

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Cherokee County

Honorable R. Keith Kelly, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CHRISTOPHER BLAKE HALLBROOK,

APPELLANT.

APPELLATE CASE NO. 2021-000735

RECORD ON APPEAL

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INDEX

INDEX	i
TRIAL TRANSCRIPT DATED JUNE 29-JULY 1, 2021	1
PRE-TRIAL MOTIONS	8
TESTIMONY (IN-CAMERA)	
REBECCA GROUNSELL	11
VOIR DIRE	26
JURY SELECTION.....	39
COLLOQUY REGARDING JURY MEMBERS	48
MOTION TO STRIKE JUROR.....	50
RULING BY THE COURT.....	50
OPENING REMARKS BY THE COURT	56
OPENING STATEMENT BY MS. BARRY	63
OPENING STATEMENT BY MR. FILE	67
TESTIMONY	
ALISON LESTER	70
MINOR	76
HEATHER DIANA HARRIS	100
REBECCA GROUNSELL	109
MOTION TO EXCLUDE EXPERT TESTIMONY	117
TESTIMONY (IN CAMERA)	
SHAUNA GALLOWAY-WILLIAMS	119
ARGUMENTS BY COUNSEL.....	139

RULING BY THE COURT.....	141
TESTIMONY	
SHAUNA GALLOWAY-WILLIAMS	143
STATE RESTS	165
MOTION FOR DIRECTED VERDICT.....	167
RULING BY THE COURT.....	167
COLLOQUY WITH DEFENDANT ON HIS RIGHT TO TESTIFY	168
TESTIMONY	
CHRISTOPHER BLAKE HALLBROOK	171
DEFENSE RESTS	175
RENEWED MOTION FOR DIRECTED VERDICT	177
RULING BY THE COURT.....	178
CLOSING ARGUMENT BY MS. BARRY	181
CLOSING ARGUMENT BY MR. FILE	191
CLOSING REBUTTAL BY MS. BARRY	195
CHARGE ON THE LAW	196
COLLOQUY WITH JUROR NO. 146.....	207
JURY QUESTION.....	209
REPLAY OF STATE’S EXHIBIT NO. 1 (DVD OF FORENSIC INTERVIEW)	210
VERDICT	211
JURY POLL.....	211
MOTION FOR A NEW TRIAL	213
RULING BY THE COURT.....	213

SENTENCING	214
INDICTMENT	216
SENTENCE SHEET.....	218
CERTIFICATE OF COUNSEL	219

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF CHEROKEE) IN THE COURT OF GENRAL SESSIONS

3 The State,)
4) TRANSCRIPT OF RECORD
5 -vs-) 2020-GS-11-277
6 Christopher Blake Hallbrook,)
7 Defendant.) June 29 - July 1, 2021
8) Gaffney, South Carolina
9

10 B E F O R E:

11 HONORABLE R. KEITH KELLY, JUDGE; and a jury
12
13
14

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1	<u>INDEX</u>	
2	<u>WITNESSES</u>	<u>PAGE</u>
3	CHRISTOPHER BLAKE HALLBROOK	
4	Examination by the Court	8
5	REBECCA GROUNSELL (SW) In-camera	
6	Direct examination by Ms. Barry	11
7	ALISON LESTER (SW)	
8	Direct examination by Ms. Barry	70
9	Cross-examination by Mr. File	72
10	Minor (SW)	
11	Direct examination by Ms. Barry	76
12	Cross-examination by Mr. File	93
13	HEATHER DIANA HARRIS (SW)	
14	Direct examination by Ms. Barry	100
15	Cross-examination by Mr. File	105
16	Redirect examination by Ms. Barry	106
17	REBECCA GROUNSELL (SW)	
18	Direct examination by Ms. Barry	109
19	Cross-examination by Mr. File	115
20	SHAUNA GALLOWAY-WILLIAMS (SW) In-camera	
21	Direct examination by Ms. Barry	119
22	Cross-examination by Mr. File	138
23	SHAUNA GALLOWAY-WILLIAMS (SW)	
24	Direct examination by Ms. Barry	143
25	Cross-examination by Mr. File	163

1	<u>INDEX</u>	
2	<u>WITNESSES</u>	<u>PAGE</u>
3	CHRISTOPHER BLAKE HALLBROOK	
4	Examination by the Court	168
5	CHRISTOPHER BLAKE HALLBROOK (DW)	
6	Direct examination by Mr. File	172
7	Cross-examination by Ms. Barry	174
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1	Jury qualification	26
2	Jury sworn	55
3	Opening statements	63
4	Closing arguments	181
5	Jury charge	196
6	Verdict	210
7	Sentence	213

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
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SUPPRESSION EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
S-1	D.V.D.		20

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EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
S-1	D.V.D.		115

1	<u>EXHIBITS</u>			
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
3	C-1	D.V.D.		18
4	C-2	Jury numbers to replace alternate		51
5	C-3	D.V.D.		180
6	C-4	Question from the jury		210
7	C-5	Question from the jury		210
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
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1 (Proceedings June 29, 2021)

2 THE COURT: Solicitor.

3 MS. BARRY: Thank you, Your Honor. May it please the
4 Court.

5 The state is calling the case against Christopher
6 Blake Hallbrook on Indictment 20-GS-11-0277. That is an
7 indictment for criminal sexual conduct with a minor in the
8 first degree.

9 Your Honor, there have been negotiations between the
10 state and the defense. The state's final offer was a plea
11 to criminal sexual conduct with a minor in the third degree
12 without recommendation or negotiation. So the C.S.C. with
13 a minor in the first degree, 25 to life. We were willing
14 to reduce it to the zero to 15.

15 It is my understanding that Mr. Hallbrook has rejected
16 that offer. I would just like to place that on the record.

17 THE COURT: All right. Mr. File.

18 MR. FILE: Your Honor, that's correct.

19 I've had conversations with him, and he has indicated
20 he does not wish to accept that as a plea offer. I don't
21 know if you want to --

22 THE COURT: Yeah. I'm going to have him sworn.

23 (Whereupon, the defendant was duly sworn.)

24 THE COURT: Sir, you have been in the courtroom the
25 last few minutes and heard what the state said and what

1 your lawyer said.

2 You certainly have a right to go to trial. Is that
3 your decision?

4 THE DEFENDANT: Yes, sir. It is.

5 THE COURT: Okay. And so you are rejecting the offer
6 by the government.

7 THE DEFENDANT: Yes, sir.

8 THE COURT: All right. And don't be offended, sir,
9 but I try to ask everyone this. But have you taken any
10 medication or any substance that would interfere with your
11 ability to think clearly?

12 THE DEFENDANT: No, sir.

13 THE COURT: So you are of a clear mind and know what
14 you're doing.

15 THE DEFENDANT: Yes, sir.

16 THE COURT: And Mr. File has discussed this matter
17 with you.

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And this is your decision, and your
20 decision alone.

21 THE DEFENDANT: Yes, sir. It is.

22 THE COURT: Thank you so much. Have a seat.

23 All right. Solicitor.

24 MS. BARRY: Your Honor, the state's first motion is a
25 third-party-guilt motion.

1 I have shared this with Mr. File and I will pass one
2 up for Your Honor. And I believe there isn't an issue with
3 this, but I just want to make it clear that any testimony
4 that it was somebody else, which has cast mere suspicion on
5 an individual -- so we would ask that any third-party guilt
6 be excluded from this trial, Your Honor.

7 THE COURT: Mr. File.

8 MR. FILE: Your Honor, I have discussed that with my
9 client, and I don't think we have any issues with that.
10 And I told him that no references would be made of any sort
11 to that.

12 THE COURT: That's correct. No reference to a third
13 party. He can deny it, but he can't -- can't just cast
14 suspicion.

15 Okay. Solicitor.

16 MS. BARRY: Your Honor, the state's next motion is a
17 motion for compliance with the rape shield law.

18 This would prohibit any question in regards to the
19 victim's sexual activity that wasn't with the defendant --
20 any sexual activity, any questions about it, who it -- who
21 she has had sex with. We would ask that that be not
22 allowed throughout the course of this trial, Your Honor. I
23 also believe that is not an issue, but I wanted to put that
24 on the record as well.

25 THE COURT: Mr. File.

Rebecca Grounsell (In-camera)
Direct examination by Ms. Barry

1 MR. FILE: I have no issue with that either. Judge, I
2 don't think that's ever even come up or anything.

3 THE COURT: Thank you.

4 MR. FILE: And so I don't think we'd have any reason
5 to ask any questions of that nature, sir.

6 THE COURT: Thank you.

7 Anything else?

8 MS. BARRY: Your Honor, the last motion is a motion
9 for the admission of the video that was recorded at the
10 Children's Advocacy Center.

11 I've shared this motion with Mr. File. The forensic
12 interviewer is here and ready to go forward with testimony
13 for the pretrial motion. We are ready to begin when you
14 are, Your Honor.

15 THE COURT: Okay. I'm ready.

16 MS. BARRY: Your Honor, the state would call Rebecca
17 Grounsell to the stand.

18 REBECCA GROUNSELL, having been
19 first duly sworn, testified as follows:

20 THE COURT: Ma'am, please tell us your full name.

21 THE WITNESS: My name is Rebecca Grounsell.

22 THE COURT: Will you spell your last name for the
23 court reporter, please?

24 THE WITNESS: Yes. It is G-R-O-U-N-S-E-L-L.

25 THE COURT: Solicitor.

Rebecca Grounsell (In-camera)
Direct examination by Ms. Barry

1 DIRECT EXAMINATION BY MS. BARRY

2 Q Good morning, Ms. Grounsell. How are you?

3 A Good morning.

4 Q Where are you employed?

5 A I am employed with the Children's Advocacy Center in
6 Spartanburg, which serves Spartanburg, Cherokee and Union
7 counties.

8 Q And how long have you been employed there?

9 A I have been employed there for since 2007 to 2012. And
10 then I went into private practice for a little while and
11 came back in 2016, and I'm still there.

12 Q And what is your educational background?

13 A I have a bachelor's degree in social work from Winthrop
14 University and I have a master's degree in the science of
15 social work from the University of Tennessee in Knoxville.

16 Q And how long is the master's program?

17 A It's typically a 2-year program. For me it was a
18 calendar year. I was able to -- to bypass the first year
19 and do an advance in the program.

20 Q And do you have any additional training?

21 A I do for my licensure. I'm a licensed independent
22 social worker. I have a clinical practice in the State of
23 South Carolina. And for that licensure we have to maintain
24 40 hours of -- at least 40 hours of continuing education
25 every two years. And so to maintain my license I -- I do

Rebecca Grounsell (In-camera)
Direct examination by Ms. Barry

1 get those continuing education requirements.

2 Q And is there internal oversight at the Children's
3 Advocacy Center?

4 A Yes. We have a clinical director and an executive
5 director who is over her. And we are accredited by the
6 National Children's Alliance.

7 Q And to be accredited people have to come in ever so
8 often and make sure everything is in compliance?

9 A Yes, ma'am.

10 Q As part of your job do you conduct forensic interviews?

11 A Yes, ma'am.

12 Q And how long or how many years have you been conducting
13 forensic interviews?

14 A For ten years.

15 Q About how many forensic interviews have you done in
16 that timeframe?

17 A So for a forensic assessment can be multiple
18 interviews. I have done approximately 1,100 forensic
19 assessments, but they may have more than one interview for
20 that.

