stayed happy.

1 A. He stayed happy.

2 Q. So you would deny he became introverted?

3 A. He didn't have no reason to.

4 Q. That he was not assertive?

5 A. He had no reason to.

6 Q. But when you returned him to his mother, he would  
7 have bruises on him, correct?

8 A. Ma'am, you're referring to one incident, the same  
9 picture right there. It was one time, and I explained to  
10 her what Grace told me. Ya-Ya pushed him into the wall.

11 Q. Didn't you encourage your daughter to hit this  
12 child?

13 A. Ma'am, one thing I will admit to -- no, I wouldn't  
14 encourage her to hit him. I would encourage my kids to  
15 wrestle, yes, ma'am.

16 Q. You would encourage them to wrestle?

17 A. Just play wrestling, not no fighting, not no  
18 boxing, no, ma'am.

19 Q. They were two years old?

20 A. Yes, ma'am.

21 Q. And your daughter would actually drag the victim  
22 across the floor, correct?

23 A. Let me make a correction. My kids always fought  
24 over the toys, so this is where I would stop them from  
25 actually slapping each other and learn how to wrestle.

1 Q. Did you ever take a video of your daughter  
2 dragging the victim across the floor?

3 A. Once again, that's misinformation, but I did  
4 videotape my kids wrestling, yes, ma'am.

5 Q. But if it was in the transcript and testified to,  
6 that would be an inconsistency in your statement today?

7 A. Yes, ma'am; yes, ma'am.

8 Q. Now, you took that video some time before the  
9 victim died, correct?

10 A. Yes, ma'am.

11 Q. And in that video, he was crying, correct?

12 A. Yes, ma'am.

13 Q. And you would actually play that video to deceive  
14 the victim's mother when she would call after his death,  
15 correct?

16 A. Yes, ma'am.

17 Q. So you knowingly deceived the mother and acted  
18 like her child was still alive when, really, he was dead,  
19 correct?

20 A. Yes, ma'am. I was totally wrong.

21 Q. And you beat the victim as well, correct?

22 A. No, ma'am.

23 Q. You never popped him in the chest?

24 A. Yes, ma'am.

25 Q. You hit him in the back?

1 A. No, ma'am.

2 Q. Would you not agree that popping him in the chest  
3 is a beating?

4 A. If you want to term terms, yes, ma'am.

5 Q. Is it okay to hit your child?

6 A. It's okay to discipline your kids when they get  
7 out of line, yes, ma'am.

8 Q. And it's okay to hit your child in the chest to  
9 discipline them?

10 A. That was just a formal way that I would pop him,  
11 discipline him right here, yes, ma'am.

12 Q. Now, you were not at the house when the victim  
13 started seizing and stopped breathing, correct?

14 A. Are you talking about that Monday?

15 Q. Yes.

16 A. No, ma'am. I was not at the house.

17 Q. You were at work, correct?

18 A. Yes, ma'am.

19 Q. So you don't really know what happened.

20 A. No, ma'am I don't know what happened that morning.  
21 I just know what Grace told me.

22 Q. And Grace actually testified at the trial that the  
23 victim fell and hit his head, correct?

24 A. No, ma'am. She did not testify to that.

25 Q. But if it is in the transcript, that would be an

1 inconsistency in your testimony today?

2 A. In Grace's transcript, she said she popped him on  
3 his arm. He fell to the floor, and he hit the back of  
4 his head. That's her testimony. He hit the back of his  
5 head, but in the video, it's totally different.

6 Q. Page 300, line 17 through 18, Grace testified: I  
7 showed how he fell to the floor and fell back and hit his  
8 head on the wall, correct?

9 A. Once again, that's -- yeah. She said how he fell  
10 to the floor at first then hit the wall, but in the  
11 video, it's totally different.

12 Q. But there's no mention of the back of his head in  
13 her testimony, correct?

14 A. Yes, ma'am.

15 Q. It's just his head hit the wall, correct?

16 A. No, ma'am. No, ma'am, no -- well, in that  
17 instance, what you're talking about, if you go further on  
18 in Grace's testimony, when Jim Falk kept stressing to her  
19 can she show exactly how she demonstrates, she said that  
20 she popped him on his arm, he fell and hit the back of  
21 his head, ma'am.

22 Q. And so she called you after he fell and started  
23 seizing while you were at work, correct, and she told you  
24 that he was not breathing, correct?

25 A. Yes, ma'am.

1       Q. And you said, Don't call the police because I have  
2 drugs in the house, correct?

3       A. Let me clarify. I said, Don't call the police. I  
4 wasn't stopping her from receiving medical help.

5       Q. You didn't want to call 911 because drugs, in  
6 fact, were in your house?

7       A. I don't deal with the police. Yes, ma'am.

8       Q. So you were worried about yourself rather than  
9 your son, correct?

10      A. No, ma'am. If you go back in the testimony,  
11 you'll see that I told Grace to go get Miss Mary, which  
12 is our next door neighbor to receive help, so it wasn't  
13 never the fact that I didn't want my son to receive help,  
14 I just never dealt with the police.

15      Q. In fact, Grace did go to the neighbors and tell  
16 them that the victim was not breathing, and she had to  
17 borrow a phone, correct?

18      A. Yes, ma'am.

19      Q. From the neighbors, correct?

20      A. Yes, ma'am.

21      Q. Because you wouldn't allow a phone in the house,  
22 correct?

23      A. That's misinformation, ma'am.

24      Q. Well, she didn't have a cellphone, correct?

25      A. Yes, ma'am. Someone stole her cellphone.

1 Q. There wasn't a phone in the house, correct?

2 A. No, ma'am.

3 Q. And you didn't leave a phone with her in case of  
4 emergency, right?

5 A. Ma'am, when this incident happened, Grace was  
6 probably out of her phone three or four days, so it  
7 wasn't that long, ma'am.

8 Q. Now, you mentioned what Mr. Falk said in his  
9 opening, that the co-defendant wants to be a victim.  
10 Wouldn't that be a fair statement of your theory of the  
11 case, that she was pretending to be a victim and, really,  
12 she caused the death of the victim?

13 A. No. That was not our theory of the case. You  
14 notice one thing, we always said that Grace was a sweet,  
15 loving girl. Unfortunately, I was the root of the  
16 problem that caused her to do what she did.

17 Q. But you tried to pin it on Grace, right?

18 A. I didn't pin nothing on Grace. Not once, to this  
19 day, did I say Grace did this. Grace told y'all what she  
20 did.

21 Q. So you were actually the root of the problem,  
22 right?

23 A. I was the root of the problem because all my  
24 infidelity against Grace, yes, ma'am.

25 Q. Now, you said this incident happened in June, and

1 you were locked up in July. Do you recall the  
2 circumstances around your arrest?

3 A. Yes, ma'am, for this incident right here.

4 Q. Did you and Grace come up with a plan that Grace  
5 would go to the Battery and make a false police report  
6 that the victim had been kidnapped?

7 A. Yes, ma'am.

8 Q. Okay. And you came up with that plan, correct?

9 A. Yes, ma'am.

10 Q. She followed along with your plan, correct?

11 A. We both -- yes, ma'am.

12 Q. And when Grace called you from the Battery, you  
13 refused to talk to the police, correct?

14 A. That's misinformation.

15 Q. You were actually in a hotel room with another  
16 woman, correct?

17 A. And I did speak with the police.

18 Q. And you were cheating on Grace then too, correct?

19 A. I was totally wrong.

20 Q. Now, with regards to this, you didn't want white  
21 people teaching your child, that really wasn't the  
22 question, though, was it? The solicitor asked why the  
23 victim was not going to school, and Grace's response was  
24 that you didn't want white people teaching your son,  
25 correct?

1           A. I believe that was deliberately said just for a  
2 way for me to be found guilty, ma'am.

3           Q. So there was no way of your attorney knowing that  
4 that testimony would come out beforehand, correct?

5           A. No, ma'am, but once she said it, he should have  
6 objected to it, or asked the judge to give an  
7 instruction.

8           Q. Now, when you were interviewed by the police, you  
9 gave multiple statements, correct?

10          A. No. I did not give no multiple statements, ma'am.

11          Q. Well, at first didn't you deny hitting your son?

12          A. I always denied the fact that I --

13          Q. And you tried to pin it on Grace, but you said,  
14 But Grace is a great woman. I can't believe she would do  
15 that.

16          A. I never tried to pin nothing on Grace.

17          Q. But if it's in the tape of your interview, that  
18 would be inconsistent, correct?

19          A. No, ma'am. Once again, when the incident took  
20 place, I was at work, so when I was speaking with the  
21 police, like I told them, I don't know what happened.

22          Q. And you were interviewed by two law enforcement  
23 officers, correct?

24          A. Yes, ma'am.

25          Q. And they both testified at trial, correct?

1 A. Yes, ma'am.

2 Q. And, in fact, after Grace had led them to the  
3 victim's body, they came back in for a second interview;  
4 isn't that correct?

5 A. Yes, ma'am.

6 Q. And they confronted you with: We know your son is  
7 dead because we just found his body, correct?

8 A. Yes, ma'am.

9 Q. And in your first interview, you were actually  
10 saying that the victim was still alive, correct?

11 A. Yes, ma'am.

12 Q. And that he had actually been kidnapped, correct?

13 A. Yes, ma'am.

14 Q. And so then they came in and confronted you that  
15 they had found his body, correct?

16 A. Yes, ma'am.

17 Q. And they found his body in Orangeburg County,  
18 right?

19 A. Yes, ma'am.

20 Q. And he was in a trash can, right?

21 A. Yes, ma'am.

22 Q. A cement filled trash can?

23 A. Yes, ma'am.

24 Q. Back in the woods?

25 A. Yes, ma'am.

1 Q. And he had been there for about a month, correct?

2 A. Yes, ma'am.

3 Q. And his body was very decomposed, correct?

4 A. Yes, ma'am.

5 Q. And you had a part in that, correct?

6 A. Yes, ma'am.

7 Q. Now, the police also accused Grace of lying in her  
8 interview, correct?

9 A. Yes, ma'am.

10 Q. And you said she gave multiple stories, correct?

11 A. Yes, ma'am.

12 Q. In fact, some of those stories lined up with the  
13 stories you were giving, correct?

14 A. Yes, ma'am.

15 Q. And you pled guilty to desecration of the body,  
16 correct?

17 A. Yes, ma'am.

18 Q. And you did that in order to keep the photos of  
19 the victim out at trial, correct?

20 A. No, ma'am.

21 Q. No?

22 A. Ma'am, I just came off the streets. I didn't know  
23 nothing about no court procedures or nothing. I pled  
24 guilty because that's what I was wrong to. I owned up to  
25 my wrong. That's what I'm guilty of.

1 Q. Pictures of the manner in which your son was found  
2 were not introduced in trial, correct?

3 A. I believe so.

4 Q. Your attorney was actually very successful in  
5 keeping those out, right?

6 A. He's a lawyer. He's my attorney.

7 Q. Now, do you remember pleading guilty in front of  
8 Judge Dennis?

9 A. Yes, ma'am.

10 Q. You told him that you were happy with the services  
11 of Mr. Falk, correct?

12 A. Yes.

13 Q. You told Judge Dennis Mr. Falk had done everything  
14 you asked of him, right?

15 A. You have to understand that my sentencing -- when  
16 I pled to desecration, it took place before trial, so  
17 yes, ma'am, you're absolutely right. All those  
18 questions, that took place before trial.

19 Q. And as a result of this guilty plea in which you  
20 said that you were satisfied with Mr. Falk, Mr. Falk was  
21 able to keep out pictures of the trash can with oozing  
22 and maggots eating the body, correct?

23 A. Once again, ma'am, those pictures have nothing to  
24 do when I pled guilty September 18th because, once again,  
25 I didn't know nothing about court procedures. I pled

1 guilty because I was owning up to my wrong.

2 Q. And you don't deny ever hitting your son, correct?

3 A. I disciplined my son one time, ma'am.

4 Q. One time, but if there were inconsistencies in the  
5 testimony in the trial, that would be inconsistent with  
6 your testimony today, correct?

7 A. I don't understand.

8 Q. You repeatedly abused your son, right?

9 A. I'll never -- I'll never admit to that.

10 Q. You called your son a faggot, correct?

11 A. Ma'am, I'll never admit to that. I never used the  
12 word faggot, ma'am. I would use the word -- see, what's  
13 happening is -- I know it's a tragic story, and I am  
14 totally wrong for what I did.

15 Q. Correct, you're wrong.

16 A. You're not going to be able to sit there and take  
17 the way I would play with my son. I would use the word  
18 soft, yes, ma'am, he's a boy.

19 Q. And you didn't like that, right? You didn't like  
20 that he was soft, right?

21 A. You're never going to be able to use that as a  
22 motive, ma'am.

23 Q. You didn't like that he sang songs and he was a  
24 happy kid?

25 A. I loved the fact that my son sang songs. I would

## ANNE WILLIAMS - DIRECT EXAMINATION

1 sing them with him. That was misinformation.

2 Q. So if you loved him, why did you put his body in a  
3 trash can and fill it with cement?

4 A. On that morning, ma'am, I felt responsible, on  
5 that morning, but by feeling responsible don't make me  
6 responsible.

7 MS. OPPENHEIMER: Beg the Court's indulgence.  
8 No further questions, Your Honor.

9 THE COURT: Redirect?

10 MR. WISE: Nothing on redirect.

11 THE COURT: All right. You may step down.

12 MR. WISE: And the applicant rests, Your  
13 Honor.

14 THE COURT: All right.

15 MS. OPPENHEIMER: The State would call  
16 solicitor Anne Williams.

17 ANNE WILLIAMS,

18 having been first duly sworn,

19 was examined and testified as follows:

20 DIRECT EXAMINATION

21 BY MS. OPPENHEIMER:

22 Q. Good afternoon, Ms. Williams. How long have you  
23 been an assistant solicitor?

24 A. Ten years in South Carolina, and I was a deputy  
25 prosecutor for ten years in Arkansas.

1       Q. And you were involved in the prosecution of the  
2 applicant, correct?

3       A. I was.

4       Q. And what was your role in this case?

5       A. Debbie Herring-Lash and I both tried the case  
6 together.

7       Q. Okay. And what was the State's theory of this  
8 case?

9       A. So the State's theory was that Mr. Williams and  
10 Ms. Grace Trotman lived in a home with their two  
11 children, and that Mr. Williams' son, Rodricus, would  
12 come over to visit, I think it was, like every other  
13 weekend. Sometimes he would stay a little bit longer,  
14 and Mr. Williams was trying to man him up, and the mother  
15 of the child would often have the child return with  
16 bruises all over him, and different excuses were given.

17               We learned through investigation and interviews  
18 that what was really happening was Mr. Williams was  
19 unhappy with certain things about this two-year-old  
20 child, and he was constantly hitting him. He would hit  
21 him in the chest. The child would fall back and hit his  
22 head. He would hit him in the head. He was -- the child  
23 was constantly hitting his head and reinjuring his brain,  
24 so he was having seizures after he would hit the floor,  
25 multiple seizures, that were described by the

1 co-defendant who witnessed them. That was corroborated  
2 by some of the things that the mother said because the  
3 child was always coming home with bruises on him.

4           What our expert said was that the reinjury of the  
5 brain was a lot like a concussion injury that maybe  
6 football players would suffer. That was the closest  
7 thing she could explain -- tell us to explain it and that  
8 ultimately the brain injury just killed him, but that it  
9 wasn't just one blow, it was a series of blows over and  
10 over and over and over again.

11           Each time Grace Trotman would witness those blows,  
12 she never reported it. She never helped the child, and  
13 neither did the defendant, Mr. Williams. They never got  
14 any medical attention for this child, and he ultimately  
15 died from it, but our theory of the case was that it  
16 wasn't the final blow that killed him, it was an  
17 accumulation of all the blows.

18           Additionally, the last time that -- or each time  
19 neither of them ever called for medical help for the  
20 child, never told the mother the child had been injured,  
21 so both of them were guilty of not rendering aid or  
22 not -- it was an omission, not just the final time, but  
23 certainly each and every time and the final time.