21 Q Okay. What is the purpose of a forensic interview?

22 A A forensic interview is to assist in an investigation,
23 ongoing investigation, of any suspected maltreatment of a
24 child, which for us usually includes sexual abuse and severe
25 physical abuse when it's a violent crime or an injury.

Rebecca Grounse11 (In-camera)
Direct examination by Ms. Barry

1 For sexual abuse you rarely have any evidence other
2 than a child's word.

3 So the forensic assessment is a way for children to be
4 able to share their experiences in a structured setting
5 that is objective and safe and not leading and by
6 professionals who are trained to ask kids questions and
7 listen to kids and talk to them in a way that is
8 forensically sound.

9 Q What type of interview protocol do you use when you do
10 forensic interviews?

11 A We follow -- I am trained by the National Children's
12 Advocacy Center and we follow their protocols, and we also
13 follow APSAC guidelines. APSAC stands for the American
14 Professional Society on the Abuse of Children.

15 Q And what do those protocols and guidelines entail?

16 A The protocol for -- I'm just going to use the acronym.
17 N.C.A.C. is really in two stages, and they can be catered
18 for each -- each child or adolescent as needed depending on
19 their needs and developmental level.

20 The first stage is typically an introduction, rapport
21 building and going over guidelines of the interview and,
22 you know, just what to -- what to expect, and, you know, if
23 they need anything, what to do.

24 And then it goes into some transition questions, and
25 then we kinda enter stage two which can -- if there is --

Rebecca Grounse11 (In-camera)
Direct examination by Ms. Barry

1 if they are transitioning into a disclosure of abuse this
2 is when they would give more of a narrative at that point
3 about that.

4 And then the rest of that phase is used for follow-up
5 questions, clarification, closure, talking about safety and
6 boundaries. And that -- that's the main two phases of
7 that.

8 Q Okay. Typically, how does a child end up coming to the
9 Children's Advocacy Center?

10 A They are referred usually by a law enforcement or
11 D.S.S.

12 Q And did you see Minor at the -- going to call
13 C.A.C. --

14 A Yes.

15 Q -- on February the 26th of 2019?

16 A Yes. I did.

17 Q And who referred her to that?

18 A The Cherokee County Sheriff's Office.

19 Q How old was she when you interviewed her?

20 A She was 11.

21 Q And what was her -- what is her date of birth?

22 A It is [REDACTED]/07.

23 Q Did you see her more than once?

24 A I did.

25 Q Did you conduct a forensic interview with her?

Rebecca Grounse11 (In-camera)
Direct examination by Ms. Barry

1 A Yes. I did.

2 Q And did you use the protocols and guidelines that you
3 had previously discussed?

4 A Yes.

5 Q Prior to interviewing her what did -- what did you
6 explain to her as far as the rules of the interview?

7 A I first off usually try to start by explaining the
8 camera, that it's in the room and what it's there for. I
9 try to be as transparent as I can and let them know that
10 it's there and why it's there and -- and who would have
11 access to it and who wouldn't have access to it.

12 And then after the introductions and some rapport
13 building we typically go into explaining the guidelines of
14 an interview, which are that we can really talk about
15 anything in the interview as long as it's real. We can't
16 pretend or make things up. That if I ask a question that
17 they do not know or don't remember the answer to it, that's
18 okay. They just need to explain that they don't know or
19 don't remember that just for a chat scene.

20 I also explain that I can't guess either, that I can't
21 make assumptions and that I may need some extra
22 clarification and not guess.

23 I also explain that sometimes I do ask questions more
24 than one time but it's not because anything was wrong the
25 first time. It's usually because I'm -- I'm either trying

Rebecca Grounse11 (In-camera)
Direct examination by Ms. Barry

1 to make sure I've got it or I may have forgotten that I
2 asked them. And I sort of apologize in advance for that,
3 for doing that.

4 And we also explain if they hear something, they hear
5 me get something wrong when we're talking, please don't
6 hesitate to interrupt, that's okay, it's not -- not
7 considered rude or anything in there, and if I ask a
8 question in a way that doesn't make any sense or is
9 confusing to please let me know that as well.

10 And then typically I explain that if there's -- we get
11 to a subject that is just too hard to talk about, that's
12 okay, just let me know that, and or if they have, you know,
13 continued questions about why I'm asking certain things or
14 what's going to happen with that information, I try to be
15 as transparent as I can.

16 Q Okay. And did you use non-leading questions when you
17 were interviewing Minor ?

18 A I did not use any questions.

19 Q Okay. And when you say leading or non-leading, what
20 does that mean?

21 A So a leading question would be something suggesting an
22 answer or suggesting a response or introducing something
23 that maybe she had not already mentioned.

24 Non-leading is typically open-ended questions,
25 questions that may start out with tell me about or -- or --

Rebecca Grounsell (In-camera)
Direct examination by Ms. Barry

1 or describe -- describe something that's open-ended, is
2 going to be free narrative for her.

3 And then we can go down to more, if we need to, if
4 we've already tried other avenues. We can go into more
5 option posing, or if they would be asking questions or just
6 something a little more focused. If we have to do that, we
7 can, but avoid anything that's suggestive or leading.

8 Q And those are questions that you used with Minor that
9 day?

10 A Yes.

11 Q Was a video made of your interview?

12 A Yes.

13 (D.V.D. marked Court's Exhibit No. 1.)

14 Q Ms. Grounsell, I'm going to show you what's been marked
15 as a court's exhibit. Do you recognize what that is?

16 A Yes.

17 Q And how do you recognize that?

18 A That is a copy of -- of a video of an interview.

19 Q And that is the un-redacted copy, correct?

20 A Yes.

21 Q And you had an opportunity to review that prior to the
22 hearing today?

23 A Yes.

24 Q Okay. Has it been altered or edited in any way?

25 A No.

Rebecca Grounse11 (In-camera)
Direct examination by Ms. Barry

1 Q And it fairly and accurately depicts the interview that
2 you had with Minor ?

3 A Yes.

4 MS. BARRY: Your Honor, at this time I'd like to admit
5 the un-redacted C.A.C. video for purposes of this hearing.

6 THE COURT: Any objection?

7 MR. FILE: Without objection.

8 THE COURT: Without objection for the purposes of this
9 hearing.

10 (Exhibit previously marked Court's Exhibit No. 1.)

11 MS. BARRY: Thank you, Your Honor.

12 Q And, Ms. Grounse11, I'm going to show you what's been
13 marked as State's Exhibit No. 1. Do you recognize what that
14 is?

15 A That is the other video.

16 Q And that's the un-redacted C.A.C. -- or redacted C.A.C.
17 video?

18 A Yes.

19 Q And did you have an opportunity to review that prior to
20 today?

21 A Yes.

22 Q And other than the redactions that are required under
23 the rules of evidence, has anything else been altered or
24 edited?

25 A No.

1 Q And does that fairly and accurately represent the
2 interview that you had with Minor on February the 26th of
3 2019?

4 A Yes.

5 MS. BARRY: Your Honor, at this time I'd like to admit
6 State's Exhibit 1 into evidence for purposes of this
7 hearing.

8 MR. FILE: Without objection.

9 THE COURT: Without objection for the purposes of this
10 hearing.

11 MS. BARRY: Thank you, Your Honor.

12 (D.V.D. marked State's Suppression Exhibit No. 1.)

13 MS. BARRY: Your Honor, at this time I have no further
14 questions for Ms. Grounsell.

15 THE COURT: Any questions?

16 MR. FILE: I don't think I have any. We don't have
17 any questions.

18 THE COURT: All right. Ma'am, you may step down.
19 Please be careful.

20 Solicitor.

21 MS. BARRY: Your Honor, at this time the state is
22 asking that the redacted C.A.C. video from February the
23 26th of 2019 of Minor be admitted or allowed to be
24 admitted under S.C. Code Section 17-23-175. That is the
25 admissibility of an out-of-court statement by a child under

1 the age of 12.

2 There are certain requirements that have to be met for
3 that statute to come into play.

4 The first one is that the child has to be under the
5 age of 12. Here Minor at the time of her interview
6 was 11. She -- her birthdate is [REDACTED] of 2007.
7 So she is under the age of 12 at the time of her interview.

8 The defendant must be charged with a crime that would
9 require sex offender registry. He is charged with criminal
10 sexual conduct with a minor in the first degree meeting
11 that element.

12 The statement must be given in response to questioning
13 during an investigative interview. This is given in
14 response to an interview at the Children's Advocacy Center
15 trying to investigate further allegations that were brought
16 to law enforcement. She was referred to the Children's
17 Advocacy Center by the Cherokee County Sheriff's Office to
18 further that investigation. So the state would argue that
19 that element has been met.

20 The statement must be preserved electronically. It's
21 on video. I believe Your Honor had an opportunity to
22 review that video.

23 The child must testify and be subject to
24 cross-examination. Minor is present in the
25 courtroom this morning, and she will be able to testify

1 tomorrow morning as far as -- or that goes towards the
2 allegations that she has maintained and she can also answer
3 questions regarding the recording of a C.A.C. video.

4 And there must be a finding of a totality of
5 circumstances that provide a particularized guarantee of
6 trustworthiness, and that breaks down into other
7 requirements, Your Honor -- whether the statement was
8 elicited by leading questions.

9 Your Honor, as I stated, Your Honor has had an
10 opportunity to review that, those questions. Ms. Grounsell
11 testified that they do not use leading questions in the
12 video. They asked Minor what happened.

13 There is who did this to you, where did it happen,
14 when did it happen. Those questions do not suggest how the
15 question should be answered or how the interviewer wants
16 the questions to be answered. So that requirement would be
17 met, Your Honor.

18 Whether the interviewer is trained in conducting these
19 investigative interviews, Ms. Grounsell has been at the
20 Children's Advocacy Center for about ten years. She's done
21 approximately 1,100 forensic assessments that include
22 multiple interviews.

23 And whether the statement represents a detailed
24 account of the alleged offense. She gives two disclosures
25 for the purposes of this trial, and they are very detailed.

1 she is able to tell when it happens, where it happens, what
2 happens, what she's wearing when it happens, who's there
3 when it happens. So it is a very detailed disclosure for
4 both incidents, Your Honor.

5 And then we go into whether the statement has internal
6 coherence, is it consistent, is it demonstrative, is it
7 logical. In her statements she's able to go back and forth
8 between each disclosure. She'll correct the forensic
9 interviewer if she said something wrong or she didn't get
10 something right or she asked a question that didn't go with
11 the right disclosure. She's able to do that.

12 So we also have to have sworn testimony of any
13 participant deemed necessary, and Ms. Grounsell was sworn
14 and testified to her involvement.

15 So, Your Honor, based off of the requirements for
16 17-23-175 the state would argue that we have met those
17 requirements and that the video from the Children's
18 Advocacy Center should be allowed at trial.

19 THE COURT: Mr. File.

20 MR. FILE: Your Honor, we would -- we would concede
21 that the video -- having reviewed the video, I think we
22 would concede that the video does fit the law regarding
23 admission. So I don't think there would be an objection
24 there.