24           Q. Now, did Mr. Williams ever give an explanation of  
25 the bruises on his child?

1           A. What he would tell the mother was that Ya-Ya, who  
2 was another child in the home, was hitting this child.  
3 He also told investigators in one of his statements that  
4 the child fell down the stairs one of the times. He  
5 also -- we had several jail calls that were introduced  
6 into evidence where he would tell different people that  
7 the child fell down the stairs, that the child had  
8 fallen.

9           To other people he would say that he did hit him  
10 because he was standing a certain way and he had to man  
11 him up, that the child was soft. He also said he didn't  
12 like the way the child would not assert himself, that  
13 Ya-Ya was much more assertive, and she would ask for food  
14 if she wanted it, but Rodricus wouldn't. He was very  
15 shy, and that bothered the defendant about his son, so he  
16 would hit him in an effort to try to toughen him up.

17           Q. And do you recall -- you kind of touched on it --  
18 what exactly the applicant did not like about the victim?

19           A. He thought he was gay. He was two years old, and  
20 he thought the child was -- by the way he stood and the  
21 way he talked. He talked about the fact that he liked to  
22 play with girl toys. He just wanted to sort of beat that  
23 out of him. That's what he described.

24           Q. Did he ever use any derogatory terms to refer to  
25 the victim?

1       A. He did. He used the word faggot when he described  
2 his two-year-old son.

3       Q. Do you recall about when the abuse started?

4       A. Well, it's difficult to say when it started,  
5 exactly, because he had had the child for, you know, a  
6 long time before these events occurred, but certainly we  
7 had evidence from the mother that the child was coming  
8 home with knots on his head, bruises on his head, and a  
9 black eye, I think, in the spring before his death, which  
10 would have been in June, although it wasn't reported  
11 until July.

12       Q. Now, do you recall introducing a photo of the  
13 victim into evidence?

14       A. We did.

15       Q. And why did you want that photo to come in?

16       A. What the photo showed was what the child looked  
17 like when he would go home at least one of the times  
18 after he had visited the defendant, and the mother -- the  
19 mother of the child described that he was coming home  
20 with bumps and bruises on him. And then Grace Trotman,  
21 the co-defendant, also told us and testified that he was  
22 getting repeatedly hit during the same period of time.

23       Q. Now, is it fair to say that you introduced that  
24 photo to show a pattern of abuse?

25       A. Yes.

1       Q. Now, you talked a little bit about these jail  
2 calls. Do you recall who the applicant was calling from  
3 jail?

4       A. Various women.

5       Q. Go ahead.

6       A. Different named women, Kelly, Katrina, and he was  
7 telling everybody a different story about various times  
8 that the child had gotten hit. One time he fell down the  
9 stairs. One time he had to hit him because he ran away  
10 when he was outside, just multiple stories.

11      Q. Did he ever deny hitting the child in any of those  
12 phone calls?

13      A. He did not.

14      Q. Now, with regards to his statement, he gave two  
15 different statements; is that correct?

16      A. He did. In one of the statements, he said -- he  
17 acted like the child was still alive, and I think it was  
18 around the 4th of July because he said he had taken the  
19 child to see fireworks, that he had given him some  
20 chicken nuggets, and that he had the child at a hotel.  
21 And then in another one, he said that the child had, in  
22 fact, died and it was an accident, and I can't recall  
23 specifically what else he said in the second statement.

24      Q. Do you recall if law enforcement ever confronted  
25 him with some inconsistent evidence that they found?

1       A. They finally did confront him with the fact that  
2 they had the body, and then he would say: This is the  
3 real truth, or: This was the T truth, or something like  
4 that, and then he would go into a different story.

5       Q. So he gave multiple accounts of this story?

6       A. He did.

7       Q. Now, what measures did the applicant go to to  
8 prove that this child was still alive?

9       A. So part of our theory of the case was that Grace  
10 Trotman was certainly complicit in the fact that she  
11 never reported the abuse and she didn't report the abuse  
12 on the final day but that she was not capable of standing  
13 up to Roger Williams. In that home, she didn't have a  
14 phone. She rarely had enough food. She wasn't given  
15 money, and she was home all day with three kids.

16               That sort of worked against us too, because what  
17 Mr. Falk did was play on that to show her resentment  
18 toward the defendant, but our theory was that whatever he  
19 told her to do, she would do. So the day that she called  
20 him and told him that the child was not breathing, he  
21 told her, Do not call the police. I'll be home.

22               And he came home and the two of them decided  
23 to get rid of the body, and we had tape -- a tape of  
24 Mr. Williams going to Home Depot, buying concrete, buying  
25 a trash can, and he got Grace Trotman to rent a vehicle

1 so that he could put the trash can in the vehicle and go  
2 dump the body, but our theory was that although she was  
3 certainly guilty to what she pled to that she was not the  
4 person that killed him and that hit him multiple times,  
5 and she was not the one who mainly came up with the plan  
6 to desecrate the body.

7 Q. And what evidence did you have that this was the  
8 result of prolonged abuse?

9 A. We had an expert, a Dr. Jenny from Brown  
10 University, who reviewed all of the autopsy reports, all  
11 of the statements by the co-defendant, all of the medical  
12 slides, the radiology slides, anything that we had, and  
13 she told us that it was the type of brain injury that  
14 would have been the result of not just one blow, but  
15 multiple blows to the head, whether that was from him  
16 being pushed down and smashed against the floor or being  
17 hit directly in the head.

18 Q. Do you remember meeting with Mr. Falk prior to  
19 trial?

20 A. We did. We met with Mr. Falk on at least one  
21 occasion for about six hours. We discussed the evidence  
22 at length. A lot of the evidence that we were getting in  
23 about Grace Trotman he was using to sort of explain his  
24 theory of the case.

25 In fact, the booking photo of Grace Trotman, since

1 he was trying to portray her as a hardened criminal that  
2 sort of cooked this up because she was angry with the  
3 defendant for cheating on her, he was not too concerned  
4 about that picture coming in because it was a booking  
5 photo, and he was trying to show that she was the  
6 perpetrator.

7 We went through the evidence painstakingly, page  
8 by page, Bates stamp by Bates stamp. He even arranged  
9 one time for him to call Dr. Jenny, and he and I and  
10 Ms. Herring-Lash sat in the room while he drilled  
11 Dr. Jenny with questions about what she was going to  
12 testify about.

13 Q. So Mr. Falk would have been aware of all the  
14 evidence that you had and your theory, correct?

15 A. He was.

16 Q. Prior to trial?

17 A. Yes.

18 Q. What was your goal in your closing argument?

19 A. The goal in the closing argument was to explain  
20 the statute to the jury and to connect the dots with the  
21 evidence that was presented. There was ample testimony,  
22 both from the defendant's own mouth and from the  
23 eyewitness Grace Trotman, that he had repeatedly hit the  
24 child, and by acting he had caused the death of the child  
25 over a period of time, but we also did argue the omission

1 that not just the fact that he didn't call the ambulance  
2 or prevented Grace from calling the ambulance, or neither  
3 one of them called the ambulance the last time, they  
4 never got medical treatment for this child each and every  
5 time he was hit, and the last time he had a seizure,  
6 Grace Trotman described seizures in previous times that  
7 he was hit.

8           And, actually, Mr. Williams -- and I can't  
9 remember if it was in one of the phone calls or one of  
10 the statements -- unwittingly described one of the  
11 seizures that Rodricus was having, and he said it  
12 happened after the child had fallen down the stairs.

13         Q. So you weren't alleging that he failed to call 911  
14 just one time, correct?

15         A. No.

16         Q. Not just the day that the victim stopped  
17 breathing, correct?

18         A. That day and all the other days.

19         Q. Now, were you trying to -- did you make an attempt  
20 to discredit the defense's theory at all in your closing?

21         A. I'm sure I did. Are you talking about something  
22 specific?

23         Q. Nothing specific.

24         A. Yeah. I mean, in closing argument and throughout  
25 the trial, we tried to portray what we saw from the

1 evidence, which was that Grace Trotman was sort of beaten  
2 down in this relationship and did not have the ability to  
3 stand up to Roger Williams.

4 In fact, there was DNA found in the house, blood  
5 splattered all over the walls that belonged to Grace  
6 Trotman, not Rodricus Williams. She didn't have a phone.  
7 There was very little furniture in the house. There was  
8 very little food in the house, and that was all borne out  
9 in the testimony.

10 Q. So why did the abuse of Grace need to come out at  
11 trial?

12 A. Because their theory of the case was that Grace  
13 was the person that killed Rodricus and she was upset  
14 with Mr. Williams for all of the women that he was  
15 hanging around with and that because of that -- and,  
16 also, because he cheated on her with the mother of  
17 Rodricus, because her child was born around the same  
18 period of time, that she was so vindictive and so  
19 conniving that she was beating Rodricus to get back at  
20 Mr. Williams, and she concocted the whole coverup.

21 MS. OPPENHEIMER: Beg the Court's indulgence.  
22 No further questions.

23 THE COURT: Cross?

24 CROSS-EXAMINATION

25 BY MR. WISE:

1 Q. Mr. Falk filed a motion to request 404(b)  
2 evidence; is that correct?

3 A. Can I see it?

4 Q. Oh, yeah. It's an exhibit right there. If you  
5 remember it, fine; if you don't, that's fine too.

6 A. I don't have an independent memory, but I know  
7 that we did go over all of the evidence with Mr. Falk.  
8 This looks like it was filed in August, and I think the  
9 case was tried in October, and we had several discovery  
10 meetings.

11 Q. You don't recall specifically responding to that  
12 motion?

13 A. In writing?

14 Q. Writing or verbally.

15 A. We went over all of the evidence.

16 Q. I understand that. In going over all the  
17 evidence, do you recall ever saying anything to Mr. Falk,  
18 This is our 404(b) evidence?

19 A. Well, I think it's an open question of whether  
20 some of the prior things that happened were  
21 404(b) because our theory of the case was not that the  
22 prior beatings were prior bad acts but that they were  
23 part of the act, and that's why the indictment has a  
24 window of time. So I know we filed this, and we had a  
25 discussion about all the evidence. He may have been

1 characterizing it as 404(b) I'm not sure everything he  
2 thought was 404(b) was 404(b).

3 Q. Let me rephrase my question. Did you ever tell  
4 Mr. Falk specifically that, We're going to introduce  
5 evidence of Mr. Williams beating up Grace Trotman, under  
6 404(b)?

7 A. Mr. Falk knew that our theory of the case was that  
8 Grace Trotman was in a position where she could not stand  
9 up to Mr. Williams because of the relationship,  
10 absolutely.

11 Q. Let me try my question one more time. Did you  
12 ever tell Mr. Falk that in response to his 404(b) motion,  
13 We're going to introduce allegations of spousal abuse by  
14 Mr. Williams?

15 A. Well, he knew the blood on the walls was Ms.  
16 Trotman's. Do you mean that would be spousal abuse? I  
17 guess, unless her blood got on there another way, and he  
18 knew that we were going to introduce everything she was  
19 going to testify about, and he looked at all of her tapes  
20 and he also interviewed her.

21 Q. I'm not asking you what you think Mr. Falk knew,  
22 okay, because if you have the ability to know what he  
23 knew, you are better than I am.

24 A. We didn't call it spousal abuse, so maybe that's  
25 why I'm confused by your question.

1 Q. Did you ever tell Mr. Falk, We're going to  
2 introduce evidence of Mr. Williams assaulting Grace  
3 Trotman as 404(b) evidence?

4 A. He knew all of the evidence that we introduced. I  
5 don't know which evidence you're talking about.

6 Q. I am talking about the specific testimony that you  
7 elicited about Grace Trotman being beat up by Roger  
8 Williams, all right? Did you or did you not -- it's not  
9 a difficult question, and I don't care about what  
10 Mr. Falk knew or didn't know, okay? I only want to know  
11 what you did.

12 Did you tell Mr. Falk in your interviews in  
13 response to his motion that, We're going to introduce  
14 evidence that Mr. Williams assaulted Ms. Trotman as  
15 404(b) evidence?

16 A. My independent memory is that we did discuss all  
17 of that with Mr. Falk. I don't know if that satisfies  
18 your question. I don't know if -- in response to this,  
19 it doesn't look like we made a written response, but we  
20 had so many discovery meetings, and he knew that part of  
21 the theory of our case was that Grace Trotman was beaten  
22 down.

23 Q. In your discussions with Mr. Falk, what was the  
24 time that you told him that 404 -- that these assaults on  
25 Ms. Trotman were going to be introduced as

1 404(b) evidence?

2 A. This was six years ago. I can't tell you the  
3 specific time. All I can tell you is one of the  
4 discovery meetings lasted six hours, and we talked to him  
5 about every aspect of all of the testimony, and the fact  
6 that Grace was beaten up by Roger was not a secret to any  
7 of us.

8 Q. I'm not saying it was a secret. I never asked you  
9 if it was a secret. I never asked you if you withheld it  
10 from him, did I?

11 A. I can't tell you the specific day that we might  
12 have said that. I can't answer that.

13 Q. Said what?

14 A. What you just asked me, which was --

15 Q. Did you ever say this comes in under 404(b)?

16 MS. OPPENHEIMER: Objection. Asked and  
17 answered.

18 MR. WISE: It's been asked. I'm waiting for  
19 an answer.

20 THE COURT: Overruled. Go ahead.

21 THE WITNESS: First of all, I don't know if  
22 what he was talking about under 404(b), because he  
23 doesn't put anything specific in this motion, so the  
24 discussions we had, the discovery meetings we had, I  
25 can't tell you if we sat and said, Hey, this is coming in

1 under 404(b). I know everything that we presented at  
2 trial was made known to him. I don't know if we had a  
3 discussion under the specific words that you're saying.  
4 I don't know if that is 404(b).

5 Q. Would it be accurate to say you have no specific  
6 recall of ever discussing any 404(b) evidence with Mr.  
7 Falk?

8 A. I don't have any specific memory of a  
9 404(b) discussion, just that we gave him all of the  
10 discovery.

11 Q. There was testimony in this trial about  
12 Mr. Williams not believing in God, not believing in Jesus  
13 Christ, correct?

14 A. That is not what that testimony was about. If you  
15 just let me explain, I think we're both probably saying  
16 the same thing. What happened was there was motive  
17 for -- we were establishing a motive for why Mr. Williams  
18 would beat a two-year-old like this, and several things  
19 came out through Grace Trotman. One was that he didn't  
20 like the fact that he acted like a girl and that he was  
21 constantly singing these songs about Jesus, and there was  
22 another witness that testified that she had taught him  
23 all these songs, and Grace Trotman, I think, testified  
24 that pretty soon he just stopped singing the songs, and  
25 she testified that the songs infuriated him, and that was

1 one of the many things that would make him so mad that he  
2 would hit him.

3 Q. In your interviews with Ms. Trotman before trial,  
4 did she tell you that Mr. Williams did not believe in God  
5 or Jesus Christ?

6 A. I don't remember. I just remember that she told  
7 us it would infuriate him when he would sing songs about  
8 Jesus. I don't know why it infuriated him. Apparently,  
9 at trial it came out that he didn't believe in Jesus.

10 Q. It did come out in trial. Okay. You got the  
11 record in front of you? If you don't, you don't.

12 So you did not know prior to that coming out of  
13 her mouth that she would say that?

14 A. I don't know. She wasn't my witness, but I met  
15 with her every time Ms. Herring-Lash did. I don't  
16 remember specifically if that came out, but we knew that  
17 one of the reasons that he would get angry with Rodricus  
18 is when he would sing songs about Jesus.

19 Q. Because he didn't like singing, correct?

20 A. He didn't like the songs about Jesus.

21 Q. All right. Do you recall the testimony from Grace  
22 about Mr. Williams did not want his children taught by  
23 white people?

24 A. That also was not the reason why that testimony  
25 came out. What happened was, we were trying to establish

1 that he wouldn't even let the kids go to school, and I  
2 think what Mr. Falk was trying to establish is that they  
3 were poor. There just wasn't money for school, and what  
4 Grace testified to was that she didn't want white people  
5 to teach his children, but that wasn't the purpose of  
6 those questions.

7 Q. Did you know that before she testified?

8 A. I don't remember knowing that before, but that  
9 doesn't mean -- I don't remember hearing that in any of  
10 our --

11 Q. Now, the booking photo of Ms. Trotman, all right,  
12 that was taken after she and Roger had been separated a  
13 week or two?