25 THE COURT: Okay. Well, just to keep the record

1 clean, the Court does find under the totality of the
2 circumstances surrounding the making of this video it does
3 provide particularized guarantees of trustworthiness. It
4 meets every element as set forth by the state. It's not
5 disagreed by the defendant or challenged by the defendant.

6 And for the record, let's be clear, the video with the
7 consent of both lawyers was provided. The un -- the
8 redacted video -- not the un-redacted but the redacted
9 video was provided to this Court late yesterday afternoon.
10 And my law clerk and I this morning shortly after 8:00 a.m.
11 reviewed that. So about forty-one-or-three minutes, right
12 at 40 minutes in length. And we reviewed that this
13 morning.

14 I have not seen the un-redacted, nor do I need to see
15 the un-redacted.

16 And I think also, Mr. File, it is agreed that the
17 redacted version complies with our court rules.

18 MR. FILE: That's correct.

19 THE COURT: Yes. And it does. So it will be -- it's
20 offered, and if she testifies. That's the last piece of
21 the equation by statute. She, being the victim, would have
22 to testify for it to be introduced.

23 Anything?

24 MS. BARRY: Your Honor, there is nothing further from
25 the state.

Jury qualification

1 THE COURT: From the defense?

2 MR. FILE: No, no, Your Honor.

3 THE COURT: Okay. All right. Well, the jury will be
4 here at 1:00 p.m., and I thank you both for providing that
5 video ahead of time. That saved us a lot of time in the
6 courtroom this morning by allowing us to view that early
7 this morning before we began court.

8 The jury will be here at 1:00, so we'll recess here
9 momentarily. And everybody get some lunch. It'll be a
10 little early lunch, but be ready to go. Be in place and be
11 ready to go at 1:00 when the jury arrives.

12 We will qualify. We will immediately go from
13 qualifications into picking the jury, and then we might
14 take a quick break just so that the jury can refresh
15 themselves before we open.

16 Anything from anyone?

17 MS. BARRY: Nothing from the state, Your Honor.

18 MR. FILE: No, Your Honor.

19 THE COURT: Both of you have my cell phone number if
20 you need it.

21 MS. BARRY: Thank you, Judge.

22 MR. FILE: Thank you.

23 THE COURT: Thank you. See you at 1:00.

24 (Whereupon, a recess was taken.)

25 (The following takes place in the presence of the jury

Jury qualification

1 venire.)

2 THE COURT: The state's ready?

3 MS. BARRY: Yes, sir.

4 THE COURT: Is the defense ready?

5 MR. FILE: Yes, Your Honor.

6 THE COURT: Ladies and gentlemen, we are about to
7 begin the trial of the matter of the State of South
8 Carolina vs. Christopher Blake Hallbrook, spelled
9 H-A-L-L-B-R-O-O-K.

10 He is charged in the Indictment 2020-0277 with the
11 criminal offense of criminal sexual conduct with a minor in
12 the first degree. This is alleged to have happened in
13 Cherokee County, South Carolina, between the dates of
14 January 1 of 2016 and August 19 of 2018.

15 Now, I tell you that he has entered a plea of not
16 guilty to the indictment and the charge made against him,
17 and I also tell you that he -- and I want to say this more
18 than once -- he is presumed innocent of the allegations
19 made in this indictment against him.

20 He has entered a plea of not guilty. He is presumed
21 under our law to be innocent of the allegations made
22 against him.

23 The indictment is a piece of paper that brings him
24 before the Court. It is not evidence made against him.

25 I'm going to ask Mr. Hallbrook, sir, would you stand,

Jury qualification

1 please? You're already facing the jury. I just want you
2 to stand for about 10 seconds -- 15 -- to let the folks
3 make sure if they recognize or not recognize you.

4 (Whereupon, the defendant stood.)

5 THE COURT: That's good, sir. Thank you.

6 You were previously sworn and you remain under oath.

7 Here's the questions I'm required to ask.

8 Is there any member of this jury panel ever been
9 related by blood or marriage? You are related now or ever
10 been related by blood or marriage to Mr. Christopher Blake
11 Hallbrook. If so, please stand.

12 (No response.)

13 THE COURT: Is there a member of this panel who has a
14 close personal or social relationship with Mr. Hallbrook?
15 If so, please stand. You know him from work; you know him
16 from recreation, school, some way or the other you know
17 him, please stand.

18 (No response.)

19 THE COURT: The following is a list of potential
20 witnesses in the case.

21 Allison Lester, Brandon Gardner, Minor , Rebecca
22 Grounsell -- Grounsell, Shauna Galloway-Williams, Heather
23 Harris, J.H. .

24 Is there any member of the jury panel related by blood
25 or marriage to any of those potential witnesses? If so,

Jury qualification

1 please stand.

2 (No response.)

3 THE COURT: Is there any member of the jury panel have
4 a social or personal relationship or know any of those
5 potential witnesses? If so, please stand.

6 (No response.)

7 THE COURT: I'm going to ask the lawyers to introduce
8 themselves. As always, ladies first.

9 MS. BARRY: Good afternoon, ladies and gentlemen.

10 My name is Adrienne Barry, and I am an assistant
11 solicitor with the Cherokee County Sheriff's Office -- or
12 Solicitor's Office of the Seventh Circuit. It includes
13 Spartanburg and Cherokee counties.

14 And sitting with me is Deputy Solicitor Kim Leskanic.

15 MS. LESCANIC: Good afternoon.

16 THE COURT: Mr. File.

17 MR. FILE: Good afternoon, ladies and gentlemen.

18 My name is Robin File. I practice mainly in Cherokee
19 and Spartanburg counties. My office is in Spartanburg.
20 And I represent -- represent my client here today.

21 THE COURT: Thank you.

22 Is any member of this panel related by blood or
23 marriage or ever been related by blood or marriage to any
24 of the lawyers in this case? If so, please stand.

25 (No response.)

Jury qualification

1 THE COURT: Any members of this panel know personally,
2 socially any of the lawyers in this case? If so, please
3 stand.

4 Yes, ma'am. Your number, please.

5 JUROR NO. 160: My name -- 160. And I've had
6 Ms. Leskanic's -- all three of Ms. Leskanic's children.
7 I'm the school nurse. So I have cared for all three of her
8 boys.

9 THE COURT: Would that interfere with your ability to
10 be fair and impartial?

11 JUROR NO. 160: I don't think so.

12 THE COURT: I'm sorry -- I'm sorry, ma'am. I have to
13 have a definitive answer. I'm sorry. Yes, no?

14 JUROR NO. 160: I think -- you know, what I think it
15 would to be honest with you.

16 THE COURT: All right. Well, thank you. You will be
17 excused from the trial of this case where Ms. Leskanic is
18 involved.

19 Okay. 160, is that right?

20 JUROR NO. 160: 160, yes, sir.

21 THE COURT: Thank you.

22 Anyone else?

23 JUROR NO. 11: Juror No. 11. Ms. Leskanic. Our kids
24 went to school together, but I do not think it would be an
25 issue whatsoever.

Jury qualification

1 THE COURT: It would not or --

2 JUROR NO. 11: It would not.

3 THE COURT: And your number, please.

4 JUROR NO. 11: Eleven.

5 THE COURT: No. 11. You may stay.

6 Anyone else?

7 (No response.)

8 THE COURT: Okay. Is there any member of this jury
9 panel who has a family member or a friend employed in the
10 law firm of Robin File in Spartanburg? Have a member -- a
11 family member or friend employed in his law firm? Please
12 stand.

13 (No response.)

14 THE COURT: Is there a member of the jury panel who
15 has a family member or friend employed in the Seventh
16 Circuit Solicitor's Office? That encompasses Cherokee and
17 Spartanburg counties. Seventh Circuit Solicitor's Office.
18 Family member or friend employed in either department,
19 please stand.

20 (No response.)

21 THE COURT: Is there any member of the panel who has
22 ever received a subpoena from any of the lawyers in this
23 case to testify in a case? Please stand.

24 (No response.)

25 THE COURT: Any member of this panel have a family

Jury qualification

1 member or friend prosecuted by the Seventh Circuit
2 solicitor's Office? I will not ask you to tell. But you
3 yourself, family member or friend been prosecuted by the
4 Seventh Circuit solicitor's Office? If so, please stand.

5 Okay. Yes, sir. Your number.

6 JUROR NO. 159: 159.

7 THE COURT: One?

8 JUROR NO. 159: Fifty-nine.

9 THE COURT: Would that interfere with your ability to
10 be fair and impartial?

11 JUROR NO. 159: No, sir.

12 THE COURT: You may stay.

13 Is there any member of this -- okay.

14 Yes, ma'am.

15 JUROR NO. 28: Twenty-eight.

16 THE COURT: Twenty-eight. Would that interfere with
17 your ability to be fair and impartial?

18 JUROR NO. 28: No.

19 THE COURT: Thank you. You may stay.

20 Yes, ma'am.

21 JUROR NO. 29: Twenty-nine.

22 THE COURT: Twenty-nine. Would that interfere with
23 your ability to be fair and impartial?

24 JUROR NO. 29: No.

25 THE COURT: Thank you. You may stay.

Jury qualification

1 Is there any member of the jury panel ever sought
2 legal advice from any of the lawyers, whether or not it's a
3 criminal matter. It could have been a real estate
4 transaction or a will, anything. Has anyone ever sought
5 legal advice from any of the lawyers in this case? If so,
6 please stand.

7 (No response.)

8 THE COURT: Any member of the jury panel ever been
9 represented by any of the lawyers in this case? If so,
10 please stand.

11 (No response.)

12 THE COURT: I'm going to ask this question generally,
13 and I will not ask you to tell.

14 Okay. Is there any member of this panel, either
15 yourself, family member or very close friend, been the
16 victim of a violent crime involving a sexual offense?
17 Please, stand. I will not ask to tell.

18 Okay. Your number, please.

19 JUROR NO. 98: Ninety-eight.

20 THE COURT: Would that interfere with your ability to
21 be fair and impartial?

22 JUROR NO. 98: Yes.

23 THE COURT: It would. You may -- you may be excused
24 from the trial of this case.

25 Yes, Doctor.

Jury qualification

1 JUROR NO. 48: Forty-eight.

2 THE COURT: Forty-eight?

3 JUROR NO. 48: Forty-eight. My sister-in-law was in a
4 sexual assault case.

5 THE COURT: Would that interfere with your ability to
6 be fair and impartial in this case?

7 JUROR NO. 48: No.

8 THE COURT: Thank you. You may stay.

9 Yes, ma'am, right here.

10 JUROR NO. 59: No. 59.

11 THE COURT: Would that interfere with your ability to
12 be fair and impartial?

13 JUROR NO. 59: Yes, sir.

14 THE COURT: Okay. Fifty-nine is excused from the
15 trial of this case.

16 Yes, ma'am.

17 JUROR NO. 106: 106.

18 THE COURT: 106. You will not be --

19 JUROR NO. 106: When I was a child something similar
20 to this, and, yes, it would.

21 THE COURT: It would interfere. You may not serve in
22 this case. You're excused from the trial of this case.
23 Stay with us.