14 A. Yes.

15 Q. Is that correct?

16 A. If that's what you say. I think that she had  
17 gotten a job and she was staying with her aunt.

18 Q. Right. I think that's correct. So that injury  
19 couldn't have been inflicted by Mr. Williams.

20 A. Well, I don't see an injury on here, so let me  
21 just explain.

22 Grace Trotman always had -- in fact, at trial  
23 you could see it. She always had these dark circles  
24 under her eyes. I think what this picture shows, for Mr.  
25 Falk, was a criminal, and he was trying to show her to be

1 the perpetrator. For us what it showed was when Grace  
2 Trotman testified, she -- I've never seen anybody take to  
3 jail like that woman did. She gained weight. She had  
4 her hair done. She put makeup on for court. It was like  
5 she was a different person, and the picture we were  
6 painting of Grace Trotman was somebody who was sort of  
7 malnourished. There was never a lot of food in the  
8 house. She was just sort of emotionally beaten down so  
9 she just looked so different at the time that she was  
10 apprehended than she did when we got to trial.

11 That's my memory of the reason why we were  
12 putting this in. I know Mr. Falk had his own reasons why  
13 he didn't object, but what he expressed to us was that  
14 since he was trying to prove she did it, having her  
15 mugshot was not going to hurt him.

16 Q. All right. You also introduced the police  
17 interview with Mr. Williams.

18 A. Not both of them. We did not introduce the  
19 interview with Detective Baggett. We introduced the  
20 interview with Pottieger and Shuler.

21 Q. The two of them?

22 A. Yes.

23 Q. And that's where they talk in more detail about  
24 what actually happened?

25 A. They talk in detail in both of them. I just can't

1 remember what specifically --

2 Q. So the one we have has two people in it. That's  
3 the one you introduced?

4 A. Actually, they both had two people in it.

5 Q. I think one had one.

6 A. I don't think they ever interview people alone.

7 Q. Do you recall in the interview --

8 A. But I know Baggett we did not introduce. It was  
9 -- Pottieger and Shuler was the one that we introduced,  
10 which I believe was a later interview, or maybe it was  
11 the earlier interview. I'm sorry.

12 Q. Do you recall in that interview the police  
13 constantly telling Roger, we know you're lying. Tell us  
14 the truth, stuff like that?

15 A. I think that was the Baggett interview. I'm not  
16 saying the others didn't do that too. They knew he was  
17 lying because they found the body, but I think the one  
18 where they kept saying he was lying was Detective  
19 Baggett, but I'm not sure, so they might have both said  
20 it.

21 Q. Hold on a second. Let me find the right page real  
22 quick. I'm going to give you mine as soon as I tell you  
23 where to start.

24 A. One of them just had a lot of self-serving  
25 statements, and I think that was the reason.

1 Q. Look at page 181. All right. This is after the  
2 first interview was -- State's Exhibit -- 180 through  
3 181, line 20. Just read those first.

4 A. You're telling me to read all of 180?

5 Q. You don't have to read all of it. Yeah, 180  
6 starting at line 5, through 181.

7 A. Again, it looks like the one with Detective  
8 Pottieger not the one with Baggett. Is that the  
9 question?

10 Q. My question is, in reading that, does that not  
11 show that both videos were introduced?

12 A. No.

13 Q. Hand mine back, if you don't mind, please. You  
14 asked for permission to publish. That means show it,  
15 correct?

16 A. Yes.

17 Q. All right. And then you say on 181, We're going  
18 to play the second disk through another witness, and  
19 that's on line 14.

20 A. Well, sometimes one interview might have two  
21 disks. That doesn't mean it's the same interview.

22 Q. All right.

23 A. We made a strategic decision not to put in the  
24 Baggett interview. That's my memory of it.

25 Q. And y'all argued extensively in closing arguments

1 that Mr. Williams' own statement convicted him, didn't  
2 you, his statement that, Grace and I didn't call the  
3 ambulance. That's what we did wrong?

4 A. My closing argument was based on the fact that all  
5 of the evidence overlapped with each other, and there was  
6 so much evidence: Mr. Williams's own statement,  
7 eyewitness statements; there were three or four other  
8 witnesses that overheard him calling his child a faggot  
9 on the phone.

10 There were medical experts. The pathologist  
11 testified. We had videotape of his buying concrete at  
12 the store. So I did argue that his own words were  
13 powerful, but it was a long closing argument.

14 Q. It was. Page 668, line 25, through the  
15 highlighted portion of the next page.

16 A. Okay.

17 Q. You argued that Mr. Williams saying, I didn't call  
18 the ambulance on the day of this incident was sufficient  
19 to convict him, didn't you?

20 A. I didn't say -- I said, He said we didn't call the  
21 ambulance. That makes us both guilty, and I said he's  
22 absolutely right. They are both guilty.

23 Q. Okay.

24 A. Wait a minute. And then I said they were both  
25 guilty -- he's talking about the last time. I would

1 submit to you that they had a responsibility to call the  
2 ambulance after the first seizure, after the second  
3 seizure, and after the last seizure, so I argued that  
4 he -- it was an omission throughout the time.

5 Q. Okay. Including the last one.

6 A. Including the last one.

7 Q. But you will agree, will you not, that you can't  
8 commit a homicide by child abuse through an act of  
9 omission if the child is already dead?

10 A. I don't think the child was already dead, because  
11 yeah, I guess -- I guess if you're going to conclude  
12 that, you know, you can't call the ambulance after he's  
13 already dead, but what about the first seizure? What  
14 about the second seizure?

15 Q. I understand that theory. I understand that  
16 theory very well, but you would agree you cannot commit  
17 the crime of homicide by child abuse if the child is  
18 already dead?

19 A. I would agree with that.

20 MR. WISE: Thank you.

21 THE COURT: Redirect?

22 MS. OPPENHEIMER: Nothing further, Your  
23 Honor.

24 THE COURT: You can step down. Do you have  
25 any other witnesses?

1 MS. OPPENHEIMER: No other witnesses, Your  
2 Honor.

3 THE COURT: All right. You got anything  
4 else?

5 MR. WISE: We have no other witnesses, Your  
6 Honor.

7 THE COURT: All right. Well, I guess I got  
8 to watch some videos before I make a decision.

9 MR. WISE: Can I make kind of a strange  
10 request?

11 THE COURT: Well, it wouldn't be the first  
12 time I heard a strange request, but go ahead.

13 MR. WISE: If the State's willing to split  
14 the cost with me, I think we should get the transcript  
15 for this hearing before we make a final ruling, just so  
16 we can have the testimony right unless the State has a  
17 serious objection.

18 THE COURT: Of the hearing today?

19 MR. WISE: Yes.

20 MS. OPPENHEIMER: We'll order a copy too  
21 then.

22 MR. WISE: And, secondly, Your Honor, in view  
23 of Ms. Williams' testimony, I had been led to believe  
24 that what I introduced was introduced at the trial. If  
25 the State would trust me to see if I can get a copy of

1 the statement provided to us.

2 MS. OPPENHEIMER: Is that the Baggett  
3 interview or --

4 MR. WISE: It's two people, and it's the long  
5 one. The other one they said was four minutes.

6 MS. OPPENHEIMER: Pottieger and Shuler.

7 MR. WISE: We just want to make sure we got  
8 the right video before the Court.

9 MS. OPPENHEIMER: Could we approach?

10 MR. WISE: Yeah.

11 THE COURT: I guess we'll just have to figure  
12 out a good way to do that.

13 MR. WISE: And to be candid with the Court  
14 too, we have no objection to letting you watch all the  
15 videos and coming back in a week or two weeks, three  
16 weeks, and doing argument, if you want to.

17 THE COURT: I got a full plate, but we'll get  
18 it done.

19 (Applicant's Exhibit 5 was marked for  
20 identification and admitted into evidence.)

21 MS. OPPENHEIMER: Would Your Honor prefer  
22 proposed orders for argument?

23 MR. WISE: Or briefs?

24 THE COURT: Thirty days after you get the  
25 transcripts.

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MS. OPPENHEIMER: Thank you, Your Honor.

- - -

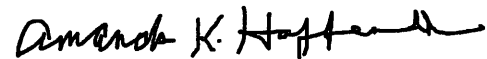
(Whereupon, the proceedings were concluded.)

- - -

I, the undersigned, Amanda Kelly Haffenden, RPR, CRR, Circuit Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Berkeley County, South Carolina, on the 23rd of May 2018.

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

June 20, 2018



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Circuit Court Reporter

\*CASE WAS HEARD IN CHARLESTON COUNTY IN FRONT OF J. YOUNG

Case # 2015-CP-08-0234  
2034

STATE OF SOUTH CAROLINA  
COUNTY OF BERKELEY

Circle One  
Common Pleas  
Family Court  
General Sessions

Armed  
2A08

EXHIBITS

Plaintiff(s) Roger A. Williams  
vs.  
Defendant(s) State of South Carolina

PLAINTIFF'S EXHIBITS	DEFENDANT'S EXHIBITS	COURT'S EXHIBITS
APPLICANT'S 1 MOTION TO DISCLOSE RULE 404(B)	1	1
2 BOOKING PHOTOGRAPH FOR GRACE TROTMAN	2	2
3 <del>DVD</del> DVD OF TROTMAN INTERVIEW + PHOTOS	3	3
4 PHOTOGRAPH OF VICTIM	4	4
5 DVD OF INTERVIEW * MARKED + NOT PROVIDED TO COURT REPORTER	5	5
6	6	6
7	7	7
8	8	8
9	9	9
10	10	10

Did not  
Receive #5  
AM

FILED  
 2018 MAY 25 PM 12:02  
 MARY P. BROWN  
 CLERK OF COURT  
 BERKELEY COUNTY, SC

*[Handwritten signature]*

Court Reporter [Signature] 5/23/18 (Amanda)  
Clerk of Court Jacqui Williamson 5/25/18

STATE OF SOUTH CAROLINA )  
County of  Charleston  Berkeley )

COURT OF COMMON PLEAS  
Case No. 2015-CP-10-2034

Roger A. Williams  
Applicant / Petitioner

vs.

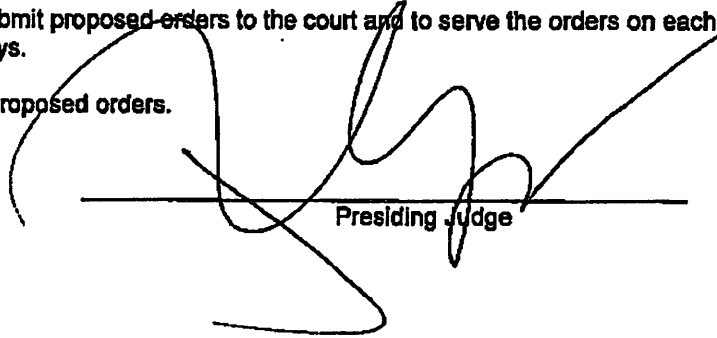
State of South Carolina,  
Respondent.

ORDER

FILED  
2018 MAY 25 AM 9:11  
MARY P. BROWN  
CLERK OF COURT  
BERKELEY COUNTY, SC

This post-conviction relief case came before the court for a hearing. Having now heard this matter, the court orders as indicated herein.

1. The application for post-conviction relief is hereby:  denied  granted under advisement; a formal order will be filed (see below - No.6)
2. Motion(s) was/were heard in this case and the court orders:  
The motion to dismiss and/or for summary judgment is hereby  granted  denied  under advisement, based upon the  statute of limitations and/or  the successive nature of the application or  other reason as follows:  
\_\_\_\_\_  
\_\_\_\_\_
3. A conditional order of dismissal was previously filed in this case. Upon review of the matter, the court finds:  
 Good cause as to why the case should not be dismissed has been shown in response to the order of dismissal; therefore, a hearing on the merits of the application shall be scheduled.  
 The court has considered the response to the conditional order of dismissal and finds that good cause has not been shown or  no response has been filed to the conditional order of dismissal; therefore, the application is hereby dismissed.
4. The application was freely, voluntarily, and intelligently withdrawn as indicated on the record; therefore, this case is dismissed  with prejudice  without prejudice.
5. Other: BOTH SIDES GIVEN THIRTY DAYS TO SUBMIT BRIEFS (30 DAYS AFTER TRANSCRIPT IS RECEIVED)
6. The court further orders:  
 The  Attorney General  Applicant's counsel is directed to submit to the court a proposed order and to serve the order on opposing counsel within \_\_\_\_\_ days.  
 Both sides are directed to submit proposed orders to the court and to serve the orders on each other within \_\_\_\_\_ days.  
 The court does not request proposed orders.



IT IS SO ORDERED.

Date: 5, 23, 2018  
Charleston, S.C.

Presiding Judge

Court Reporter: HAFENDOEN  
Attorney for Plaintiff: C. Rauch Wise  
Attorney for Defendant: Kelly Oppenheimer

Revised 12/10/04

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BERKLEY )

IN THE COURT OF COMMON PLEAS

Roger A. Williams, № 303509 )  
 )  
Applicant, )  
 )  
-vs- )  
 )  
State of South Carolina, )  
 )  
Respondent. )

2015-CP-08-2034

Brief in Support of Application for  
Post Conviction Relief

The undisputed facts of this case establish that the actions of Roger A. Williams, after he discovered his son had died, are despicable. He was guilty of and plead guilty to desecration of human remains. No judge would have sentenced him to less than the 10 year sentence he received. The question to be resolved in this Post Conviction Relief hearing is not whether the actions of Mr. Williams are reprehensible, but whether he was fairly convicted of the crime he says he did not commit, homicide by child abuse. People who do reprehensible acts are as much entitled to trial free from prejudicial errors as any other individual.

*Factual Background*

This case was tried before a jury from October 8 to October 11, 2014. Mr. Williams initially filed an appeal but the appeal was withdrawn as he believed no issue had merit. He subsequently filed a Post Conviction Relief Petition on August 27, 2015 which was amended on May 21, 2018.

The record show that on June 7, 2010, Grace Trotman, the girlfriend of Mr. Williams,  
phone him at his place of employment and told him that his son was not breathing. Mr. Williams

did not have transportation home and had to call for a ride home. When he arrived Grace was outside of the house with her other child. His son was in the house deceased. Mr. Williams told Grace not to call 911 or the police. Upon seeing that his son was in fact dead, Mr. Williams did not call an ambulance or police but instead entered upon a diabolical scheme to hide the death of his son. The basic plan was to place the remains of his son in a plastic barrel and cover him with concrete. He then proceeded to lie to the mother of the child as to the whereabouts of his son. The ruse continued until July of 2012 when a plan was made to pretend his son was kidnaped while at the battery in Charleston. Upon being questioned about the incident, Grace Trotman eventually told the police what had happened. As a result the current charges were brought against Ms. Trotman and Mr. Williams.

The medical testimony at trial established that the child had a previous head injury. The precise cause of this head injury was never clearly established. The testimony was also that the child suffered a seizure on the Friday before his death on Monday but appeared to have recovered from him. Notwithstanding the argument that there were "multiple seizures," the Friday seizure and the Monday seizure were the only clearly reported seizures. The medical testimony was the cause of death was brain injury.

Grace Trotman testified against Mr. Williams at trial. She testified that Mr. Williams had struck the child but never clearly identified Mr. Williams as having struck his son in the head. She did testify that Mr. Williams struck his son in the chest and his son fell down and hit his head. Mr. Williams in his interview denied ever hitting his son in the head. He stated he only struck his son in the chest or perhaps the back. On the day of his son's death, Ms. Trotman told the police in a video recorded statement that she struck the boy aside the head, his head then hit

the wall and afterwards he appeared to have a seizure. He subsequently stopped breathing and she called Mr. Williams,

*Post Conviction Relief Hearing*

Mr. Williams has contended his trial counsel was not effective in failing to object to several statements and the introduction of several pieces of evidence. He also contends trial counsel should have asked for a directed verdict on the charge of failing to render aid by not calling an ambulance. At the least trial counsel should have eliminated the failure to call 911 on the day of the incident as a means of committing the crime as the evidence showed that the child was deceased at the time Ms. Trotman called Mr. Williams. Mr. Williams further contends that trial counsel should have moved to quash the indictment because it failed to inform Mr. Williams exactly what act of omission would have been sufficient to sustain the conviction of homicide by child abuse.