24 Your number?

25 JUROR NO. 106: 106.

Jury qualification

1 THE COURT: What number?

2 JUROR NO. 106: 106.

3 THE COURT: Okay.

4 JUROR NO. 149: Mine, 149.

5 THE COURT: 106 -- 49?

6 JUROR NO. 149: 149.

7 THE COURT: 149. Yes, sir. Would that interfere with
8 your --

9 JUROR NO. 149: My sister, her daughter and
10 granddaughter was arrested.

11 THE COURT: Would that interfere with your ability to
12 be fair and impartial?

13 JUROR NO. 149: I think so.

14 THE COURT: Okay. You're excused from the trial of
15 this case.

16 Yes, ma'am.

17 JUROR NO. 122: 122.

18 THE COURT: 122. Would that interfere -- sir, just
19 stay with us. You won't serve in this one, but I'll get
20 you out in a minute.

21 Yes, ma'am.

22 JUROR NO. 122: Yes.

23 THE COURT: Would that interfere with your ability to
24 be fair and impartial?

25 JUROR NO. 122: Yes. It would me. Same.

Jury qualification

1 THE COURT: Okay. It was you.

2 All right. She is excused.

3 You got her number?

4 THE CLERK: 122, yes, sir.

5 THE COURT: Anyone else?

6 (No response.)

7 THE COURT: Is there any member of this -- any member,
8 either you yourself, family member or friend, close friend,
9 ever been interviewed at the Children's Advocacy Center?
10 That is in Spartanburg. If so, please stand. If you've
11 already been excused, you don't have to answer that again.

12 (No response.)

13 THE COURT: Is there any member of this -- either you,
14 family member or close friend ever received services at the
15 Julie Valentine Center in Greenville? If so, please stand.

16 (No response.)

17 THE COURT: Is there any member of this jury panel --
18 yourself, family member or close friend -- ever served as a
19 guardian ad litem in a family court proceeding involving a
20 child? If so, please stand.

21 (No response.)

22 THE COURT: Is there any member of this panel have a
23 family member, close personal friend who was arrested for
24 or accused of or convicted of a violent crime such as
25 murder, manslaughter, armed robbery, criminal sexual

Jury qualification

1 conduct or a similar crime? If so, please stand.

2 I will not ask the offense. Family member or close
3 friend.

4 Yes ma'am. Your number.

5 JUROR NO. 69: Sixty-nine.

6 THE COURT: I'm sorry.

7 JUROR NO. 69: Sixty-nine.

8 THE COURT: Six nine. Would that interfere with your
9 ability to be fair and impartial?

10 JUROR NO. 69: No.

11 THE COURT: You may stay.

12 Yes, sir.

13 JUROR NO. 159: 159.

14 THE COURT: Would that interfere with your ability to
15 be fair and impartial?

16 JUROR NO. 159: No.

17 THE COURT: You may stay.

18 Yes, sir.

19 JUROR NO. 117: 117.

20 THE COURT: Would that interfere with your ability to
21 be fair and impartial?

22 JUROR NO. 117: No.

23 THE COURT: You may stay.

24 Yes.

25 JUROR NO. 28: Twenty-eight.

Jury qualification

1 THE COURT: Would that interfere with your ability to
2 be fair and impartial?

3 JUROR NO. 28: No, sir.

4 THE COURT: Thank you, ma'am.

5 JUROR NO. 29: Twenty-nine.

6 THE COURT: Would that interfere with your ability to
7 be fair and impartial?

8 JUROR NO. 29: No.

9 THE COURT: You may stay.

10 Is there a member of the jury panel who has a family
11 member -- let me ask it this way. Is there a member of
12 this jury panel who has ever served as a law enforcement
13 officer, whether that be military police, a state agency,
14 or county, municipal? You have been a sworn officer in the
15 past, please stand.

16 (No response.)

17 THE COURT: Is there a member of the panel who has a
18 family member who is currently with the Cherokee County
19 Sheriff's Department? Currently serve in some capacity.
20 If so, please stand.

21 Okay. Sixty-nine.

22 JUROR NO. 69: Yes, sir.

23 THE COURT: Would that interfere with your ability to
24 be fair and impartial?

25 JUROR NO. 69: No.

Jury qualification

1 THE COURT: You may stay.

2 Yes, ma'am.

3 JUROR NO. 45: It's my father. He was in a sheriff's
4 office, but, no, it will not.

5 THE COURT: Your number, please.

6 JUROR NO. 45: Forty-five.

7 THE COURT: Forty-five. Thank you. You may stay.

8 Is there a member of this panel who is a contributor,
9 either with services, volunteer services or monetarily, a
10 contributor to pro-law enforcement agencies such as the
11 sheriffs' association or other similar organizations?
12 Mothers Against Drunk Drivers, such organizations. You
13 either gave money to them or you volunteered time. If so,
14 please stand.

15 (No response.)

16 THE COURT: Is there a member of this panel who knows
17 of any reason why he or she should not serve as a juror in
18 this case? If so, please stand.

19 (No response.)

20 THE COURT: Anything from the state?

21 MS. BARRY: Nothing from the state, Your Honor.

22 THE COURT: From defense?

23 MR. FILE: Nothing.

24 THE COURT: Okay. Let me see the lawyers real quick.

25 (Bench conference held off the record.)

Jury qualification

1 THE CLERK: When I call your name, you're going to
2 stand. If I tell you to be seated in the jury box, you'll
3 come forward. Bring all your personal belongings with you.
4 And you'll have a seat in this jury box. If I tell you
5 that you've been excused, you'll just take a seat.

6 Juror 76, Paula Hord.

7 what says the state?

8 MS. BARRY: Please seat this juror.

9 THE CLERK: what says the defense?

10 MR. FILE: Please seat the juror.

11 THE CLERK: Please come forward and take a seat in the
12 jury box.

13 Juror 174, Janice Yannello.

14 what says the state?

15 MS. BARRY: Please seat this juror.

16 THE CLERK: what says the defense?

17 MR. FILE: Please seat the juror.

18 THE CLERK: Please take a seat in the jury box.

19 Juror No. 61, Alshard Harris.

20 what says the state?

21 MS. BARRY: Please excuse this juror.

22 THE CLERK: You've been excused.

23 Juror 45, Tabatha Garrett.

24 what says the state?

25 MS. BARRY: Please seat this juror.

Jury qualification

1 THE CLERK: Say the defense?

2 MR. FILE: Please excuse the juror.

3 THE CLERK: You've been excused.

4 Juror 50, Jason Gold.

5 what says the state?

6 THE COURT: Please seat this juror.

7 THE CLERK: Say the defense?

8 MR. FILE: Please seat the juror.

9 THE CLERK: Please take a seat in the jury box.

10 Juror 11, Ashley Brizendine.

11 what says the state?

12 MS. BARRY: Please seat this juror.

13 THE CLERK: what says the defense?

14 MR. FILE: Please excuse the juror.

15 THE CLERK: You've been excused.

16 Juror 100, Johnny Lester, Jr.

17 what says the state?

18 MS. BARRY: Please seat this juror.

19 THE CLERK: what says the defense?

20 MR. FILE: Please seat the juror.

21 THE CLERK: Please come forward and take a seat in the
22 jury box.

23 Juror 62, Jennifer Harris.

24 what says the state?

25 MS. BARRY: Please seat this juror.

Jury qualification

1 THE CLERK: What says the defense?

2 MR. FILE: Please excuse the juror.

3 THE CLERK: You've been excused.

4 Juror 48, Constance Giles.

5 What says the state?

6 MS. BARRY: Please seat this juror.

7 THE CLERK: Say the defense?

8 MR. FILE: Please excuse the juror.

9 THE CLERK: You've been excused.

10 Juror 157, Debbie Wallace.

11 What says the state?

12 MS. BARRY: Please seat this juror.

13 THE CLERK: What says the defense?

14 MR. FILE: Please excuse the juror.

15 THE CLERK: You've been excused.

16 Juror 111, Tre'tameron Logan.

17 What says the state?

18 MS. BARRY: Please seat this juror.

19 THE CLERK: Say the defense?

20 MR. FILE: Please seat the juror.

21 THE CLERK: Please come forward and take a seat in the
22 jury box.

23 Juror 22, Alicia Caughman.

24 What says the state?

25 MS. BARRY: Judge, can we approach?

Jury qualification

1 THE COURT: Sure.

2 (Bench conference held off the record.)

3 THE CLERK: State?

4 MS. BARRY: Please seat this juror.

5 THE CLERK: What says the defense?

6 MR. FILE: Please excuse the juror.

7 THE CLERK: You've been excused.

8 Juror 120, Bernard Mathlage.

9 What says the state?

10 MS. BARRY: Please seat this juror.

11 THE CLERK: What says the defense?

12 MR. FILE: Please seat the juror.

13 THE CLERK: Please come forward and take a seat in the
14 jury box.

15 Juror 85, Chandra Jones.

16 What says the state?

17 MS. BARRY: Please seat this juror.

18 THE CLERK: Say the defense?

19 MR. FILE: Please seat the juror.

20 THE CLERK: Please come forward and take a seat in the
21 jury box.

22 Juror 94, Sarah Lanier.

23 What says the state?

24 MS. BARRY: Please seat this juror.

25 THE CLERK: Say the defense?

Jury qualification

1 MR. FILE: Please seat the juror.

2 THE CLERK: Please take a seat in the jury box.

3 Juror 138, Kaylin Prince.

4 What says the state?

5 MS. BARRY: Please seat this juror.

6 THE CLERK: What says the defense?

7 MR. FILE: Please excuse the juror.

8 THE CLERK: You've been excused.

9 Juror 173, Sara Wright.

10 What says the state?

11 MS. BARRY: Please seat this juror.

12 THE CLERK: Say the defense?

13 MR. FILE: Please seat the juror.

14 THE CLERK: Please come forward and take a seat in the
15 jury box.

16 Juror 153, Demonte Tate.

17 What says the state?

18 MS. BARRY: Please seat this juror.

19 THE CLERK: What say the defense?

20 MR. FILE: Please seat the juror.

21 THE CLERK: Please come forward and take a seat in the
22 jury box.

23 Juror 146, Allison Shelton.

24 What says the state?

25 MS. BARRY: Please seat this juror.

Jury qualification

1 THE CLERK: Say the defense?

2 MR. FILE: Please seat the juror.

3 THE CLERK: Please come forward and take a seat in the
4 jury box.

5 Juror 132, Brandie Pearson.

6 what says the state?

7 MS. BARRY: Please seat this juror.

8 THE CLERK: what say the defense?

9 MR. FILE: Please excuse the juror.

10 THE CLERK: You've been excused.

11 Juror 79, willie Hughes.

12 what says the state?

13 MS. BARRY: Please seat this juror.

14 THE CLERK: what says the defense?

15 MR. FILE: Please seat the juror.

16 THE CLERK: Please come forward and take a seat in the
17 jury box.

18 The next juror will be for the alternate.

19 Juror 87, Matthew Jones.

20 what says the state?

21 MS. BARRY: Please seat this juror.

22 THE CLERK: what says the defense?

23 MR. FILE: Please seat the juror.

24 THE CLERK: Please come forward and take a seat in the
25 jury box.

1 THE COURT: Let me see the lawyers one more time,
2 please.

3 (Bench conference held off the record.)