*Trial Counsel was Ineffective in Failing to Object to a reference to Roger Williams Lack of Belief in God.*

Rule 610 of the South Carolina Rules of Evidence provides "Evidence of the belief or opinions of a witness on matters of religion is not admissible for the purposes of showing by reason of their nature the witness' credibility is impaired or enhance." While this Rule applies on its face to a "witness" it would also obviously apply to any attempt to attack the credibility of a defendant for a lack of religious beliefs. Simply put, religious beliefs have no place in a courtroom, unless it is an important factor in the trial. In this case the religious beliefs of Mr. Williams were not a factor in the case.

In the trial of this case the State asked Grace Trotman about the minor child liking to

sing. The State asked:

Q. What kind of child was [minor victim]?

A. Very happy. He liked to sing, he always - -

Q. What would he sing?

A. Church songs he learned in school.

Q. Do you know if Roger had an opinion that he expressed to you about those songs?

A. Yes, he didn't let him sing the songs.

Q. Why not?

A. Because he was like - - he wanted to - - he didn't believe in God. I mean, he didn't believe in Jesus and so he didn't want his son singing songs like that.

Q. How did he get [minor victim] to stop singing the songs?

A. Eventually he stopped on his own.

Tr. at 198, 116 to , 199, 16.

At the Post Conviction Relief hearing, Ann Williams testified that the purpose of the question was to establish motive as to "why Mr. Williams would beat a two year old like this and several things came out through Grace Trotman." PCR hearing at 99, 11 17-19. The problem with that theory is that Ms. Trotman never testified that Mr. Williams struck his child because he was singing religious songs.

The issue of whether Mr. Williams was religious or not religious was not an issue in the trial. Whether Mr. Williams was religious or not religious did not make Mr. Williams more likely than not to inflict injuries upon his minor son. The testimony was not admissible under Rule 401 of the South Carolina Rules of Evidence and was specifically prohibited under Rule 610. No objection was raised by trial counsel to this testimony. South Carolina is known to be part of the "Bible Belt." To tell a jury a defendant does not believe in Jesus is very prejudicial. Only in 1976 did our Supreme Court declare that a belief in God was no longer required to be a witness. *State v. Green*, 267 S.C. 599, 230 S.E.2d 618 (1976). South Carolina has no reported

cases involving the interpretation of Rule 610.

Other State have taken a clear position that references to religion or religious beliefs to impeach a witness or defendant is not proper. As one Court said "With limited exceptions not relevant here, any attempt to discredit or otherwise penalize a witness because of his religious beliefs or for the exercise of his right to affirm the truth of his testimony is improper, because those factors are irrelevant to the issue of credibility." *People v. Wood*, 66 N.Y.2d 374, 378, 488 N.E.2d 86, 88 (1985). In *People v. Hall*, 391 Mich. 175, 182, 215 N.W.2d 166, 171 (1974) the Michigan Supreme Court reversed the conviction after the prosecutor improperly asked a question about religious beliefs. This was true even though trial counsel raised no objection to the question. The Court said. "Our statute clearly states that an accused is entitled to be tried and convicted without the question of his religious opinions ever being put in front of the judge or jury for their consideration. Whether the defendant hesitates, or unhesitatingly responds negatively or positively, or if he should quite properly refuse to respond, he still cannot avoid the risk of stimulating an offensively prejudicial reaction in some quarter of the jury." The Michigan Statute provided "No person may be deemed incompetent as a witness, in any court, matter or proceeding, on account of his opinions on the subject of religion. No witness may be questioned in relation to his opinions on religion, either before or after he is sworn." M.C.L.A. 600.1436. The statute carries the same import as Rule 610.

In *State v. Thomas*, 130 Ariz. 432, 636 P.2d 1214(1981) the Arizona Supreme Court, again with no proper objection at trial, reversed the conviction of the defendant because the State asked the minor child in a criminal sexual conduct case questions that elicited answers that the minor child was a very religious person. The Court stated "We believe that strict adherence to

these proscriptions becomes even more compelling in the context of a criminal proceeding, where the question of guilt or innocence is balanced upon the credibility of the prosecuting witness. Thus, there can be no question that error occurred when the various religious references were made during the course of appellant's trial. Can it be said, however, that this unobjected-to error was so serious that it deprived appellant of a fair trial?" In reversing the case the Court concluded, "We therefore conclude that admission of these religious references constituted fundamental error requiring reversal and a new trial." *Id.* at 437, 636 P.2d at 1219.

Mr. Williams likewise was entitled to have his case tried without the jury hearing testimony that he did not believe in Jesus. Such testimony was not relevant. It added nothing to the trial, except to prejudice Mr. Williams in the eyes and minds of the jury. This Court should grant Mr. Williams a new trial because of the improper references to his lack of religious beliefs.

*Trial Counsel was ineffective for his failure to object to a statement by Grace Trotman that Mr.*

*Williams was prejudiced against whites*

Shortly after the improper remark about his religious beliefs, the State elicited testimony from Ms. Trotman that Mr. Williams was racially prejudiced against whites. The testimony was as follows:

Q. Did he go to school when he lived with y'all?

A. No, ma.

Q. Did Roger tell you what he thought about the school?

A. He didn't want him to go to school. He felt like he was going to teach him what he needed to know. He didn't want white people to teach his kids.

Q. He didn't want white people to teach his kids?

A. Yes.

Tr. at 199, ll 10 - 21.

At the Post Conviction Relief hearing Ms. Williams testified that the purpose of the racial comment was "to establish that he wouldn't even let the kids go to school, and I think what Mr. Falk was trying to establish is that they were poor." PCR hearing at 100,125 to 101,13. Again, establishing that Mr. Williams did not want his child to be taught by white people was more prejudicial than probative. Whether the child was going to school was simply not relevant to whether Mr. Williams beat his child or failed to render aid.

Again, whether the child was going to school during the summer he was with Mr. Williams was not very relevant to the issues at trial. And the fact that Mr. Williams did not want "white people to teach his kids" was completely not relevant to the issues at trial and prejudicial to Mr. Williams. Again trial counsel made no objection to the testimony. The Statement was nothing more than an appeal to racial prejudice. The appeal to racial prejudice in a criminal trial has led to much litigation. *See, ANNOT., Prosecutor's appeal in criminal case to racial, national, or religious prejudice as ground for mistrial, new trial, or vacation of sentence - modern cases, 70 AIL.R.4th 664 (1989).* In *State v. Bell*, 263 S.C. 239, 209 S.E.2d 890 (1974), while not held to be reversible error, an appeal to racial prejudice has been held to be improper but any error was cured by a timely objection and a curative instruction to the jury. Neither of which occurred in this case.

The American Bar Association has established that principles that prohibits a prosecutor from appealing to racial or religious prejudices in any arguments. ABA STANDARDS FOR CRIMINAL JUSTICE: THE PROSECUTION FUNCTION, Standard 3-5(c). The same principles should apply to questions asked by a prosecutor. The question here elicited an answer

that appealed to the racial prejudices of the jury. In *State v. Regan*, 91 Hawai'i 405, 984 P.2d 1231 (1999) the Hawaii Supreme Court discusses this issue and collects numerous cases across the nation that condemn appeals to racial prejudice. In *Regan* the reversible error was a comment made in closing arguments that the defendant was a "black, military guy" and the case was "every mother's nightmare." The Court ruled that such statements were "an improper emotional appeal that could have foreseeably have influence the jury." *Id.* at 414, 984 P.2d at 1240.

The Statement had no relevance to the case. It could only have served to prejudice the jury against Mr. Williams. The State attempted to justify the statement as having some relevance. At the PCR hearing they never explained that relevance. Even if the statement had some minor relevance to the case, obviously its prejudiced greatly outweighed any probative value. The issue in the case was whether Mr. Williams physically abused his child or failed to render aid. Whether the child at age two was attending school was simply of no importance. Trial counsel should have made an objection and asked for a mistrial when this statement was made. His failure to do so was obviously prejudicial to Mr. Williams.

*Trial counsel was ineffective in failing to ask for a directed verdict on the act of omission in failing to call an ambulance on the day of the incident as the testimony establishes that the child was deceased at the time the call was made.*

The State had several theories in this case as to how Mr. Williams could be guilty of the crime of homicide by child abuse. The State contended that Mr. Williams actually struck his child, Mr. Williams allowed Ms. Trotman to strike his child, Mr. Williams failed to call an ambulance on the day of the incident and therefore failed to render medical aid, and lastly, otherwise failed to render medical aid to his child. Arguably there is evidence to support each

charge except the failure to render aid on the day of the call by Ms. Trotman. The record establishes that Ms. Trotman told Mr. Williams employer and other wise testified that the child had stopped breathing on the day of the incident. As the evidence established that Ms. Trotman said the child was not breathing on the day of the incident, failure to render aid could not be a basis for the charges against Mr. Williams.

During the closing arguments, the State urged that the jury to convict Mr. Williams based upon his failure to call an ambulance on the day of the incident. On numerous occasions the State in its closing argument made references to the failure of Mr. Williams to call the ambulance. Tr. at 668, 1 25 to 669, 1 7; 11 21-22; 675, 1 22 to 676, 1 2; 678, 11 13-18; 688, 11 17-18; 690, 1 12 to 693, 1 1; 694, 11 17-18. The State made numerous references to Mr. Williams not calling an ambulance on the day of the incident for one particular reason - it was the easiest allegation to prove. As the State noted in their closing about what Mr. Williams said "We didn't call the ambulance, that's what makes us both guilty." Tr. at 668, 1 25 to 669, 1 7. Had the judge directed a verdict on the issue of not calling the ambulance on the day of the incident or had they jury simply been instructed that if the child were deceased when it was reported to Mr. Williams, the jury could not convict him for his failure to call the ambulance, the jury would not have been able to convict on the failure to call the ambulance urged by the State.

South Carolina has no reported cases involving the presenting of alternative theories of conviction when one of the alternative theories is not sufficient to convict. The United States Supreme Court has addressed this issue on a federal level in *Griffin v. United States*, 502 U.S. 46 (1991). *Griffin* held that as a matter of federal due process a conviction of one of two alternative theories is sufficient even if the evidence is not sufficient as to one of the theories. The case has

not been uniformly followed by many states. In *State v. Jones*, 96 Hawai'i 161, 29 P.3d 351 (2001) the State of Hawaii collected and analyzed cases from across the country and refused to follow the *Griffin* case. In *Jones*, the Court stated the issue as "[I]n an alternative means case where it is impossible to tell which alternative the jury's verdict is based upon, does due process require that each of the alternative means presented to the jury be supported by legally sufficient evidence?" *Id.* at 178, 29 P.3d at 368. In reversing the conviction, the court said, "We are not convinced by the reasoning of the Supreme Court in *Griffin* that the jury will necessarily reject a theory unsupported by legally sufficient evidence, particularly where there is some evidence adduced and considerable argument presented to the jury." *Id.* at 181, 29 P.3d at 371. The same principle applies to this case. The State spent considerable argument urging the jury to convict Mr. Williams of failing to call the ambulance when the child was already deceased. Under these circumstances the crime of homicide by child abuse by failing to render aid could not have legally occurred. At the PCR hearing the prosecutor for the State agreed that homicide by child abuse by failing to render medical aid could not have occurred if the child were deceased. PCR hearing at 106, ll 15-19.

This case does not involve alternative means of committing an act but alternative acts, and therefore separate crimes, that occurred at different times. An overt act, such as actually striking the child is a very different act from an act of omission in permitting the child to be struck and different still from the act of omission of failing to render aid. Any separate act relied upon by the State to convict the defendant must be established beyond a reasonable doubt. Some jurors are not entitled to believe one act and others another act to achieve unanimity. The concept of alternative means and alternative acts is discussed at length by Justice Carol A. Beier,

of the Kansas Supreme Court, in her law review article, Carol A. Beier, *Lurching Toward the Light: Alternative Means and Multiple Acts Law in Kansas*, 44 WASHBURN LAW JOURNAL 275 (2005).

In this case the proof as to whether Mr. Williams failed to render aid on the day of the incident was not proof sufficient to sustain a conviction if the jury relied upon that argument to prove the State's case. As noted above, the State urged the jury to convict on that ground. The record established that the proof as to when the child died is not proven by the closing argument of the state. The assistant solicitor argued "I don't know if anyone knows when this child died." Tr. at 675, 1 21 - 22. If the State admits they do not know when the child died then the State admits there is no proof the child was alive when Grace Trotman called Mr. Williams at work. The State has the obligation to prove the child was alive at the time of the call. At the best, the testimony is speculative and speculative testimony does not satisfy the standard of *Jackson v. Virginia*, 443 U.S. 307 (1979).

Trial counsel should have requested a directed verdict on the State's theory that failing to call the ambulance on the day of the incident was a basis for conviction. At the very least, trial counsel should have requested a charge requiring the jury to find beyond a reasonable doubt that the minor child was alive when the call was made in order to convict Mr. Williams. The failure to request such a charge prejudiced Mr. Williams as the jury, under the facts of this case, could have convicted Mr. Williams of failing to render aid to a child who was deceased. This was the precise ground urged by the State in their closing argument.

A defendant in a criminal case is entitled to a unanimous jury verdict. As the Fifth Circuit has said "The unanimity rule thus requires jurors to be in substantial agreement as to just

what a defendant did as a step preliminary to determining whether the defendant is guilty of the crime charged. Requiring the vote of twelve jurors to convict a defendant does little to insure that his right to a unanimous verdict is protected unless this prerequisite of jury consensus as to the defendant's course of action is also required." *United States v. Gipson*, 553 F.2d 453, 457-58 (5th Cir. 1977). In the present case, the jury had to unanimously agree that the minor child was alive in order to convict Mr. Williams of failing to render aid as urged by the State. If the jurors failed to consider this fact in their deliberations, then the conviction of Mr. Williams has to be reversed. As no specific jury charge was given on this issue, there is nothing in this record to establish the jury did in fact consider the issue of whether the child was deceased when the call was made from Ms. Trotman. The State encouraged the jury to convict on a legally insufficient ground. The law requires that the jury be instructed that they must all agree the child was alive at the time of the call if their verdict on this issue is to be sustained.

Obviously Mr. Williams was prejudiced by the failure of his trial counsel to request such a charge. The jury cannot be permitted to convict on a ground that is not factually possible.

*Trial Counsel was Ineffective in Failing to Move to Quash the Indictment due to the Indictment Being Vague.*

This issue is closely tied to the issue previously discussed. Had trial counsel made a motion to quash the indictment, many of the problems, if not all, in the previous issue would have been resolved. The South Carolina Supreme Court in *State v. Gentry*, 363 S.C. 93, 610 S.E.2d 494 (2005) said the indictment is a notice document. As such all objections to the indictment must be made before a jury is sworn. The indictment must still be a notice of more than the fact that a defendant is accused of violating a certain statute. The indictment must state

the underlying facts that make up that crime. As the court said in *Gentry*, the indictment must be sufficiently clear for “the defendant to know what he is called upon to answer.” *Id.* at 102, 610 S.E.2d at 500. As the indictment in this case simply alleges that Mr. Williams committed the crime of homicide by child abuse through either an act of omission or commission, Mr. Williams was not informed of the nature of his charges.

The testimony at the PCR hearing shows that trial counsel was defending one case and the State was urging the jury to convict on another. As Mr. Falk testified:

As I said, I thought the theory of the case was that he was the one that caused the repeated abuse and - - it was my impression that everything else was more going to cover up that, that all the other actions, not calling 911, more a matter of covering up.  
PCR hearing at 46, ll 9 - 13. *See also* PCR hearing at 36, ll 10 - 23

Based upon the citations of the closing argument of the State stated above, while the State urged in part that Mr. Williams beat his child, they also strongly urged the jury to convict Mr. Williams based upon his failure to call 911 on the day of the incident. Had a simple motion to quash been made, Mr. Falk would have known the exact theory of the State. As mentioned previously, the State had four theories to convict Mr. Williams and these four theories were mixed into a one count indictment. The theories were: 1. Mr. Williams actually inflicted the injuries on his child causing the child’s death. 2. Mr. Williams allowed Ms. Trotman to inflict injuries on his child that caused the death of his child. 3. Mr. Williams failed to render medical aid to his child by not calling the ambulance on the Friday before the Monday incident. 4. Mr. Williams failed to render medical aid by failing to call 911 on the Monday incident when his child died. These are four separate and distinct acts that occurred at different times.