4 THE COURT: Get another alternate. Let's get two.

5 THE CLERK: The next juror seated will be for
6 Alternate 2.

7 Juror 51, Susan Goodlett.

8 What says the state?

9 MS. BARRY: Please seat this juror.

10 THE CLERK: What says the defense?

11 MR. FILE: Please seat the juror.

12 THE CLERK: Please take a seat in the jury box.

13 THE COURT: Any matters from the state?

14 MS. BARRY: No.

15 THE COURT: Anything from the defense?

16 MR. FILE: No, Your Honor.

17 THE COURT: Okay. Hearing none.

18 (Whereupon, the remaining members of the jury venire
19 were excused.)

20 THE COURT: Juror No. 100. Sir, where are you? It's
21 not -- I'm not requiring you, but would you serve as the
22 foreman of my jury?

23 THE FOREMAN: Yes, sir.

24 THE COURT: Okay. Thank you.

25 I won't require you to do that. I'll select someone

1 else. I try to alternate between a foreperson -- a foreman
2 and a forelady, and I needed a foreman. So if you would
3 serve when we come back, I will officially appoint you at
4 the appropriate time if you don't mind serving.

5 Ladies and gentlemen, we're getting ready to take a
6 break for the afternoon. We've now been running one --
7 2:30 -- 90 minutes or so, 95 minutes or so. So it'll be a
8 15 minutes-18 minute break.

9 Let me ask. Is there a member of the jury who smokes
10 and wants to smoke over the break? If so, let me -- raise
11 your hand, because you have to be escorted out by officers.

12 Okay. The three of you.

13 Okay. A law enforcement officer will have to take you
14 out of the building. Tobacco is not allowed in the -- use
15 is not allowed in the courthouse at all. And they'll have
16 to stay with you while you refresh yourself.

17 I'm getting ready to let you go back. And we have
18 both rooms ready. Okay. All right. To do social
19 distancing, there are two rooms you haven't seen. They're
20 behind this wall right here.

21 One of them is the official jury deliberation room
22 which we're not using due to social distancing. We'll be
23 deliberating downstairs in the large room that's available
24 for a jury assembly room so we can assure social
25 distancing. But they're going to use two rooms back here

1 to divide you up when you take breaks.

2 Restrooms are back here -- water. We can get some
3 coffee if somebody wants afternoon coffee. We can do that.
4 Might be some soda back there. I'm not real sure. I don't
5 know what all is. But, nonetheless, refresh yourself back
6 here.

7 Don't talk about this case. You're not sworn yet.
8 But you and I don't know anything about this case other
9 than a piece of paper or two, and that's the way it's
10 supposed to be. We have to learn about this case in this
11 courtroom.

12 Again, I caution you against speaking to anyone. If
13 you go outside to smoke and you see somebody out there you
14 know, please don't have a chat with them. It could be
15 misunderstood by someone thinking -- that the jury is fixed
16 now. Okay. Speak to -- don't do anything like that.

17 All right. Also, one last thing. The seat that you
18 are sitting in, if you would be kind enough to keep that
19 seat during the duration of this trial. They're wiped down
20 at the end. The surfaces are wiped down every afternoon
21 when everyone leaves the courthouse, and disinfected. But
22 out of an abundance of caution we've been asking folks to
23 not rotate seats. Just keep that seat as your seat during
24 the trial of the case.

25 All right. If you'll take them out, Mr. Bailiff, and

1 let them refresh themselves, and one of our law enforcement
2 officers will go out with them -- or someone.

3 Mr. Bailiff is going to go out with those that want to
4 smoke.

5 (The following takes place outside the presence of the
6 jury.)

7 THE COURT: Okay. Let's stay on the record here for a
8 minute. I've got a couple of things to put on the record.

9 Number one we're going put on the record is about
10 Juror 22, Alicia Caughman.

11 Solicitor.

12 MS. LESKANIC: Thank you, Your Honor. May it please
13 the Court.

14 Regarding Jury No. 22, I approached the Court and
15 Mr. File for two reasons.

16 Number one, I personally know Juror No. 22. She works
17 at an orthodontist office where my sons had braces, and her
18 son goes to school with my daughter.

19 The second issue that came about is I am aware of an
20 old case where she was a victim of a sexual assault. May
21 not view herself in that way because the parties
22 subsequently married, however, that was not brought to the
23 Court's attention or Mr. File's attention, and I thought
24 that was relevant given the charges in this case.

25 THE COURT: Mr. File.

1 MR. FILE: And, Your Honor, after our conversation at
2 the bench we made a motion to withdraw her for cause. But
3 rather than do that, cause any kind of embarrassment, we
4 struck her with the understanding that that would count
5 against our strikes.

6 THE COURT: That's correct.

7 So to be on the record clear about that, she is
8 excused for cause. And to do that without embarrassment to
9 her, which we would never do, she was stricken by Mr. File,
10 but it would not count as his strike because that's going
11 to be a cause, a for-cause strike by the Court.

12 Mr. File is just courteous enough to do me a favor so
13 that she would not be embarrassed, but that is for cause.

14 The number two issue is --

15 MS. LESCANIC: I believe it was brought to our
16 attention that Juror No. 50 is married to Gregg Phillips'
17 niece. Gregg Phillips is employed with the Seventh Circuit
18 Solicitor's Office. He worked in the Gaffney office for
19 years. He is currently an investigator in our Spartanburg
20 office.

21 That was not announced to the Court, and we wanted to
22 make Mr. File aware of that in case he wanted to strike
23 Juror 50. And I believe for that reason we did select a
24 second alternate.

25 THE COURT: Yes.

1 MR. FILE: Judge, after consulting with my client,
2 he -- he would feel more comfortable with us going ahead
3 and striking him. He would feel more comfortable with us
4 going ahead and removing him and replacing him with the
5 alternate.

6 THE COURT: Okay. Is there any objection from the
7 state?

8 MS. BARRY: No objection from the state.

9 THE COURT: Okay. We when we return and before I
10 swear them, I will remove him for cause?

11 MS. LESCANIC: Yes, sir, Your Honor.

12 THE COURT: I will remove him for cause and just
13 excuse him so that, again, he will not be embarrassed by
14 that.

15 And also on the record, he did not disclose that in
16 response to the question about a family member or friend
17 employed by the Seventh Circuit Solicitor's Office.

18 I made it clear on the record. I think that
19 encompassed Spartanburg and Cherokee counties. So he did
20 not do that. We will strick him for cause.

21 All right. They have not been sworn. We've got our
22 pretrial done. So when we come back I'll take care of
23 that, and then we'll still have the one alternate. And
24 I'll move -- well, I have to move that person up by shaking
25 up in the cup, I think. Let me look right quick.

1 (Pause.)

2 THE COURT: No. 51. That will be the alternate.

3 I tell you what they ought to do. You ought to mark
4 these as a Court's exhibit.

5 (Jury numbers to replace alternate marked Court's
6 Exhibit No. 2.)

7 MS. LESCANIC: Your Honor, in an abundance of caution
8 would you just place on the record what just occurred with
9 selecting that alternate so it will be clear?

10 THE COURT: I sure will.

11 MS. LESCANIC: Thank you.

12 THE COURT: What just occurred is this Court referred
13 to S.C. Code 14-7-1340. That's 1340. And it says that
14 alternates, if more than one, will be selected by ballot.

15 Madam clerk put two numbers on pieces of paper, which
16 are going to be also made a court's exhibit and were put
17 into a koozie -- thank goodness it's a Carolina koozie --
18 and we shook that in front of everyone in open court,
19 turned it upside down, and I selected one piece of paper
20 for the next -- for the alternate. And that was No. 51,
21 which was actually the second person chosen as the
22 alternates in this case.

23 So that person will join the 12 and No. 87 will remain
24 the alternate.

25 Okay. Any questions, any objections?

1 MR. FILE: No, Your Honor.

2 MS. BARRY: No objection from the state.

3 THE COURT: All right. Let's be in recess for about
4 15 minutes, and then we'll come back.

5 MS. LESCANIC: Thank you, Your Honor.

6 We have one more matter we want to place on the record
7 before we begin.

8 THE COURT: Okay. Go ahead.

9 MS. BARRY: Your Honor, the state will be calling some
10 witnesses who are not the victim in this case, and we will
11 be asking or I will be asking them a question as far as was
12 a sexual assault recorded, when did it happen and where did
13 it happen.

14 And those statements, the state would argue, are
15 allowed under the Rules of Evidence 801(d)(1)(D). "A
16 statement is not hearsay if consistent with the declarant's
17 testimony in a criminal sexual conduct case or attempted
18 criminal sexual conduct case where the declarant is the
19 alleged victim and the statement is limited to the time and
20 place of the incident."

21 I just wanted to make Mr. File aware of that, the
22 Court aware of that. And I will instruct all witnesses
23 that it is very limited to time and place of the incident.

24 THE COURT: That's correct.

25 That also might be under State vs. Jolly or something

1 like that. But, anyway, that's correct. So it's limited
2 as to -- can't get into the details.

3 MS. BARRY: Right.

4 THE COURT: Okay. Anything else?

5 MS. BARRY: Nothing from the state, Judge.

6 THE COURT: All right. Let's take a break.

7 (Whereupon, a recess was taken.)

8 MS. LESCANIC: We're going to bring in Juror No. 50,
9 Jason Gold.

10 (The following takes place in the courtroom with Juror
11 No. 50, Jason Gold.)

12 THE COURT: Mr. Gold, come around where you can be
13 heard by the court reporter, please.

14 You are Jason Gold.

15 JUROR NO. 50: Yes, sir.

16 THE COURT: Mr. Gold, it was disclosed to me after
17 selection of the jury that you are married to Gregg
18 Phillips' niece. That's correct?

19 JUROR NO. 50: Yeah.

20 THE COURT: Okay. And I'm not fussing at you. I'm
21 just telling you that that was not disclosed, that a family
22 member or friend was employed by the Seventh Circuit
23 Solicitor's Office.

24 So the defense has made a motion or moved a motion
25 before the Court to exclude you for cause, and it's without

Jury sworn

1 objection. So I'm going to remove you just in an abundance
2 of caution.

3 JUROR NO. 50: Okay.

4 THE COURT: I'm not for a minute saying you couldn't
5 be fair.

6 JUROR NO. 50: I apologize. I knew he done something
7 but I --

8 THE COURT: You're fine.

9 JUROR NO. 50: I apologize.

10 THE COURT: You're fine. I'm not fussing at all. I'm
11 just -- it was disclosed, and in an abundance of caution
12 they've asked for you to be excused, and I'm going to grant
13 the motion.

14 JUROR NO. 50: I will honor it.

15 THE COURT: All right. So if you will, you can leave
16 now or stay, whichever you choose. I'm going to move an
17 alternate up. But please call after 6:00 p.m.

18 JUROR NO. 50: Okay.

19 THE COURT: Okay. Because you might be picked on the
20 next case.

21 JUROR NO. 50: All right.

22 THE COURT: Thank you.

23 (Whereupon, Juror No. 50 was excused.)

24 THE COURT: And then before they come in, Ms. Brandy,
25 No. 51, Susan Goodlett, was the winner, right?

1 THE CLERK: Yes, sir.

2 THE COURT: We'll move Ms. Goodlett up to the twelfth.
3 Everybody ready for the jury?

4 MS. BARRY: The state's ready, Your Honor.

5 THE COURT: Anything before we swear them?

6 MR. FILE: No, Your Honor.

7 THE COURT: All right. Bring the jury.

8 (The following takes place in the presence of the
9 jury.)

10 THE COURT: Juror No. 51, Ms. Susan Goodlett, ma'am,
11 if you would, join the 12, please. You are now one of the
12 12.

13 Sir, you are Mr. Matthew Jones?

14 JUROR NO. 87: Yes, sir.

15 THE COURT: Okay. You are our alternate at this
16 point.

17 Madam clerk.

18 (Whereupon, the jury was duly sworn.)

19 THE COURT: Juror No. 100, Mr. Johnny Lester, you are
20 now appointed the foreperson of this jury. You indicated
21 you're willing to serve.

22 THE FOREMAN: Yes, sir.

23 THE COURT: Okay. Thank you.

24 Sir, I'll talk with you a little bit about that just
25 real quick, is you will preside in the jury room, and-but

1 equally important, you become the spokesperson for the
2 jury.

3 So when you return to the courtroom after a break or
4 for overnight, I will usually look to you to see if there's
5 any matter that needs addressing by the jury, whether it's
6 someone's car won't start or someone's sick or something
7 like that. I always look to you at that point.

8 THE FOREMAN: Yes, sir.

9 THE COURT: Thank you. Ladies and gentlemen, you are
10 now the jury in this case, and I'm going to take a few
11 minutes just to tell you something about your duties as
12 jurors and give some instructions.

13 At the close of this trial I will give more detailed
14 instructions, and those instructions will control your
15 deliberations.

16 This criminal case has been brought by the State of
17 South Carolina. Sometimes I refer to the state as the
18 prosecution or the government.

19 The state is represented at this trial by Deputy
20 Solicitor Kim Leskanic and Assistant Solicitor Adrienne
21 Barry.

22 The defendant, Christopher Hallbrook, is represented
23 by attorney Robin File.

24 This defendant has been charged by the state with
25 criminal sexual conduct with a minor.

1 The charge against him is contained in an indictment.
2 As I previously told you, the indictment is simply a
3 description of the charge made against him. It is not
4 evidence against him.

5 He has entered a plea of not guilty to the charge,
6 denies committing a crime. And he is presumed innocent and
7 may not be found guilty by you 12 unless all of you
8 unanimously find that the state has proven his guilt beyond
9 a reasonable doubt.

10 Now, South Carolina law makes you 12, the jury, the
11 finders of facts. You 12 alone are the finders of the
12 facts, and it will be your duty to decide from the evidence
13 presented what the facts are.

14 You will hear the evidence and decide what the facts
15 are and apply those facts to the law that I give you at the
16 close of this case. And that is how you will reach a
17 verdict. In doing so you must follow the law whether you
18 agree with it or not.

19 The evidence will consist of the testimony of
20 witnesses, documents and other items received into evidence
21 as exhibits and any facts on which the lawyers agree are
22 stipulated.

23 The same state law that makes you 12 the finders of
24 the facts makes me the judge of the law. Our rules of
25 evidence control what can be received into evidence. And

1 when a lawyer asks a question or offers an exhibit into
2 evidence and a lawyer on the other side thinks it is not
3 permitted by the rules of court that lawyer may object.
4 This simply means that the lawyer is requesting I make a
5 decision on a particular rule of evidence.

6 South Carolina law forbids me, a trial judge, from
7 making a comment to a jury about a fact in a case.
8 Therefore because it may be necessary for me to comment on
9 the facts in applying our rules of evidence it may be
10 necessary for me to speak with the lawyers out of your
11 hearing by having a bench conference while you are present
12 in the courtroom or by excusing you from the courtroom.

13 Ladies and gentlemen, you have already seen me ask the
14 lawyers to approach. I generally just do like that and
15 they come up, and that's called a bench conference.

16 The purpose of the conference is to decide how certain
17 evidence is to be treated under the rules of evidence and
18 to avoid confusion and error.

19 Certain things are not evidence. Statements,
20 arguments and questions, comments by lawyers representing
21 the parties are not evidence. Objections are not evidence.

22 Lawyers have a duty to their client to object when
23 they believe something is improper under the rules of
24 evidence. You should not be influenced by anyone
25 objecting.

1 If I sustain an objection you must ignore the question
2 or exhibit and try not to guess what the answer might have
3 been or what the exhibit might have contained.

4 If I overrule the objection the evidence will be
5 admitted, but do not give it special attention because it
6 drew an objection.

7 Testimony that I order stricken from the record or
8 tell you to disregard is not evidence and cannot be
9 considered. Anything you see or hear about this case
10 outside of this courtroom is not evidence.

11 Now, finally, some of you may have heard terms direct
12 evidence and circumstantial evidence.

13 Direct evidence is testimony by a witness about what
14 that witness personally saw, heard or did.

15 Circumstantial evidence is indirect evidence. It is
16 proof of one or more facts from which one can find or infer
17 another fact.

18 You may consider both direct and circumstantial
19 evidence. The law permits you to give equal weight to
20 both, but it is for you to decide how much weight to give
21 any evidence.

22 In deciding what the facts are you may have to decide
23 what testimony you believe and what testimony you do not
24 believe.

25 You may believe everything that a witness says or only

1 part of it or none of it. In deciding what to believe you
2 may consider a number of factors, including but not limited
3 to, a witness' ability to see or hear or know the things
4 about which they testify, the quality of the witness'
5 memory, a witness' manner while testifying, whether the
6 witness has an interest in the outcome of the case or any
7 motive, bias or prejudice, whether or not the witness is
8 contradicted by something another witness said, wrote or
9 about that witness said or wrote or how reasonable the
10 witness' testimony is when considered with all other
11 evidence.

12 It is my responsibility to rule as a matter of law as
13 to whether or not certain testimony is admissible, but once
14 the testimony is admitted, whether or not you believe it is
15 solely for you 12 to determine.

16 To ensure fairness you as jurors must not talk among
17 yourselves about this case or about anyone involved in it
18 until the case is ended, after you go to the jury room and
19 decide a verdict.

20 Do not talk with anyone about this case or anyone who
21 has anything to do with it until the trial has ended and
22 you have been discharged.

23 Ladies and gentlemen, anyone includes members of your
24 family and your friends. You may tell them that you are a
25 juror but do not tell them anything about the case until

1 you have been discharged as a juror. And then you're as
2 free to talk about it as you like.

3 Do not let anyone talk to you about the case or anyone
4 who has something to do with it. And if someone should try
5 to do so, please report that to me immediately.

6 During the trial do not talk with or speak with the
7 parties, the lawyers, witnesses. You should not pass the
8 time of day with them because, as I said earlier, an
9 innocent conversation can be misunderstood. It is
10 important not only to do justice but also give the
11 appearance of doing justice.

12 If a person from one side of the case sees you talking
13 to someone from the other side it could be -- even if it's
14 simply to pass the time of day an unwarranted and
15 unnecessary suspicion about your fairness might be aroused.

16 If a lawyer, party or witness does not speak to you
17 when they pass you in the hallway it is because they're not
18 supposed to talk with you. I have instructed them not to
19 talk with you. And you are wearing badges to point out to
20 all of us that you are a juror.

21 Please do not read any news stories or articles about
22 the case or anyone involved with it or listen to radio or
23 television reports about the case.

24 Do not do any research on the internet about anything
25 in this case. Do not consult a blog or dictionary or any

opening statements

1 reference materials, and do not make any investigation on
2 your own.

3 Again, do not make up your mind about what the verdict
4 should be until after you have gone to the jury room to
5 discuss the case with your fellow jurors. We want you to
6 keep an open mind during the trial of this case.

7 I am often asked about note-taking. You are not to
8 take notes during the trial, and the reason is we want you
9 to pay close attention to each witness as he or she
10 testifies and not be fixated on taking copious notes.

11 The first step in this trial will be what's known as
12 opening statements. The state in its opening will tell you
13 about the evidence it intends to put before you so that you
14 will have an idea of what the state's case is going to be.

15 Just as the indictment is not evidence, neither is the
16 opening statement by the lawyer. Its purpose is to help
17 you understand what evidence will be presented and what the
18 state will try to prove.

19 After the state's opening comments the defendant's
20 attorney may, if he chooses, make an opening statement. At
21 this point in the trial I remind you that no evidence will
22 have been offered by either side.

23 Next the state will offer evidence that it says will
24 support the charge against this defendant. The state's
25 evidence in this case will consist of testimony of

Opening statements

1 witnesses, and it may include documents or others exhibits.

2 I remind you that the defendant is presumed innocent
3 and the state must prove his guilt beyond a reasonable
4 doubt. He does not have to prove his innocence.

5 After you have heard all of the evidence from both
6 sides the state and the defense will each be given time to
7 make a final statement or argument before the jury. And,
8 as I told about the opening statements, the lawyers in
9 their closing statements are summarizing. It is not
10 evidence.

11 And the final part of the trial occurs when I instruct
12 you about the rules of law and the law that you are to use
13 in reaching your verdict.

14 After hearing my instructions at the end, Mr. Foreman,
15 ladies and gentlemen, you will retire to the jury assembly
16 room and begin your deliberations.

17 Is the state ready?

18 MS. BARRY: The state's ready, Your Honor.

19 THE COURT: Ladies and gentlemen, give your attention
20 to the lawyers.

21 MS. BARRY: Thank you, Your Honor. May it please the
22 Court.

23 THE COURT: Yes, ma'am.

24 MS. BARRY: Defense counsel.

25 Ladies and gentlemen of the jury, good afternoon.

opening statements

1 I just want to start by thanking you for being here
2 this afternoon. We could not do this process without you.
3 You are very important to our judicial process.

4 So why are you here? Why are we here this afternoon?
5 We are here because Christopher Hallbrook is charged with
6 criminal sexual conduct with a minor in the first degree.

7 And what does that mean? Boil it down, it means that
8 he committed a sexual battery on an individual who is under
9 the age of 11.

10 And what is a sexual battery? A sexual battery is
11 sexual intercourse, oral intercourse, anal intercourse,
12 anything that is even the slightest intrusion to the
13 genital region, anal region of a person. And under the age
14 of 11 is pretty self-explanatory.

15 So who is that person that is under the age of 11?
16 Minor . And she's sitting right there, and she'll be
17 sitting back there throughout the course of this trial.

18 And what is she going to tell you? What is she going
19 to say that is going to help me prove beyond a reasonable
20 doubt that Christopher Blake Hallbrook is guilty of the
21 crime that he's charged with?

22 I anticipate that she is going to tell you that it
23 happened at her house, in a place where she is supposed to
24 feel safe. It happened twice at her house, once while she
25 was sleeping and the second time while she was playing a

Opening statements

1 video game.

2 She will tell you that while she was sleeping she
3 wakes up to that defendant pulling her pants down. And
4 after he pulls her pants down, he licks her butt hole. And
5 she lays there. She doesn't know what to do.

6 He eventually leaves. She gives it a couple of
7 minutes and she gets up. She goes into the kitchen, and
8 her mom happens to be awake. And there's the defendant
9 standing there wanting to know what woke her up. But she
10 just says she woke up.

11 And then the second time she's playing a video game,
12 something that is so innocent, something that every child
13 does. But for Minor it was a time for her to be
14 sexually assaulted again.