Had the Court granted the motion to quash, and the State issued a proper four count

indictment, then Mr. Falk, and Mr. Williams, would have clearly understood that Mr. Williams inflicting the injuries was only one of four means by which the State had elected to convict Mr. Williams. A guilty verdict on one or more of the counts would have told an appellate court what unanimous facts the jury found to sustain the conviction. If the jury convicted on a count for which the evidence was not sufficient, a reviewing court could have easily corrected that error. Mr. Falk would not have been trying a case different from the one the State was trying.

In *State v. Couch*, 54 S.C. 286, 32 S.E. 408 (1899) the South Carolina Supreme Court held an indictment defective because it did not contain the name of the person to whom the defendant sold the illegal liquor. The court said "It is the office of an indictment to fully disclose to the accused the nature and cause of the accusation. Any indictment which fails to fully disclose the offense to the accused is defective." *Id.* at \_\_\_, 32 S.E. at 408. The *Couch* decision was interpreting the same constitutional provision that is found today in Article I, § 14 which provides that a criminal defendant has the right "to be fully informed of the nature and cause of the accusation . . . ." In the present case the indictment simply did not fully inform Mr. Williams of the nature and cause of the accusation. In *State v. Gunn*, 313 S.C. 124, 437 S.E.2d 75 (1993) the supreme court held a vague indictment was saved because under the state grand jury procedure, the defendant could review the testimony before the grand jury. No such testimony is available in this case.

In *DeVaughn v. State*, 749 S.W.2d 62 (Tx. Ct. Cr. App. 1988) the Court held an indictment defective which did not allege from whom the items were stolen when the robbery was part of a burglary indictment. The Court said "A motion to quash should be granted only where the language concerning the defendant's conduct is so vague or indefinite as to deny the

defendant effective notice of the acts he allegedly committed.” In this case the allegations against Mr. Williams gives him no notice as to what act or omission he committed to cause him to be charged with a crime. The indictment vaguely refers to “failing by act or omission to supply [minor child] with adequate health care causing harm resulting in his death.” Indictment. Failing to call 911 is not even mentioned.

The United States Supreme Court in *United States v. Cruikshank*, 92 U.S. 542, 558 (1875) held, “It is an elementary principle of criminal pleading, that, where the definition of an offence, whether it be at common law or by statute, includes generic terms, it is not sufficient that the indictment shall charge the offence in the same generic terms as in the definition, but it must state the species,-it must descend to particulars.” This quote was cited with approval in *Russell v. United States*, 369 U.S. 749 (1962). *Russell* was decided after the passage in 1946 of Rule 7(c), of the Federal Rules of Criminal Procedures. Rule 7(c) eliminated technical errors in indictments. Thus, the United States Supreme Court has said that even in the era of modern pleadings in criminal cases, generic terms are not sufficient in an indictment.

Had the indictment been quashed and a new indictment had fully informed Mr. Falk and Mr. Williams as to the State’s theory, Mr. Falk would have been better prepared to defend the case. He would have known that three of the four theories against Mr. Williams were acts of omission and not commission. If the Court were to determine the numerous conferences and discovery presented in this case were sufficient to inform Mr. Falk of the nature of the State’s theory, then trial counsel was ineffective in failing to recognize this and mount a defense, especially on the issue of failure to call 911 on the day the child died. Mr. Williams should be granted a new trial as trial counsel was ineffective in failing to ask that the indictment be

quashed.

*Trial Counsel was Ineffective in Failing to Preserve for Appellate Review the Refusal of the Trial Judge to Admit the Video Statement of Grace Trotman*

At the trial of this case, Grace Trotman tried to minimize the manner in which she treated the minor child on the morning of his death. In her description of that morning she stated:

Q. Now, what happened that morning when you got up?

A. I am not sure if the kids was up before me or if I was up before them, but we were all up. [Minor daughter] and [minor child] were playing, I was breast feeding and [minor child] and [minor daughter] started fighting. So I told them to stop. They didn't listen. So once I got finished breastfeeding my son, I got up and popped [minor daughter] on her arm and then I popped [minor child] on his arm and told them to stop.

Q. What happened when you popped [minor child]?

A. He fell to his bottom, lost balance and his head on the wall.

Tr. at 221, 1 15 to 222, 1 3.

During the cross-examination of Ms. Trotman, Mr. Falk attempted to have her admit that she struck the minor child rather hard. Tr. at 297, 11 15 - 25. During that cross-examination Mr. Trotman denied hitting the minor child with any great force. He requested permission to show the witness the video tape of her interview. Tr. at 300, 11 1-3. The record shows that an off the record discussion was held and the request to show the jury the video tape to impeach Ms. Trotman was never discussed again.

The video taped interview of Ms. Trotman shows a lot more than a mere hitting on the arm and the child falling down and then hitting the wall. The moment Ms. Trotman admits to hitting the minor child, she demonstrated her striking him with enough force that his head hit the wall before he fell down. She becomes very emotional as she describes how she struck the minor child. The video tape is a confession of her striking the child with enough force to cause his head

to hit the wall and the resulting injuries. And the front part of his head hit the wall which is the location of the injury found by the medical experts.

This video was impeachment material. Mr. Falk failed preserve the record on the refusal of the trial judge to admit the video. Mr. Falk admitted at the PCR hearing that he thought the demonstration in the video would have helped his case. PCR hearing at 20, ll 3 - 8. He admitted he was seeking to introduce the video as a prior inconsistent statement. PCR hearing at 23, ll 2 - 4. The video tape is in fact a prior inconsistent statement. The trial court should have permitted Mr. Falk to introduce it. Had the issue been preserved, there would have been a legal basis to reverse the conviction. Mr. Williams was prejudiced by his failure to preserve this issue.

*Trial Counsel was ineffective in Failing to Object to the Testimony by Grace Trotman as to Roger Williams Abusing her and the Picture that Purports to show that Abuse.*

Trail counsel filed a Motion to discover if the State had any evidence they were seeking to admit under Rule 404b of the South Carolina Rules of Evidence. He never received a formal response to this request. At trial, the State did seek to introduce evidence of other bad act by Mr. Williams. They introduced evidence through Grace Trotman and others that Mr. Williams allegedly beat Ms. Trotman. They even introduced a picture of Ms. Trotman where she appears to have been battered. The State in closing argument capitalized on this evidence. The assistant solicitor argued "Y'all saw how he treats Grace. How he treats all these women." Tr. at 665, ll 6 - 7. The testimony concerning any alleged abuse against Ms. Trotman was not admissible. In *State v. Rivers*, 273 S.C. 75, 254 S.E.2d 299 (1979) the South Carolina Supreme Court held evidence of the husband's sexual activities with his former wife were not admissible in the charge involving another woman. In *State v. Parker*, 315 S.C. 230, 234, 433 S.E.2d 831, 833

(1993) the Court did not reverse the conviction but noted the other assault was not admissible. The Court said "In the case at bar, the evidence of the prior bad acts submitted by the State was of a general similarity to the beating death of Gwin. In viewing the record, it is difficult to narrow the similarities or draw a real connection between the incidents." The same rule applies here.

Mr. Williams was not on trial for criminal domestic violence concerning Grace Trotman.

Whether he ever assaulted her is not relevant to the question of whether he assaulted his son or permitted Grace Trotman to assault his son or failed to render medical aid.

Mr. Williams was prejudiced by the admission of this evidence. He was portrayed as a bad man who beat up his girlfriend. The State even introduced a picture of her that was taken weeks after they separated. No evidence exists that Mr. Williams inflicted any injuries shown in the mug shot. At the sentencing of Ms. Trotman, the attorney for Ms. Trotman pointed out to the judge that Ms. Trotman "had two black eyes and her hair was pulled out." Sentencing Grace Trotman at 27, ll 18 - 19. To this comment the sentencing judge said "I noticed that." Id., l 20. If the trial judge noticed it, then surely the jury noticed it. The State in closing argument called the picture to the attention of the jury. It was not relevant to the issue at hand. If a person beats his girlfriend, then it is much easier to accept that he beat his child. This is the precise reason this evidence is not admissible. As the South Carolina Supreme Court said in *State v. Lyle*, 125 S.C. 406, 118 S.E. 803, 807 (1923):

Proof that a defendant has been guilty of another crime equally heinous prompts to a ready acceptance of and belief in the prosecution's theory that he is guilty of the crime charged. Its effect is to predispose the mind of the juror to believe the prisoner guilty, and thus effectually to strip him of the presumption of innocence. It "compels the defendant to meet charges of which the indictment gives him no information, confuses him in his defense, raises a

variety of issues, and thus diverts the attention of the jury from the one immediately before it.” This is exactly why the alleged abuse against Ms. Trotman was not admissible in this case and an objection should have been raised.

*Trial Counsel was Ineffective in Failing to Object to the Introduction of the Picture of the Minor Child when the Picture was taken Months before the Child Came to Live with Roger Williams*

The State introduced a picture of the minor child showing an alleged bruise to his head. The picture was taken by the child’s mother. The picture was taken in the spring a month or more before the child came to live with Mr. Williams for the summer. The medical testimony was that after that period of time a child would likely have recovered from any injuries. The mother of the child was not concerned enough to report the picture to the police or even prevent the child from visiting again with Mr. Williams. The admission of the picture was more prejudicial than probative under Rule 403 of the South Carolina Rules of Evidence. Trial counsel should have objected to the picture and prevented it from being admitted into evidence.

This picture was prejudicial to Mr. Williams and not probative.

*Cumulative Error*

The South Carolina appellate courts have never squarely addressed the issue of cumulative error in the context of a Post Conviction Relief Petition. But the court has discussed the concept of cumulative error. The South Carolina Supreme Court has said cumulative error “provides relief to a party when a combination of errors that are insignificant by themselves have the effect of preventing a party from receiving a fair trial and it requires the cumulative effect of the errors to affect the outcome of the trial.” *State v. Johnson*, 334 S.C. 78, 93, 512 S.E.2d 795, 803 (1999). *And see State v. Blurton*, 342 S.C. 500, 512, 537 S.E.2d 291, 297 (Ct. App. 2000)

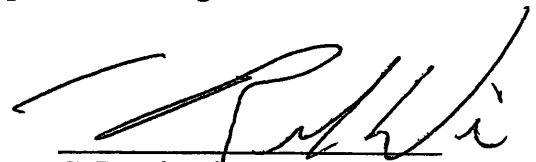
*reversed on other grounds by State v. Blurton, 352 S.C. 203, 573 S.E.2d 802 (2002) (cumulative error of solicitor's improper argument and improperly excluded evidence warranted reversal).*

In this case, this Court should consider the cumulative affect of the State introducing evidence, with no probative value, that Mr. Williams is a racist who does not believe in Jesus. With a jury that is majority white, being tried in the Bible Belt, the statements combined together are the most highly prejudicial statements that could be made about a defendant. When these two statements are then further combined with the improper testimony that Mr. Williams is an abuser of women, the prejudice circle is complete and the fate of Mr. Williams is sealed. Instead of objectively looking at the true evidence, the jury is urged to look at a man who is against the core beliefs of most people in the community. The combined prejudicial affect of these three items in particular is simply an improper attempt to portray to the jury that Mr. Williams is a bad man. They all improperly attack his character and therefore should be considered in combination and cumulatively.

#### CONCLUSION

For the foregoing reasons this Court should grant the application of Roger Williams for a new trial.

October 8, 2018



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Attorney for Roger Williams

STATE OF SOUTH CAROLINA )  
COUNTY OF BERKELEY )  
) )  
Roger A. Williams, #303509, )  
) )  
Applicant, )  
) )  
v. )  
) )  
State of South Carolina, )  
) )  
Respondent. )

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT

Case No. 2015-CP-08-2034

ORDER OF DISMISSAL

MARY P. SIMMONS  
CLERK OF COURT  
BERKELEY COUNTY

2018 DEC 13 AM 9:16

FILED  
DW

This matter comes before the Court by way of an application for post-conviction relief filed August 27, 2015, by Roger A. Williams (Applicant). The State (Respondent) made its Return on June 2, 2016, requesting an evidentiary hearing be held. Thereafter, on May 21, 2018, through his counsel, Applicant filed an amended application for post-conviction relief. An evidentiary hearing was convened on May 23, 2018, at the Charleston County Courthouse. Applicant was present at the hearing and represented by C. Rauch Wise, Esquire. Respondent was represented by Assistant Attorney General Kelly Oppenheimer of the South Carolina Attorney General's Office.

**PROCEDURAL HISTORY**

The records before this Court indicate Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Berkeley County Clerk of Court. During its September 2010 term, the Berkeley County Grand Jury indicted Applicant for homicide by child abuse (2010-GS-08-1519) and unlawful conduct towards a child (2010-GS-08-1521). Thereafter, during its November 2010 term, the Berkeley County Grand Jury indicted Applicant for destruction or desecration of human remains (2010-GS-08-1876). James K. Falk, Esquire, represented Applicant on these charges. Assistant Solicitor Anne M.

*R*

Williams and Assistant Solicitor Deborah Herring-Lash, both of the Ninth Circuit Solicitor's Office, prosecuted the case. On September 18, 2012, Applicant appeared before the Honorable R. Markley Dennis, Jr. and pled guilty as indicted to desecration of human remains. Judge Dennis accepted the plea and deferred sentencing. Subsequently, Applicant proceeded to a jury trial on the remaining charges before Judge Dennis on October 8-11, 2012. Following deliberations, the jury convicted Applicant as indicted. Judge Dennis sentenced him to a term of imprisonment of life without the possibility of parole for homicide by child abuse, ten years for desecration of human remains, and ten years for unlawful neglect of a child. The sentences were to run concurrently.

Applicant filed a timely notice of appeal, and Appellate Defender Susan B. Hackett, of the South Carolina Commission on Indigent Defense, Office of Appellate Defense, perfected an appeal on Applicant's behalf. Following briefing, the South Carolina Court of Appeals issued a written order on October 24, 2014, indicating Applicant wished to withdraw his appeal and, therefore, dismissing the appeal. The Remittitur was issued on November 19, 2014.

### **CURRENT APPLICATION**

In his application for post-conviction relief, Applicant alleges he is being held in custody unlawfully for the following reasons:

1. "Ineffective Assistant [sic] of trial counsel;" and
  - a. "Failure to object to prosecutorial misconduct;"
  - b. "Failure to impeach State's witness Grace Trotman."
2. "Prosecutorial Misconduct."
  - a. "Giglio vs. U.S. violations."

In his amended application for post-conviction relief, Applicant raised the following grounds:

1. "Trial Counsel was ineffective in cross examining co-defendant;"
  - a. "Trial Counsel failed to properly cross examine the co-defendant as to her video taped statement where she admitted to striking [Victim] and this should have been shown to the



- jury.”
2. “Trial counsel failed to properly ask for a directed verdict;”
    - a. “Trial counsel failed to ask for a directed verdict on the issue of whether [Applicant] failed to render medical aid which resulted in the death of [Victim].”
  3. “Trial counsel failed to request jury instruction on the jury agreeing on means of death;”
    - a. “Trial counsel failed to ask for an instruction that the jury had to unanimously agree as to the means of causing the death of [Victim].”
  4. “Trial counsel failed to require the state to elect as to their theory of the case;”
    - a. “Trial counsel failed to require the State to elect as to which theory they were going to the jury on as the state argued several different means by which the alleged crime could have been committed.”
  5. “Trial counsel failed to object to the mug shot of co-defendant being introduced;”
    - a. “Trial counsel erred in allowing the mug shot of the co-defendant to be introduced showing she had bruises that were old and could not have been inflicted by the applicant. The State used the picture as evidence of abuse by the applicant and in their closing argument. Tr. At 665. Trial Counsel also failed to object to testimony from the co-defendant that [Applicant] had abused her. The testimony violated Rule 404b.”
  6. “Trial counsel failed to object to the expert of the state using hearsay testimony to form her opinion;”
    - a. “Trial counsel failed to object to the expert for the state relying upon the out of court statements of witnesses and thus deprived [Applicant] of [his] right to confront the witnesses against [him] in violation of Crawford v. Washington, 541 U.S. 36 (2004).”
  7. “Trial counsel failed to properly cross examine the expert for the state;”
    - a. “The trial counsel failed to object or question the expert for the state about the expert relying upon the false statement made by the co-defendant in her confession.”
  8. “Trial counsel failed to object to picture of [Victim] being introduced;”
    - a. “Trial counsel failed to object to the picture of [Victim] showing some bruises when the evidence established that [Applicant] was never accused of striking [Victim] in the face.”
  9. “Trial counsel failed to properly cross examine the expert for the state;”
    - a. “Trial counsel failed to question the validity of the opinion of the expert when the testimony of the expert was based upon



inconsistent facts as to the number of seizures and the timing of the seizures and as to the timing of the alleged abuse.”

10. “Trial counsel failed to move to quash the indictment;”
  - a. “Trial counsel failed to move to quash the indictment as the facts alleged there were so vague that the jury could have convicted [Applicant] for failing to render aid while [he] was at work and by contending that [he] failed to prevent the co-defendant from inflicting injuries while [he] was at work.”
11. “Trial counsel failed to object to an improper charge as to aiding and abetting homicide by child abuse being a lesser-included of homicide by child abuse;”
  - a. “Trial counsel failed to object to the judge charging that aiding and abetting homicide by child abuse is a lesser included offense of homicide by child abuse.”
12. “Trial counsel failed to object to statements about [Applicant’s] religious beliefs;” and
  - a. “Trial counsel failed to object to the testimony as to [Applicant’s] religious beliefs or lack of religious beliefs as to a belief in God. On pages 198 to 199 the co-defendant was permitted to testify as to my lackof [sic] a belief in God. Such testimony violates Rule 610 of the South Carolina Rules of Evidence.”
13. “Trial counsel failed to object to the appeal to racial prejudice through the testimony of co-defendant.”
  - a. “Without objection, the state was permitted to elicit testimony from [his] co-defendant that [Applicant] was racially prejudiced. This testimony was not relevant to any issue at trial. This is found on page 199 of the transcript.”

At the hearing, Applicant proceeded forward on the following allegations of ineffective assistance of counsel:

1. Failure to properly cross-examine the co-defendant as to her videotaped statement;
2. Failure to move for a directed verdict on the issue of whether Applicant failed to render medical aid, which resulted in Victim’s death;
3. Failure to require the State to elect which theory it would proceed forward on at trial;
4. Failure to object to the introduction of Applicant’s co-defendant’s mug shot;
5. Failure to object to the introduction of a picture of Victim;
6. Failure to quash the indictment;
7. Failure to object to statements regarding Applicant’s religious beliefs
8. Failure to object to statement regarding Applicant’s racial prejudices;

- and
9. Failure to object to the admissibility of the videotaped interview of Applicant by law enforcement in which law enforcement repeatedly told Applicant they knew he was lying.

#### STATEMENT OF FACTS ADDUCED AT TRIAL

During a pretrial hearing on September 12, 2012, Applicant moved to exclude photographs taken during Victim's autopsy. The State indicated it was only offering seven photographs from the autopsy, which were primarily of the trashcan used to dispose of Victim's body, and only one included a small part of the body itself. The purpose of the photographs was to "show the manner in which and the extent to which the defendants went to conceal the body," which was "very unique and very extensive," and to help the pathologist explain the "impact of that type of concealment on his examination of the body." 9/12/2012 Hearing Tr. 13, 56. The circuit court indicated it was not inclined to admit the photographs, but would have "to wait to hear and see" the evidence at trial. 9/12/2012 Hearing Tr. 56-57.<sup>1</sup>

The matter was called for a jury trial on October 8, 2012, before the Honorable R. Markley Dennis, Jr., Circuit Court Judge. There were no additional pre-trial motions prior to selection and seating of the jury.

Grace Trotman (Trotman), who pled guilty to homicide by child abuse in connection with Victim's death, testified she and Applicant were romantically involved from 2006 through 2010, and had two children together during that time. Tr. 189-95. In 2009, after the birth of their first child, Trotman and Applicant discovered Applicant had fathered Victim by another woman in 2007, and Victim started visiting them shortly thereafter. Tr. 199-200.

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<sup>1</sup>Prior to trial, the circuit court excluded the challenged autopsy photographs, and none were offered at trial.



In May 2010, Applicant and Victim's mother arranged for Victim to spend the summer with Applicant and Trotman. Tr. 332-33. Trotman described the relationship between Applicant and Victim as "really good" initially, but Applicant started getting their two year old daughter to slap, scratch, and drag Victim "to get him to toughen up." Tr. 208-09. Trotman testified Applicant believed Victim acted effeminately, and he ultimately started hitting Victim himself, leaving bruises. She stated she saw Applicant beat Victim around ten times, initially just kind of paddling him and popping him on the arm, but eventually hitting Victim's back or chest with a closed fist, or slapping "his head to the floor." Trotman was too scared to help Victim because Applicant also physically abused her. Tr. 210-29.

Trotman testified Victim had a "seizure" after Applicant "boxed him in his back" during the week prior to Victim's death. She described the seizure as Victim "grunting," with something weird going on with his eyes, and a loss of consciousness, but he seemed to "snap out of it" when they gave him some water. Tr. 214-15. The next morning, Trotman had to physically shake Victim to wake him up, which she thought was a second seizure because he usually woke very easily, but he seemed "okay" and acted normally after he got up. Tr. 216-17.

On Sunday, June 6, 2010, Victim had "poop on the back of his pants," and on the floor of his bedroom. Trotman testified Applicant got angry and took Victim into his bedroom, where she "just heard him kind of bumping and hitting him against the wall." When Trotman went into the bedroom later, Victim, was "sitting on the wall like he was in a daze." Tr. 218-23.

Trotman testified she was feeding her infant son the next morning (June 7), when Victim and her two year old daughter started fighting. When the two did not stop at her verbal command, she popped them on their arms, and Victim "fell to his bottom, lost his balance and hit his head on the wall." Tr. 224-25. Victim began "acting different, like the other days where he



was having trouble breathing, like gasping for air,” and Trotman tried to perform CPR on him. She then heard Victim was breathing, and his heart was beating, so she ran outside to use a neighbor’s phone. Tr. 227-30.

Rather than call an ambulance, Trotman called Applicant at work. Applicant told her he would come home, but had to wait for a ride. Trotman then called Applicant a second time from another neighbor’s phone to say they needed to call an ambulance, but he told her not to call an ambulance and to wait until he got home. Rather than go inside to check on Victim, Trotman waited outside for Applicant. When he got home approximately an hour later, they went inside the home, where Applicant touched Victim’s chest and said “that boy dead.” Tr. 231-33.

Applicant devised a plan to dispose of Victim’s body, and told Trotman if the body was ever found, she should say Victim fell down the stairs and hit his head “just in case the autopsy came back with blunt force trauma.” Tr. 233. Applicant left the home, and returned with a trashcan and cement. He then removed Victim’s clothes, wiped the body clean with peroxide “[s]o he wouldn’t have any of his fingerprints on him,” took the body out to the garage, and wrapped it in trash bags and duct tape. Tr. 234-35.

After wrapping the body, Applicant put cement in the trashcan, and put Victim’s body in the trashcan headfirst. When he realized he did not have enough cement, he called a friend to bring him more cement, which he then used to fill the rest of the trashcan. Tr. 235.

The next day, Applicant and Trotman rented a truck and loaded the trashcan on it. They rode around looking for a remote area to dump it, but could not find one. They rented another truck the next day; and after Applicant got off work, they rode around again, ultimately putting the trashcan in a very remote, uninhabited area in Orangeburg County. Tr. 235-36.

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During the week of July 4<sup>th</sup>, Victim's mother wanted to visit with him. In the on-going effort to hide Victim's death, Applicant arranged for a rental car so Trotman could drive with her two children to the Battery in Charleston, where she pretended Victim went missing. The police arrived and assisted in the search for Victim. Tr. 244-53.

Eventually, the police took Trotman to the police station, where they questioned her for hours, during which she told many false stories as she and Applicant had previously planned. She ultimately told the police what happened, however, and took them to the place she and Applicant dumped Victim's body. Tr. 254-57.

Lieutenant Dean Kokinda, with the Forensic Services Division of the Berkeley County Sheriff's Office, testified he took photographs at the site where Victim's body was dumped. He described the site as extremely remote and heavily wooded, with the trashcan hidden under a discarded lounge chair. When the State offered the photographs as State's Exhibits 24 through 29, Applicant objected to Exhibits 28 and 29 as unduly prejudicial. The circuit court admitted Exhibit 28 (photograph of trashcan and recliner), but excluded Exhibit 29 (close-up photograph of trashcan). Tr. 360-69, State's Exhibits 24-29 [Photographs].

Nicholas Batalis, M.D., qualified as an expert in forensic pathology, performed the autopsy of Victim's body and determined the cause of death was "homicidal violence, including probably blunt head trauma" based on the condition in which the body was found, and two contusions he found on the scalp. Dr. Batalis further found there were no skull fractures followed by bleeding around the brain, and concluded Victim suffered a "concussive type phenomenon," or what is called an axonal injury, which can occur if the brain is re-injured when it has not completely healed from a prior injury. Tr. 460-68.



Carol Jenny, M.D., qualified as an expert in pediatrics, forensic pediatrics, and abusive head trauma, testified Victim suffered from a diffuse axonal injury, meaning the brain cells were concussed and stopped functioning, over the weeks leading to his death. She opined Victim ultimately died because of "repeated head injuries which led to his eventual collapse." Based on the reports of Victim suffering from seizures and multiple episodes of lost consciousness, she concluded Victim had "multiple episodes of head injury/concussion," which made him vulnerable to repeated seizures due to "second impact syndrome." She stated medical intervention may have prevented Victim's death, but he may have developed problems later in life. Tr. 504-13.

Detective Bobby Shuler of the Berkeley County Sheriff's Office testified he participated in an audiotaped interview of Applicant on July 7, 2010. Tr. 548-54. During that interview, Applicant admitted he concocted the plan to hide Victim's body. He went to Lowe's, inquired about which cement dried the fastest, and purchased the trashcan and cement. When he returned to the house, they took Victim's clothes off, wrapped his body in trash bags, and encased him inside the trashcan with cement. State's Exhibit 66.

Applicant stated they rented a truck and took the trashcan out to a remote, secluded area, covered it with a discarded chair they found at the site, and left. They went back some time later to bury the trashcan, but left without burying it because the smell from the decaying body was too strong. State's Exhibit 66.

Applicant also admitted lying to Victim's mother to "buy time" after Victim's death. When the mother became insistent about seeing Victim over July 4<sup>th</sup>, Applicant told Trotman to go to Charleston and stage the missing child alert. State's Exhibit 66.



Applicant's expert pathologist, Kimberly Collins, testified while Dr. Batalis found the cause of death was homicidal violence due to blunt force head trauma, due to the decomposed condition of the body, other forms of homicidal violence, such as asphyxia, commotion cordis, or the neck being wrenched to the side, could not be ruled out. Tr. 487-89. On cross-examination, she testified she agreed with the way Dr. Batalis called the case. Tr. 487-96.

During closing argument, the State referred to State's Exhibit 27 one time, describing it as the photograph of the trashcan with Victim's body inside, filled with cement and a couch over it, and stating it showed how the trashcan was concealed. The solicitor did not refer to Exhibit 28 during closing. Tr. 663-96.

#### **TESTIMONY PRESENTED AT THE EVIDENTIARY HEARING**

At the evidentiary hearing, Applicant testified on his own behalf and presented the testimony of James K. Falk, Esquire (hereinafter "Counsel"). Respondent also presented the testimony of Assistant Solicitor Anne M. Williams. This Court also had before it a copy of Applicant's trial transcript, the records of the Berkeley County Clerk of Court, Applicant's appellate records, and Applicant's records from the South Carolina Department of Corrections.

During the evidentiary hearing, Applicant first presented the testimony of Counsel. Counsel testified he has been practicing law since 1984 and was retained to represent Applicant on this case. He elaborated by the time he was retained, about June 5, 2012, the case had already been set for trial, so he only had the case for a couple of months. He further elaborated he had ample time to prepare for trial. He further testified there were some bad facts surrounding Applicant's case.

He also testified he never made a motion to quash the indictment and did not see a reason to do so. He elaborated the indictment alleged Applicant caused the death of Victim while



committed child abuse or neglect, and the death occurred in circumstances manifesting extreme indifference to human life. He further elaborated the indictment did not specifically allege exactly what Applicant did, and it did not indicate Applicant did not call an ambulance. Counsel also testified the indictment did not specifically state Applicant permitted Trotman to beat up Victim nor that Applicant delivered any blows to Victim. He testified the indictment is merely a notice document. Counsel further testified by the time he got this case, he was on notice of what the State expected to prove at trial because of the extensive amount of discovery. He explained based on the discovery, he believed the State would attempt to prove Applicant inflicted the injuries to Victim, rather than an act of omission. He further explained based on the discovery, he had no question as to with what Applicant was charged. He testified he did not know whether or not the indictment gave notice the State would allege Applicant's failure to call 911 was part of their theory of the case. Counsel testified from the indictment he knew Applicant was charged with homicide by child abuse. He further testified changing the indictment would not have changed the outcome at trial.

Counsel also testified he did not feel it was necessary to require the State to disclose its theory prior to trial. He elaborated he believed the State's theory was Applicant was the one who inflicted repeated abuse on Victim. He further elaborated he believed they were going to attempt to show Applicant did not call 911 in order to show Applicant was attempting to cover up the abuse. He testified based on the discovery and his investigation, he had a good idea as to what the State would attempt to prove at trial. He explained he met with the solicitors to review the discovery, and he knew everything they had against Applicant.

He testified there was no denying Applicant abused Victim. He further testified Applicant indicated he was going to man Victim up. He explained Applicant did not like that

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Victim stood with his hand on his hip, and Applicant called Victim a faggot. Counsel also testified in the three months in which Victim stayed with Applicant, there was no denying Applicant was abusing Victim. He testified in his interview, Applicant admitted to hitting Victim in the chest and the back, but never admitted to hitting him in the head.

Counsel also testified his defense was to generate reasonable doubt by implicating Trotman hit the final blow to Victim. He explained his theory was Trotman delivered the fatal blow, failed to render aid, and she was the one who was truly guilty of this homicide. He testified Trotman had pled guilty, so that was the causation to this defense. He testified in order to prove Trotman had a reason to abuse Victim, he attempted to introduce evidence of the relationship between Trotman and Applicant, which he argued during his closing argument. He elaborated his theory was Trotman was jealous of Victim's mother, because Victim and Trotman's child with Applicant were close in age, and Trotman abused Victim because he was not her child. He further elaborated Trotman was left to care for Victim.

He also testified at some point, they made the decision for Applicant to plead to desecration of human remains. He explained the strategy in this was to attempt to keep out a lot of the really bad photographs because they would not be relevant to the charges on which Applicant proceeded to trial. He further explained though they would not have been relevant to the homicide by child abuse charge, they would have been relevant to the desecration of human remains charge. Counsel also elaborated there was no dispute regarding the desecration charge.

Counsel testified he made a motion with respect to Rule 404(b), SCRE, evidence. He elaborated the purpose of this motion was to compel the State to inform him what 404(b) and *Lyle*<sup>2</sup> evidence they were planning to introduce. He testified the State verbally responded to that motion, but he did not recall what the response was. He further testified there was a pre-trial

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<sup>2</sup> *State v. Lyle*, 125 S.C. 406, 118 S.E. 803 (1923).

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hearing on that motion, and he was attempting to keep out reference to Applicant's drug use at trial, as well as some other issues. He elaborated he was successful in excluding any mention of Applicant's drug use.