15 What does this defendant do? She will tell you that
16 she's sitting there. She's cold. She's got a blanket over
17 her. It's her Panther blanket.

18 And this defendant comes in the room while her parents
19 are outside, and he gets under the blanket with her and
20 puts it over himself, reaches his hands down her pants and
21 fingers her in her butt hole.

22 And how old is she when she is violated this way? She
23 is in about the fourth or the fifth grade, ladies and
24 gentlemen -- fourth or fifth grade.

25 So what does she do? She doesn't tell anyone at

opening statements

1 first. She's afraid. She's eventually able to tell her
2 friends, people that she trusts, that she's been friends
3 with for a long time. And then she gets the courage to
4 tell her mom, and her mom takes her to the sheriff's
5 office. And she is able to tell law enforcement what that
6 defendant did to her.

7 She's referred to the Children's Advocacy Center in
8 Spartanburg. They do an interview with her. It's
9 recorded, and you will be able to see that interview. You
10 will be able to see. She's 11 when she reports it. You'll
11 be able to see this 11-year-old tell what an adult did to
12 her -- an adult she trusted.

13 He was married to her Aunt Shelby, somebody who she
14 should have been able to depend on, and she couldn't.

15 You're going to hear from her mom Heather who is also
16 sitting over there next to Minor , and she will be able to
17 tell how her daughter went from this happy-go-lucky girl,
18 very girly-girl, to somebody who was just sad, wasn't the
19 same girl that she knew. She's having issues in school,
20 has to be picked up from school, all because of what that
21 man did to her.

22 So, ladies and gentlemen, I'm going to ask several
23 things of you now. I'm going to ask that you pay close
24 attention to everything that you see and you hear today and
25 tomorrow, throughout the course of this trial.

Opening statements

1 It is up to you to be the trier of the facts. You get
2 to weigh the credibility of the people you hear, the
3 evidence that you see. And then the jury of 12 will go
4 back into that jury deliberation room and become a jury of
5 one. And I ask that you deliberate, go over everything
6 that I will present, that you will hear from Minor , from
7 her mom, that you will see from the video.

8 I ask that you use your common sense. Don't leave it
9 at the door. It's up to you, ladies and gentlemen, and I
10 ask that you come back with a verdict of guilty. Thank
11 you.

12 THE COURT: Mr. File.

13 MR. FILE: May it please the Court.

14 Ladies and gentlemen of the jury, my name is Robin
15 File, and this is my client Christopher Hallbrook. He's 28
16 years old.

17 He's presumed innocent. As the judge told you, he
18 walks into this courtroom today innocent of anything, and
19 it's up to the state to prove him guilty beyond a
20 reasonable doubt. Okay. He is innocent, again, and it's
21 up to the state to prove him guilty beyond a reasonable
22 doubt.

23 Let's go ahead and address the elephant in the room.
24 My client is charged with criminal sexual conduct with a
25 minor first degree. That's a very bad, very serious

opening statements

1 charge. It's basically they're saying he's a child
2 molester. To be honest with you, that's what they're
3 saying.

4 You may hate child molesters; I hate child molesters;
5 the solicitor hates child molesters. Everybody in this
6 courtroom hates child molesters, and how could somebody do
7 that to a child. I mean it is an awful, awful thing.

8 You know, I'm the father of a daughter who's in
9 college now, and God forbid if somebody had done molested
10 my daughter. He might not see the light of the courtroom.

11 But, you know, what probably is the next worse thing
12 to being accused of being a child molester is to be accused
13 of being a child mobster when you know in your heart that
14 you didn't do it.

15 Christopher is adamant that he did not do this, and
16 if -- if he's adamant that he didn't do this, then he's
17 putting his -- his -- his life and his freedom into your
18 hands by walking into this courtroom today.

19 And he's asking you 12 people to listen to the
20 evidence in the case. He's asking you to listen to the
21 evidence with an open mind in this case, listen to the
22 questions, listen to what -- what a witness might say that
23 he did or didn't do or an officer say what they did or
24 didn't do.

25 And use your common sense about what may or may not

Allison Lister
Direct examination by Ms. Barry

1 have happened. The truth may not -- may not be what they
2 say it is or what, the way it is portrayed in here. You
3 need to use your common sense and listen to what happened.

4 If something doesn't add up then -- then -- then you
5 need to think about that and discuss that.

6 You need to question the witnesses, why might a
7 witness be testifying a particular way or why they might
8 not, why is there a difference in -- in what somebody says
9 happened, why is there a difference in what the victim says
10 happened one time, and then something is told differently
11 the next.

12 You're the gatekeepers here today and this week
13 between a guilty man being punished for what he did and an
14 innocent man walking free, and you have a serious duty to
15 listen to that.

16 I dare say if it was a family member or somebody like
17 that you'd want and pray for 12 jurors just like yourself
18 to listen to the evidence and do the same before deciding
19 whether or not this man is guilty of anything.

20 And so I will ask you to listen to the evidence in
21 this case, keep an open mind and decide for yourselves
22 whether the state has met that burden of proof.

23 It's our position that there's enough issues that it
24 ought to raise a reasonable doubt in your minds. Thank
25 you.

Allison Lister
Direct examination by Ms. Barry

1 THE COURT: Solicitor.

2 MS. BARRY: Thank you, Your Honor.

3 The state would call Allison Lister to the stand.

4 ALISON LESTER, having been
5 first duly sworn, testified as follows:

6 THE COURT: Officer, tell us your full name, and spell
7 your last name for the court reporter, please.

8 THE WITNESS: My name is Deputy Alison Lester,
9 A-L-I-S-O-N L-E-S-T-E-R.

10 MS. BARRY: Thank you, Your Honor.

11 DIRECT EXAMINATION BY MS. BARRY

12 Q Deputy Lester, where are you currently employed?

13 A I'm currently employed at the Cherokee County Sheriff's
14 Office located in Cherokee County, South Carolina.

15 Q And how long have you been employed there?

16 A Since April of 2015.

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

18 A Answering calls for service. That means 9-1-1 calls
19 that come in, people who walk into the duty office making
20 reports.

21 Q And were those your duties on February the 14th of
22 2019?

23 A Yes. They were.

24 Q And how do you become involved in this case on that
25 day?

Allison Lister
Cross-examination by Mr. File

1 A I was at the time, I was on light duty at the sheriff's
2 office. I was currently -- I was pregnant at the time. So
3 I was assigned to light duty. And any civilians that were
4 coming into the duty office wanting to file reports, that's
5 what I would do, is I would take reports in person instead
6 of over the phone or going out to their house in person.

7 Q And who came to the sheriff's office that day?

8 A Two people came to the sheriff's office, and that was
9 the mother, Heather Harris, and the victim who is a
10 juvenile, Minor .

11 Q And did you speak with them?

12 A I did. I spoke to both of them.

13 Q And did Minor report a sexual assault to you?

14 A She did.

15 Q Did she state when it happened?

16 A She did.

17 Q And when did she say it happened?

18 A She stated that it was in 2018 prior to her summer
19 break.

20 Q And did she state where it happened?

21 A Yes. It was [REDACTED] Catawba Road, Gaffney, South Carolina
22 29341. And that's located in Cherokee County, South
23 Carolina.

24 Q And what did you do with that information?

25 A I forwarded it to the investigative division.

Allison Lister
Cross-examination by Mr. File

1 MS. BARRY: Your Honor, I have no further questions
2 for this witness.

3 THE COURT: Mr. File.

4 CROSS-EXAMINATION

5 BY MR. FILE

6 Q You took the report from Minor and her mother on
7 February 14th of 2019?

8 A Yes, sir.

9 Q And how far back did she say this had happened?

10 A The incident time that she gave me was 2018.

11 Q Okay. She gave you what?

12 A 2018.

13 Q 2018. Okay. And she said -- she outlined or gave you
14 information concerning one incident that took place on
15 Catawba Road?

16 A Correct.

17 Q Okay. She didn't give you any other information
18 regarding any other incident.

19 A I believe that she said it happened multiple times.

20 Q Okay. But the statement you took from her only
21 detailed one incident, is that correct?

22 A Correct.

23 Q Okay. And then you handed the case off for
24 investigation?

25 A Yes, sir.

1 Q And do you know how long it took before a warrant was
2 signed?

3 A I do not. Unfortunately, when we do reports and they
4 are forwarded to our investigative division, unless we're
5 asked to do any type of followups, which I was not, I wasn't
6 aware of any warrants or anything.

7 Q Okay. That's all.

8 THE COURT: Anything?

9 MS. BARRY: Your Honor, I have no other questions.

10 THE COURT: Thank you. Officer, you may step down.
11 Please be careful.

12 Mr. Foreman and ladies and gentlemen, this is going to
13 be a short day today. We're going to have to recess for
14 the day, and the reason is some of the witnesses are coming
15 from other places, of course to try to coordinate
16 everybody's schedules.

17 So tomorrow we'll start at 9:00 a.m. We'll have folks
18 here by 9:00 a.m. in the morning.

19 Next witness be ready by 9:00?

20 Okay. All right. I need -- my law clerk has advised
21 me that I have something at 9:00 that we're going to do by
22 virtual courtroom, something that has nothing to do with
23 this, but it had been previously set for 9:00. So I'll be
24 here. I'll be in the courtroom if you'll be in place by
25 9:30.

1 Now, we're all adults. I'm not going to tell you what
2 time to get here. The courthouse opens at 8:30. I'm going
3 to tell you that some of these bailiffs make some really
4 good coffee around here. So if you want to get here in
5 time to get a good cup of coffee, and every once in a while
6 they have some snacks around here too, but they'll have
7 some coffee and beverages here for you in the morning.

8 But be ready to go by 9:00, and please be reminded not
9 to bring cell phones or smart tablets or a wrist watch that
10 has communication capability on that, please. But we'll be
11 starting here at 9:30. I'll be in the courtroom at 9:00 on
12 something else, but we'll reconvene on this at 9:30.

13 Anything from the state?

14 MS. BARRY: Nothing, sir.

15 THE COURT: Anything from the defense?

16 MR. FILE: No.

17 THE COURT: Nothing.

18 Okay. Mr. Foreman, if you will, take the jury out and
19 be excused for the evening.

20 (The following takes place outside the presence of the
21 jury.)

22 THE COURT: We'll be in recess until 9:30 in the
23 morning. Please caution everyone that you see --

24 THE BAILIFF: I'm sorry. Your Honor, I've got one
25 that wants to take the elevator.

Minor

Direct examination by Ms. Barry

1 THE COURT: Absolutely.

2 (Pause for juror walking through the courtroom.)

3 THE COURT: I want to you -- if everybody, both sides,
4 caution everybody involved. We use the same parking lot.
5 If you see a juror, please don't say something. Please
6 explain that that could cause a mistrial. So let's don't
7 say anything in the parking lot about the case, make any
8 inappropriate comment.

9 All right. We'll be in recess.

10 END OF PROCEEDINGS JUNE 29, 2021

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Minor
Direct examination by Ms. Barry

1 (Proceedings June 30, 2021)

2 (The following takes place outside the presence of the
3 jury.)