He further testified Trotman testified Applicant had abused her at trial. He explained the testimony at trial indicated Applicant had committed domestic violence against Trotman. He further explained Applicant was not on trial for the domestic abuse of Trotman. Counsel testified he did not object to this line of testimony. He further testified he did not recall whether the State indicated it would use this line of testimony as 404(b) evidence. Counsel also testified Ishmael Rivers, a jailhouse snitch who testified at trial, also testified to the abuse Applicant bestowed upon Trotman, and Counsel did not object to that line of testimony. He further testified during its closing argument, the State referenced the manner in which Applicant treated Trotman, referencing that Applicant had multiple romantic relationships ongoing at the same time. He elaborated he did not believe the State, in its closing argument, referenced domestic violence by Applicant. He further elaborated in his closing argument he highlighted because of these multiple romantic relationships, Trotman was forced to care for someone else's child.

Counsel testified testimony arose at trial alleging Applicant was not a Christian. He further testified there was testimony at trial Applicant did not permit Victim to sing songs, but Counsel did not know to what songs the State was referring. He testified Applicant did not like it when Victim sang these church songs, which would have been a reason for Applicant not to like Victim. After reviewing the transcript, Counsel testified the songs referred to were church songs Victim had learned at school. He elaborated from the testimony Applicant did not want Victim singing these songs because he did not believe in God, the conclusion could be drawn Applicant's religious beliefs were being raised at trial. He explained this was the only time



during the entire trial in which there was any reference to Applicant's belief in God. He further elaborated he had no indication from the discovery the State would ask about Applicant's religious beliefs. He also testified he did not remember anything about these songs, as there was so much about which he was worried. Counsel further testified he had a lengthy interview from Trotman with law enforcement, and he did not recall Applicant's religious beliefs being mentioned in that interview. He testified he did not object to this line of questioning. He explained, however, he was not anticipating the response, but he also testified he did not want to highlight Applicant's religious beliefs by objecting to this comments. He further explained he was hoping it would sort of play through, and it reads a lot worse than if you were listening from the jury box. Counsel explained it would have been one of those things where the more it was mentioned, the worse it was. He also testified this statement was not elicited to show Applicant did not believe in God, but rather to provide another reason as to why Applicant would abuse Victim.

Counsel also testified testimony was elicited at trial that Applicant did not want Victim to be taught by white people. He further testified up until Trotman made this statement, there had no been indication Applicant was prejudiced against white people. He elaborated he did not object to this statement for the same reason he did not object to the testimony regarding Applicant's religious beliefs.

Counsel testified he did not object to the introduction of Trotman's booking photo, which was taken when Trotman was arrested, at trial. He further testified he did not recall how long Trotman and Applicant had been separated at the time this photograph was taken. He also testified he did not recall any testimony from Trotman indicating Applicant had inflicted the wounds which allegedly appeared in this photograph. He testified the introduction of Trotman's

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mugshot did not concern him, so he did not object. He explained a lot of people take bad mugshot pictures, so he did not draw the conclusion the photograph showed domestic violence. He further elaborated he did not object based on trial strategy. He also testified the State alleged Applicant abused Victim, not Trotman. He testified he did not believe the introduction of Trotman's booking photograph hurt Applicant's case.

He also testified he attempted to introduce a video of Trotman's interview with law enforcement. He testified he alluded to that video during his opening statement. He elaborated there is a portion of that tape, which he believed would be beneficial; and that portion demonstrates the manner in which Trotman struck Victim. He further elaborated he did not recall whether or not Trotman indicated how Victim's head turned but did demonstrate how she struck him. Counsel explained he wanted to admit this videotape at trial as a prior inconsistent statement, and he was attempting to have Trotman deny hitting Victim. He testified Trotman admitted to the actions in the interview and never denied hitting Victim or mixing up the seizures. He further testified Trotman demonstrated the manner in which she hit Victim with a spoon in front of the jury, which was consistent with her demonstration during her interview. He further explained the trial court would not allow the videotape to come into evidence, though he tried multiple times to admit it, but he did not make a proffer of that videotape on the record. He elaborated the trial court did not think it was admissible under Rule 613, SCRE, because Trotman had not denied making the statement. He also testified tension was building during the course of this interview. Counsel further testified Trotman's testimony at trial was dramatic.

He further testified the State introduced a photograph of Victim at trial, which showed Victim had a black eye and a bump on his head, but was taken about a month prior to Victim's death. He testified he did not recall when the bump was supposed to have occurred, but it was

approximately during the spring of 2010, which was prior to the death of Victim. He further testified he did not object to the introduction of this photograph, and he did not object on the grounds that it could not have been relevant to the injury Victim suffered at the time of his death. Counsel also testified the scientific testimony at trial revealed Victim had axonal damage, meaning there was connective tissue which was damaged and which would have occurred sometime prior to Victim's death. He testified the State's theory was one of prolonged abuse of Victim by Applicant, and the photograph of Victim would have been relevant to show when Victim went to stay with Applicant, he would return with bruises. Counsel further testified Applicant and Trotman would blame their daughter, who was three months older than Victim, for bruising Victim.

Counsel also testified law enforcement interviewed Applicant for a lengthy period of time. He testified the video of this interview was introduced at trial. He elaborated it would not surprise him if law enforcement repeatedly told Applicant they knew he was lying during that interview, but law enforcement is allowed to confront the suspect with contradictory evidence which they have found. He also testified he believes law enforcement is permitted to tell a suspect they think he is lying in an interview. He further testified he did not make an objection to the video on the basis law enforcement told Applicant they knew he was lying, but he did not see any reason to object. He also testified he doubted whether or not a law enforcement officer would be able to testify as to whether or not they knew the suspect was lying.

Counsel testified the issue of the case was whether or not Applicant was the cause of Victim's death based on repeated axonal damage. He testified the State argued evidence of a guilty conscious through Applicant's failure to call an ambulance for Victim. He elaborated Trotman and a person at Applicant's place of work both testified she called Applicant and

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informed him Victim was not breathing. He explained he did not consider asking for a directed verdict or a jury instruction that Victim had to be alive when Trotman called him in order to be convicted of homicide by child abuse through omission, but it possibly could have helped Applicant's case. He further explained part of homicide by child abuse is failing to render aid, or an act of omission. He also testified the State repeatedly used Applicant's admission he and Trotman did not call the ambulance, but he did not believe the jury convicted Applicant for this failure. He elaborated the jury convicted Applicant of homicide by child abuse based on the evidence of the abuse Applicant exhibited towards Victim. He testified he did not recall whether or not the State introduced evidence at trial that Victim was breathing when Trotman called Applicant, but there was no medical aid Applicant could have rendered if Victim was already deceased by the time Trotman called Applicant. Counsel further testified he believed the State's theory to be that Applicant caused Victim's death through repeated abuse by hitting Victim multiple times in the head, causing Victim to suffer seizures. He elaborated Victim had had multiple seizures prior to his death, and there was not one fatal blow. He further elaborated that testimony, which was elicited through the expert, made the case more difficult for them. Counsel testified the State's expert testified to axonal damage through repeated abuse, and his medical expert could not disagree with the State's findings. He also testified during closing arguments, the State had two theories, one of which included Applicant's failure to call the ambulance made him liable. He elaborated the State argued Trotman told people in the neighborhood Victim was not breathing. He further elaborated an ambulance was not called after any of Victim's seizures, including the last one.

He also testified Trotman was the one who failed to call 911, because she was with Victim when he stopped breathing. He testified he does not believe there is any proof as to when

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exactly Victim died. He further testified Trotman testified at trial she did not immediately call 911, but rather called Applicant because she was afraid she would get into trouble with Applicant. He also testified Trotman testified she did not call 911 because Applicant told her not to do so. He further testified Trotman waited for Applicant after calling him for about an hour; and when Applicant returned home, he made a comment "that boy dead." He elaborated after realizing Victim was dead, Applicant got a trashcan and cement, undressed Victim, put Victim's body in the trashcan, and covered it with cement.

Following Counsel's testimony, Applicant testified on his own behalf. Applicant testified in the video of Trotman's interview with law enforcement, Trotman demonstrated popping Victim on the arm. He further testified Trotman indicated she shoved Victim in the shoulder, and then Victim hit his head against the wall. He elaborated in the video she showed the left side of Victim's head hitting the wall, but at trial, she testified the back of his head hit the wall. He also testified not being able to introduce this video at trial hurt his case because the jury believed Victim's head made direct contact with the wall. He testified Victim did not have broken bones, healed bones, fractures, nor intracranial hemorrhages, except on the left side of his head which Trotman demonstrated during her interview. Applicant testified Trotman gave many inconsistent statements. He explained at one point, Trotman indicated Victim was not breathing. He also testified law enforcement accused Trotman of lying, and she gave multiple stories. He elaborated some of those stories were consistent with his own stories.

Applicant also testified he believes Counsel was ineffective for not asking for a directed verdict upon failure to render medical aid. He testified Trotman snapped and hit Victim, but the State alleged while Applicant was at work, Trotman called and told him the children were playing. He elaborated based on this, he told Trotman not to call the police, but rather go to a

neighbor. He testified by Counsel not requesting a directed verdict based on this, he was prejudiced because the jury used the fact he did not call 911 from work to convict him. He further testified the State alleged Victim had multiple seizures, but Counsel should have asked for a directed verdict on this because the evidence only showed Victim suffered from one seizure. He explained Trotman testified she did not see any evidence of Victim having seizures on Sunday or Monday, while Applicant was at work.

Applicant testified the photograph of Trotman introduced at trial prejudiced him. He explained in his opening argument, Counsel stated Trotman wanted to be a victim. He also testified Trotman testified at trial Applicant ripped her hair out and abuse her. He elaborated the introduction of the booking photograph bolstered Trotman's credibility. He further testified Trotman's booking photograph was taken in July, which was completely irrelevant to Victim's death, which happened in June. Applicant testified at that point, he and Trotman had been separated two weeks.

He further testified a photograph of Victim from spring of 2010 was introduced. He testified the medical experts testified at trial it typically takes a couple of weeks for an individual to recover from a concussion. Applicant further testified the State used this photograph to imply the injury in the photograph was the one the medical experts observed. He elaborated during closing arguments, the State indicated a knot could be seen on Victim's forehead, which was the same area in which the pathologist testified he observed a concussion. Applicant also testified the State failed to prove by clear and convincing evidence he was the one who caused the knot on Victim's head. He elaborated the State also failed to prove whether or not the knot was the result of an accident. He further elaborated Trotman told him their daughter caused the bruise to Victim.

Applicant testified the statement as to his religious beliefs was irrelevant and false. He explained this prejudiced his case because anybody who did believe in God would look at him differently afterwards. He testified the statement he did not want white people teaching Victim was false and prejudiced his case, because eight white jurors served on his jury. Applicant further testified Counsel should have objected.

Applicant also testified law enforcement officers told him multiple times during his interview with them they knew he was lying. He elaborated this prejudiced his case, because a person of authority stated Applicant was lying. He further elaborated, therefore, the jury would believe his defense was a lie. He also testified Counsel did not object, but there was no question the interview was admissible.

He further testified these errors collectively hurt his case. He explained from the videotape not being played, which showed Trotman denied making the statement, and a picture of Trotman making her look like a victim went against him. He further explained the introduction of the earlier photograph of Victim, which showed an injury that may have been accidental matching with the area in which the pathologist found a contusion, prejudiced him.

Applicant testified he pled guilty to desecration of human remains, which is not a issue presently because he was "totally wrong." He elaborated he pled before trial to the improper burial of Victim's body, but he was going to trial to attempt to prove he did not kill Victim. He further elaborated he did not kill Victim.

Applicant also testified Victim began staying with him in 2009. He elaborated before he and Trotman resumed their relationship, Victim was born in May of 2009. He further elaborated he cheated on Trotman with Victim's mother, and had children by both of them within three months of each other. Applicant also testified at first, he denied being Victim's father, but he



bought a paternity test at CVS to determine whether or not he was the father. He further testified when Victim began staying with him, Victim would sing songs and was a very happy child. He elaborated Victim remained happy and did not have a reason to become introverted nor unassertive. He testified he returned Victim to his mother once with bruises on him, which Trotman explained their daughter had pushed Victim into the wall. He also testified he did not encourage his daughter to hit Victim, but rather would encourage them to wrestle. He explained his children would always fight over the toys, and he would stop them from slapping each other by teaching them how to wrestle. He further explained he took a video of his children wrestling some time before Victim died. He elaborated in that video, Victim was crying. He further elaborated he would play the video when Victim's mother would call in order to deceive her after his death. Applicant testified he knowingly deceived Victim's mother and pretended as if Victim were still alive.

Applicant testified he popped Victim in the chest, but did not hit him in the back. He further testified he would discipline his children when they got out of line. He elaborated he would hit his children in the chest as "a formal way that [he] would pop [Victim]." He further elaborated he disciplined Victim once, and he would never admit to repeatedly abusing Victim. He also testified he would never admit to calling Victim a faggot, and he never used that word, but he did describe Victim as soft. He further testified he loved the fact Victim sang songs, and he would sing them with him.

He further testified he was not at home when Victim stopped breathing, so he does not know what happened. He explained he knows what Trotman told him. He also testified Trotman did not testify at trial Victim fell and hit his head that morning. He elaborated during

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Trotman's transcript<sup>3</sup>, she stated she popped Victim in his arm, Victim fell to the floor, then hit the back of his head. He further elaborated this was completely different from what Trotman stated in the video. He also testified at one point Trotman testified Victim hit his head, but later she referenced Victim hit the back of his head. Applicant testified Trotman called him after Victim fell and he began seizing, while Applicant was at work. He elaborated Trotman told him Victim was not breathing. He further elaborated he told Trotman not to call law enforcement, but he was not preventing her from receiving medical aid. He also testified he did not want law enforcement called because he had drugs in the house, and he does not deal with law enforcement. Applicant further testified he told Trotman to go to a neighbor to receive help. He explained Trotman had to go to the neighbors in order to borrow a phone because she did not have a cellphone and they did not have a phone in the house.

Applicant also testified their theory of the case was not that Trotman was pretending to be a victim and was the person who caused Victim's death. He explained he said Trotman was a loving, sweet girl, but he was the root of the problem. He further explained he did not try to blame anything on Trotman, and he has never said Trotman killed Victim.

He testified he and Trotman devised a plan for Trotman to go to the Battery and make a false police report that Victim had been kidnapped. He elaborated he came up with that plan, and Trotman followed along with it. He further elaborated when Trotman called him from the Battery he was with another woman, but he did speak with law enforcement. He also testified he did not give multiple statements to law enforcement. He testified he always denied hitting Victim and never blamed Trotman for this. He testified he was interviewed by two law enforcement officers, both of whom testified at trial. He further testified after Trotman led law enforcement to Victim's body, they came to interview him again. He explained law enforcement

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<sup>3</sup> It is unclear to which proceeding Applicant was referring.



officers confronted him with the death of Victim because they had just found his body. He further explained in his first interview he insisted Victim was still alive and had been kidnapped. Applicant testified Victim's body was found in the woods in Orangeburg County in a cement-filled trashcan. He elaborated Victim had been there for about one month, and his body was decomposed. He further elaborated he had a hand in the state of Victim's body, and he pled guilty to desecration of the body. He testified he did not plead guilty in order to keep photographs of Victim out at trial, but pled guilty because that was what he did wrong and he owned up to it. He also testified he does not believe pictures of the manner in which Victim was found were introduced at trial. Applicant also testified on the morning of Victim's death, he felt responsible, which was why he placed Victim's body into a cement-filled trashcan. He elaborated, however, feeling responsible does not make him responsible.

Applicant testified he informed the court during his guilty plea he was very happy with the services of Counsel. He also testified at that time, Counsel had done everything he asked of him, but that was before trial.

Applicant further testified he believes Trotman testified Applicant did not want white people teaching Victim so that he would be convicted. He testified there was no way for Counsel to know that statement would be elicited beforehand, but he should have objected to it or asked for the trial court to give an instruction with regards to it.

Applicant then rested, and Respondent presented the testimony of Assistant Solicitor Anne Williams. Assistant Solicitor Williams testified she has been an assistant solicitor for ten years in South Carolina and also was a deputy prosecutor for ten years in Arkansas. She testified she and Assistant Solicitor Herring-Lash tried Applicant's case.

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She testified the State's theory of the case was Applicant and Trotman lived in a home with their two children, and Victim would come to visit every other weekend. She elaborated sometimes Victim would stay a little longer; and during this time, Applicant was trying to man Victim up. She further elaborated when Victim would return to his mother, he would often have bruises all over his body and different excuses were given for those bruises. Assistant Solicitor Williams also testified they learned through investigation and interviews that Applicant was unhappy with certain things about Victim, and would constantly hit him. She explained Applicant would hit Victim in the chest, and Victim would fall back and hit his head. She further explained Applicant hit Victim in the head, and Victim was constantly hitting his head and reinjuring his brain. She testified Victim was having multiple seizures because of this, and Trotman, who witnessed the seizures, described them. She further testified this was corroborated by some of the things Victim's mother stated as well. She testified the medical expert indicated the re-injury of the brain was similar to a concussion injury in football. Assistant Solicitor Williams testified there was not just one blow which killed Victim, but rather it was a series of blows over and over again. She also testified each time Trotman observed these blows, she never reported it, and neither Trotman nor Applicant would help Victim. She elaborated they never got any medical attention for Victim, and the accumulation of the blows killed him. She further elaborated there was an admission on both Trotman's and Applicant's part each time, not just after the final blow.

She further testified part of their theory was Trotman was complicit because she never reported the abuse and did not report the abuse on the final day because she was incapable of standing up to Applicant. She explained Trotman did not have a phone in the home, was not given any money, rarely had enough food, and was home all day with three children. She

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elaborated in the home, they found Trotman's, not Victim's, blood. She further explained these facts played against them as well, as Counsel used these facts to show Trotman's resentment towards Applicant. Assistant Solicitor Williams testified whatever Applicant would tell Trotman to do, she would do it. She explained the day of Victim's death, Trotman called Applicant, who told her not to call 911 and that he would come home. She testified when Applicant returned home, he and Trotman decided to get rid of the body. She elaborated they had a video of Applicant at Home Depot, purchasing concrete and a trashcan. She further elaborated Applicant got Trotman to rent a vehicle to transport the body. She testified although Trotman was certainly guilty to what she pled, their theory was Trotman was not the person who killed Victim, hit him multiple times, and devised the plan to desecrate his body. She further testified the abuse of Trotman needed to be introduced at trial in order to combat the defense's theory she was the one who, out of jealousy and vindictiveness, beat Victim.

She also testified Applicant would tell Victim's mother that his daughter was hitting Victim. She testified Applicant told investigators during one of his interviews, and also indicated in calls he made from the jail, Victim fell down the stairs. She further testified to other people, Applicant would indicate he hit Victim because he was standing a certain way and Victim was soft, so he needed to man him up. She elaborated Applicant did not like the way Victim would not be assertive, and Applicant's daughter was much more assertive. She further elaborated Applicant would hit Victim in an effort to toughen him up. She explained Applicant thought Victim was gay based on the way Victim stood, talked, and liked to play with "girl toys." She further explained Applicant wanted these tendencies beat out of Victim. Assistant Solicitor Williams also testified Applicant referred to Victim as a faggot. She testified it was

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difficult to determine when the abuse started, but they had evidence Victim came home to his mother in the spring prior to his death with knots and bruises on his head, as well as a black eye.

She also testified they introduced a photograph of Victim into evidence at trial. She explained the photograph depicted how the child would look, at least once, after visiting Applicant, and Victim's mother described how Victim would return home with bumps and bruises. She further testified Trotman also told them and testified Victim was being repeatedly hit during this period of time. She testified the photograph was introduced to show a pattern of abuse. She also testified their theory was not that the prior beatings were prior bad acts, but rather part of the same act. She testified Counsel was aware their theory of the case was Trotman was in a position in which she could not stand up to Applicant.

Assistant Solicitor Williams testified Applicant called various women from jail. She elaborated in these phone calls Applicant would tell differing stories about different times Victim had gotten hit. She further elaborated Applicant explained, for example, Victim fell down the stairs once and once Applicant had to hit him because he ran away when he was outside. She testified Applicant never denied hitting Victim in these phone calls.

She further testified Applicant gave two different statements, and the interview with Detectives Pottieger and Shuler was admitted at trial, but the interview with Detective Baggett was not. She explained in the first statement Applicant acted as if Victim were still alive and stated he had taken Victim to see fireworks for the Fourth of July and had Victim in the hotel with him. She further explained in the second statement, Applicant indicated Victim had died, but it was an accident. She also testified law enforcement confronted Applicant with the fact they found Victim's body, and Applicant would then tell a different story. She further testified Applicant explained one of Victim's seizures after falling down the stairs, either in an interview

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or a phone call. She testified law enforcement knew Applicant was lying because they found Victim's body, but the interview with Detective Baggett was the one in which he constantly told Applicant he knew he was lying and that video was not introduced.

Assistant Solicitor Williams testified a medical expert from Brown University reviewed the autopsy reports, the statements by Trotman, the medical slides, and the radiology slides. She testified based on this review, the expert told them this was the type of brain injury that would have been the result of multiple blows to the head, whether from being pushed down, smashed against the floor, or hit directly on the head.

She testified she and Assistant Solicitor Herring-Lash met with Counsel many times prior to trial, including once for about six hours. She elaborated they discussed all of the evidence at length; and a lot of the evidence they introduced about Trotman, Counsel used to explain his theory of the case. She further elaborated Counsel was not too concerned with the booking photograph of Trotman being introduced because he was trying to show Trotman was the perpetrator, not Applicant. She testified Counsel was aware of their theory and the evidence against Applicant prior to trial. She also testified she does not specifically recall whether or not they had a specific conversation about 404(b) evidence, but Counsel was aware of all of the evidence that would be introduced at trial.

She also testified the booking photograph of Trotman was taken a week or two after she and Applicant were separated. She elaborated Trotman had gotten a job and was staying with her aunt at the time. She further testified the photograph does not depict an injury to Trotman. She explained Trotman always had dark circles under her eyes. She further explained Counsel wanted to depict that Trotman was, indeed, a criminal and was the perpetrator. Assistant Solicitor Williams testified at trial, Trotman appeared to be a different person than the woman in

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the photograph—she had gained weight, had her hair done, and wore makeup—which attributed to the introduction of the booking photograph.

She further testified the goal in her closing argument was to explain the statute to the jury and connect the dots with the evidence which was presented at trial. She explained there was ample testimony both from Applicant and Trotman, that Applicant repeatedly hit Victim, causing the death of Victim. She further explained, however, they argued the omission, not just the failure to call 911 after the final blow but by the fact they never got medical attention for Victim each time he was hit. She testified the State was not alleging Applicant merely failed to call 911 once. She further testified in closing, they tried to highlight the fact Trotman was beaten down in the relationship and did not have the ability to stand up to Applicant. She also testified her closing argument was based on the fact all of the evidence overlapped—Applicant's statement, eyewitness statements, medical testimony, and the video of Applicant buying concrete. She testified she did argue Applicant's own words—that neither he nor Trotman called the ambulance—were powerful, but it was a long closing argument. She elaborated this statement by Applicant made both Applicant and Trotman guilty, and she was arguing there was an omission throughout the duration of this abuse. She also testified the crime of homicide by child abuse cannot be committed if the child is already dead, but she did not believe Victim was already dead.

Assistant Solicitor Williams also testified several things were elicited through Trotman in establishing Applicant's motive. She explained Applicant did not like the fact Victim acted like a girl and was constantly singing songs about Jesus. She further explained Applicant would become enraged when Victim would sing these songs and hit Victim, and Victim eventually stopped signing these songs. She elaborated she was unaware why these songs enraged



Applicant, and she did not recall Trotman telling her prior to trial Applicant did not believe in God.

She testified in the line of testimony in which Trotman indicated Applicant did not want Victim taught by white people, they were attempting establish Applicant would not let the children go to school. She explained Counsel was attempting to establish Applicant was poor, and there was no money for school. She further explained the purpose of this line of testimony was not to elicit that Applicant did not want white people teaching Victim.

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility, and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

#### *Ineffective Assistance of Counsel*

In a post-conviction relief action, an applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRPC; *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). When an applicant alleges ineffective assistance of counsel as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." *Strickland v. Washington*, 466 U.S. 668 (1984); *Butler*, 286 S.C. 441, 334 S.E.2d 813.

The proper measure of performance is whether an attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable



professional judgment. *Butler*, 286 S.C. 441, 334 S.E.2d 813. The applicant must overcome this presumption to receive relief. *Cherry v. State*, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." *Cherry*, 300 S.C. at 117, 385 S.E.2d at 625 (citing *Strickland*). Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Cherry*, 300 S.C. at 117-18, 386 S.E.2d at 625.

After careful review based on the standard discussed above, this Court finds that Applicant has failed to carry his burden in this action. Below are this Court's findings in regards to each of Applicant's allegations of ineffective assistance of counsel.

*Counsel's alleged failure to properly cross-examine the co-defendant*

Applicant alleges Counsel was ineffective for failing to properly cross-examine his co-defendant, Grace Trotman. Applicant contends Counsel was ineffective for failing to introduce Trotman's videotaped interview with law enforcement. "Extrinsic evidence of a prior inconsistent statement by a witness is not admissible unless the witness is advised of the substance of the statement, the time and place it was allegedly made, and the person to whom it was made, and is given the opportunity to explain or deny the statement." Rule 613(b), SCRE. If a witness does not admit to making the statement, then extrinsic evidence of the statement is admissible. *Id.* However, if the witness admits to the statement, extrinsic evidence of that statement is inadmissible. *Id.* Here, Trotman never denied giving statements to law enforcement



and admitted she was aware those statements were recorded. Tr. 283. Moreover, Trotman admitted to popping Victim in the arm "kinda hard" and further admitted Victim fell back and hit his head on the wall after she hit him. Tr. 298-99, 304. She further admitted she demonstrated these actions, both by her and Victim, in her interview. Tr. 299-300. Trotman even went so far as demonstrating the manner in which she hit Victim before the jury. Because Trotman never denied making the statements and never denied hitting Victim, the video would have been inadmissible as extrinsic evidence of a prior inconsistent statement. In addition to eliciting the above testimony from Trotman during cross-examination, Counsel attempted to introduce the video of Trotman's interview at trial several times. See Tr. 294, 300. The trial court, however, was unwilling to admit the video, as Trotman had already admitted she was guilty of everything that happened on the day of Victim's death. Tr. 309. Based on the foregoing, this Court finds Applicant has failed to establish any deficiency on the part of Counsel.

Similarly, this Court finds Applicant has failed to establish any resulting prejudice from the alleged deficiency. During cross-examination, Counsel was able to elicit testimony from Trotman as to the manner in which and force with which she hit Victim. Furthermore, Counsel was not only able to elicit this testimony but also able to elicit a demonstration from Trotman as to the blow she dealt Victim. This in-court demonstration was similar to that in her interview. Additionally, Counsel testified at the evidentiary hearing Trotman's testimony at trial was dramatic, similar to her statement to law enforcement. Because Trotman did, in fact, not only describe but also demonstrate the manner in which she hit Victim, this Court finds Applicant has failed to establish any resulting prejudice from the alleged deficiency. Accordingly, this allegation must be denied and dismissed with prejudice.

*Counsel's alleged failure to move for a directed verdict on the issue of whether Applicant failed to render medical aid*

Applicant alleges Counsel was ineffective for failing to move for a directed verdict on the issue of whether Applicant failed to render medical aid, thereby resulting in Victim's death. When a person causes the death of a child while committing child abuse or neglect, and the death occurs under circumstance manifesting an extreme indifference to human life, or when a person knowingly aids and abets another person to commit child abuse or neglect, and the child abuse or neglect results in the death of a child, that person is guilty of homicide by child abuse. S.C. Code Ann. § 16-3-85(A). "Child abuse or neglect" means an act or omission by any person which causes harm to the child's physical health or welfare." S.C. Code Ann. § 16-3-85(B)(1). Furthermore, harm to the child occurs when a person: (1) inflicts, or allows to be inflicted, upon the child a physical injury; (2) fails to supply the child with adequate food, clothing, shelter, or medical aid, thereby causing physical injury or a condition resulting in death; or (3) abandons the child, which results in the child's death. S.C. Code Ann. § 16-3-85(B)(2). At trial, the State contended Applicant not only repeatedly abused Victim but also failed to seek medical attention for Victim *each time* a blow was dealt or Victim suffered a seizure. The State further contended Applicant failed to render medical aid on the date of Victim's death, as Trotman called Applicant for assistance and he instructed her not to call 911. After the close of the State's case-in-chief, Counsel made a directed verdict motion based on the lack of evidence tying Applicant to the death of Victim. *See* Tr. 557-59. He further argued there was a lack of medical proof as to the cause of death and Applicant's relationship to that cause of death. Tr. 558-59. There is no such requirement that trial counsel raise all potentially meritorious issues in arguing for a directed verdict. Here, Counsel made his strongest argument for a directed verdict at trial—that there was

f32

no medical evidence linking Applicant to Victim's death. Accordingly, this Court finds Applicant has failed to establish Counsel was deficient.

Similarly, this Court finds Applicant has wholly failed to establish any resulting prejudice from this alleged deficiency. When ruling on a motion for a directed verdict, the trial court is concerned with the existence or nonexistence of evidence, not its weight. *State v. Larmand*, 415 S.C. 23, 30, 780 S.E.2d 892, 895 (2015) (citing *Butler*, 407 S.C. 376, 381, 755 S.E.2d 457, 460 (2014)). The trial court should grant a directed verdict when the evidence merely raises a suspicion that the accused is guilty. *State v. Hernandez*, 382 S.C. 620, 625-26, 677 S.E.2d 603, 605-06 (2009). A defendant is entitled to a directed verdict when the State fails to produce evidence of the offense charged. *State v. Ladner*, 373 S.C. 103, 120, 644 S.E.2d 684, 693 (2007). Even if Counsel had moved for a directed verdict on the issue of whether Applicant failed to render medical aid, the testimony presented at trial indicated Trotman called Applicant, while he was at work, to inform him Victim had stopped breathing. Tr. 230-32, 306. Applicant instructed her not to call 911, but he would return home. Tr. 231-32, 262, 306-07. An hour later, Applicant returned and responded: "That boy dead." Tr. 233. Based on the above presented testimony, it is unlikely a directed verdict on this issue would have been successful. Therefore, this Court finds Applicant has failed to suffer any resulting prejudice from the alleged deficiency. This allegation must be denied and dismissed with prejudice.

*Counsel's alleged failure to require the State to elect which theory it would proceed with at trial*

Applicant alleges Counsel was ineffective for failing to require the State to elect which theory it would proceed with at trial. Specifically, Applicant contends Counsel was ineffective by allowing the State to proceed on a theory Applicant both dealt the fatal blows to Victim and

failed to render medical aid to Victim. "Allegations may state in the alternative the manner and instrumentality of death." *State v. Owens*, 293 S.C. 161, 165, 359 S.E.2d 275, 277 (1987) (citing *State v. King*, 158 S.C. 251, 155 S.E. 409 (1930)). Furthermore, when the State produces evidence "tending to show that the victim could have been killed by any one of the means alleged in the indictment," there is no material variance. *Id.* at 166, 359 S.E.2d at 277. In addition, there is no authority, which prohibits the State from asserting two different legal theories based on the facts of the case. See *State v. Blakely*, 402 S.C. 650, 665, 742 S.E.2d 29, 37 (2013) (affirming the appellant's convictions when the appellant failed to cite to any legal authority prohibiting the State from asserting two different theories). Here, the State presented evidence at trial that Applicant not only repeatedly abused Victim but also repeatedly failed to render medical aid on Victim's behalf, including on the date of Victim's death. There is no such requirement for the State to elect only one theory upon which it would proceed at trial. Therefore, this Court finds Applicant has wholly failed to establish Counsel was deficient or any resulting prejudice from the alleged deficiency. Accordingly, this allegation must be denied and dismissed with prejudice.

*Counsel's alleged failure to object to the introduction of the co-defendant's mugshot*

Applicant alleges Counsel was ineffective for failing to object to the introduction of Trotman's booking photograph at trial. Applicant contends the introduction of such a photograph inserted evidence of a different abuse, for which Applicant was not on trial, and was improper character evidence under Rule 404(b), SCRE. "Evidence of other crimes, wrongs or acts is not admissible to prove the character of a person in order to show action in conformity therewith." Rule 404(b), SCRE. However, such evidence may be admissible "to show motive,