4 THE COURT: Is everybody ready?

5 MS. BARRY: Yes, sir.

6 THE COURT: Mr. File.

7 MR. FILE: Yes, sir.

8 THE COURT: Ready for the jury? Bring them in.

9 (The following takes place in the presence of the
10 jury.)

11 THE COURT: Good morning -- good morning.

12 Mr. Foreman, any matters for the jury?

13 THE FOREMAN: No, sir.

14 THE COURT: Everybody ready to work?

15 THE FOREMAN: Yes, sir.

16 THE COURT: Solicitor.

17 MS. BARRY: Thank you, Your Honor. May it please the
18 Court.

19 The state would call Minor to the stand.

20 Minor, having been
21 first duly sworn, testified as follows:

22 THE COURT: Tell us your name, please, and spell your
23 last name.

24 THE WITNESS: Minor.

25 THE COURT: Spell the last name.

Minor
Direct examination by Ms. Barry

1 THE WITNESS: Minor .

2 THE COURT: Can you spell it for me?

3 THE WITNESS: Minor .

4 THE COURT: Thank you.

5 Solicitor.

6 MS. BARRY: Thank you, Your Honor.

7 DIRECT EXAMINATION BY MS. BARRY

8 Q Minor , how are you doing this morning?

9 A Good. Thank you.

10 Q Are you a little nervous?

11 A Yeah.

12 Q Okay. Minor , how old are you?

13 A I'm 13.

14 Q And when is your birthday?

15 A [REDACTED].

16 Q So what grade are you going into?

17 A I am going into the ninth.

18 Q Okay. So you'll be 14 about the time that school
19 starts, right?

20 A Yes, ma'am.

21 Q Okay. And let's kind of go over your age really
22 quickly.

23 So you're going to be 14 in the ninth grade, correct?

24 A Yes, ma'am.

25 Q So when you were in the eighth grade, how old would you

Minor
Direct examination by Ms. Barry

1 have been?

2 A Twelve.

3 Q In the eighth grade. So you're 14 in the ninth grade.

4 Eighth grade you would be how old?

5 A Thirteen.

6 Q In the seventh grade, how old would you be?

7 A Twelve.

8 Q In the sixth grade, how old would you be?

9 A Eleven.

10 Q In the fifth grade, how old would you be?

11 A Ten.

12 Q In the fourth grade, how old would you be?

13 A Nine.

14 Q And do you have any brothers and sisters?

15 A Yes, ma'am.

16 Q What do you have?

17 A I have one brother.

18 Q And what's his name?

19 A J.H. .

20 Q How old is he?

21 A He's 15.

22 Q Is he here in the courtroom today?

23 A Yes, ma'am.

24 Q Is he sitting back here?

25 A Yes, ma'am.

Minor
Direct examination by Ms. Barry

1 Q Okay. What about your mom and your dad? Are they here
2 today?

3 A Yes, ma'am.

4 Q And what are their names?

5 A My mom's name is Heather Harris and my dad's name is
6 Patrick Harris.

7 Q And, Minor, do you understand why you're here today?

8 A Yes, ma'am.

9 Q Why are you here today?

10 A To talk about my used-to-be uncle that touched me.

11 Q And who is your used-to-be uncle?

12 A Chris.

13 Q And what's his last name, do you remember?

14 A No, ma'am.

15 Q Okay. Is he in the courtroom here today?

16 A Yes, ma'am.

17 Q Can you point him out for us?

18 MS. BARRY: Your Honor, can the record reflect that
19 she's pointed to the defendant at the defense table?

20 THE COURT: It's so noted.

21 Q And how -- you said he's your uncle. How is he your
22 uncle?

23 A He married into our family.

24 Q Okay. And who is he married to?

25 A My dad's sister, Shelby.

1 Q Okay. And when you would refer to him, what would you
2 call him?

3 A Chris.

4 Q And you said Shelby is your dad's sister?

5 A Yes, ma'am.

6 Q How would you describe your relationship with Chris?

7 A After that incident?

8 Q Before the incident.

9 A I would described it as I trusted him because he was
10 married to Shelby, and Shelby is one of my favorite aunts.
11 So I trusted him and my family trusted him.

12 Q Were there times that you would be alone in a room with
13 Chris?

14 A Not my bedroom but my -- the kitchen, living room.

15 Q Okay. And so you have said that you know that you're
16 here today because your uncle sexually touched you.

17 A Yes, ma'am.

18 Q And did he do that here in Cherokee County?

19 A Yes, ma'am.

20 Q What address did he do that at?

21 A Catawba Road -- [REDACTED].

22 Q And do you still live at that address?

23 A Yes, ma'am.

24 Q So let's -- let's talk about the times that he touched
25 you at [REDACTED] Catawba Road here in Cherokee County. Do you

Minor

Direct examination by Ms. Barry

1 remember the first time that he touched you at that
2 location?

3 A Yes, ma'am.

4 Q What did he -- tell the jury what he did.

5 A I was standing in my living room. I was on the couch,
6 and I had a black and blue Panther blanket. I was playing
7 my wii. It was playing Super Mario Smash Brothers on my
8 mom's account.

9 And he came in from the kitchen to the living room and
10 he sat beside me and he put the blanket over him, his lap
11 and my lap, and it was still on my lap. And when he done
12 that he started touching me -- my butt. He started
13 fingering me in my butt hole.

14 Q And when you said that he started touching you, how did
15 he start to do that?

16 A While -- while -- when he sat down he slowly got into
17 my pants, and then he started touching me.

18 Q And did he go down the front of your pants or the back
19 of your pants?

20 A The back.

21 Q And when you said that he started touching you, what
22 did he do?

23 A He fingered me in my butt hole.

24 Q And what does that mean to you?

25 A He put his fingers up my butt hole and started moving

Minor
Direct examination by Ms. Barry

1 them.

2 Q So he was moving his fingers up and down?

3 A No, ma'am.

4 Q How was he moving them?

5 A He just put them at my butt hole, and yeah.

6 Q Okay. And did he say anything while he was doing that
7 to you?

8 A No, ma'am.

9 Q Do you remember how old you were when this happened?

10 A Fifth, fourth grade, so ten or nine.

11 Q Ten or nine. Okay. And what made him -- let me back
12 up.

13 where were your mom and dad while he was doing this?

14 A My mom, dad and Shelby was outside, and you -- you
15 could see them because I have glass doors in our living
16 room.

17 Q Okay. And where was your brother?

18 A My brother was in his room.

19 Q Okay. So nobody was in the room with you and Chris
20 while he was doing this to you?

21 A No, ma'am. Nobody was in there.

22 Q What made him stop?

23 A When everybody started walking into the house.

24 Q Okay. Whenever everybody started walking in, what did
25 Chris do?

Minor

Direct examination by Ms. Barry

1 A He stopped and he started getting up and following
2 them.

3 Q what did you do?

4 A I kind of just sat there and looked at the floor.

5 Q Okay. when he was fingering you, what did that feel
6 like?

7 A It felt disgusting. It felt -- it hurted. It felt
8 like somebody kind of just took me and turned me inside out.
9 And it felt like I -- I didn't want to be there. I didn't
10 want to be me.

11 I just -- I -- I started to ask thousands and hundreds
12 of questions -- questions, why me, what -- what was
13 happening. Just questions of why, hows. And I was
14 pleading God why, why me. I didn't -- I didn't want to be
15 me. I wished -- I wished I didn't wake up that day.

16 Q Did you tell anybody right after it happened?

17 A No, ma'am.

18 Q And why didn't you tell anybody?

19 A I was scared, and I was scared to hurt my family
20 because he was -- he was married to my Aunt Shelby, and I
21 loved her and I love my parents. I didn't want to hurt them
22 because they trusted him. And I was scared of him.

23 Q Okay. Is -- is that the first time you had ever been
24 touched by anybody down there?

25 A Yes, ma'am.

Minor

Direct examination by Ms. Barry

1 Q And you said -- did it happen another time after that?

2 A Yes, ma'am.

3 Q Okay. Do you remember when the second time at your
4 house happened?

5 A In my bedroom.

6 Q Okay. Do you remember how old you were?

7 A Nine or ten, so fifth or fourth grade.

8 Q And you said it happened in your bedroom. You said it
9 happened at nighttime.

10 A Yes, ma'am.

11 Q And what were you doing in your bedroom?

12 A I was asleep.

13 Q Okay. And why did you wake up, or do you wake up?

14 A Yes, ma'am, I do wake up. I was on my right side. My
15 back was facing my door and my head was facing the wall.

16 So I didn't see the door. And I heard my door open
17 because I have a good tall thing on my door that makes
18 sound. And my door is very squeaky, so when you open it,
19 it makes a loud noise and I start waking up. I didn't move
20 my body. I kind of just -- I kind of just opened.

21 Q Okay. And is your -- is your bed across the room from
22 your door?

23 A Yes, ma'am.

24 Q Okay. And what's the next thing that happens or what
25 do you hear? What you do you feel?

Minor
Direct examination by Ms. Barry

1 A I heard somebody walk -- walk straight to my bed, and
2 they pulled down my pants and they started licking me.

3 Q And you said they. who is they?

4 A I meant them. I'm sorry.

5 Q And who is that? who does that to you?

6 A Chris.

7 Q Okay. Did you see him?

8 A No, ma'am.

9 Q Do you just -- do you face the wall the whole time?

10 A Yes, ma'am.

11 Q So you say he pulls down your pants.

12 A Yes, ma'am.

13 Q Do you remember what you were wearing?

14 A No, ma'am.

15 Q Okay. So he pulls down your pants. And then what
16 happens next?

17 A I felt a tongue lick me and --

18 Q Okay. And when you say --

19 A Licked. He licked my butt hole.

20 Q And what was his tongue doing when he was licking your
21 butt hole? was it going inside?

22 A Yes, ma'am.

23 Q So his tongue was inside your butt hole?

24 A Yes, ma'am.

25 Q How long do you think he was in there?

1 A I can't put an exact time.

2 Q Did he say anything while he was doing it?

3 A No, ma'am.

4 Q What made him stop?

5 A I don't know.

6 Q What did he do once he stopped?

7 A He walked out of my room.

8 Q Okay. And what did you do at that point?

9 A I started to lay there, and I wanted to scream. I
10 wanted to cry. I -- to be honest, I wanted to just not be
11 there. I wish I could just snap my fingers and just not --
12 or disappear. And I wanted -- I wanted my own self to
13 bleed, because I felt like it was my fault. I didn't want
14 to be there. I felt like he turned my skin inside out. I
15 was asking why me. And I wanted to just scream my lungs out
16 and I wanted to hug myself.

17 Q Okay. What did you do? Did you lay there?

18 A Yes, ma'am.

19 Q Do you get up at all?

20 A Yes, ma'am.

21 Q Okay. When do you get up?

22 A I get up when he walks out of my room, and I kind of
23 laid there for -- to me it felt like hours, but it was
24 probably minutes.

25 Q When you get up, where do you go?

Minor

Direct examination by Ms. Barry

1 A I go in the hallway. Well, our house is opened. So
2 you could -- there's a tiny hallway leading to me and my
3 brother's room. So I -- I stand in me and my brother's
4 hallway. And that's when I see my mom and Chris in the
5 kitchen.

6 Q Okay. What was your mom doing, do you remember?

7 A She was probably getting a drink. She gets up at night
8 and gets drinks a lot. She's a light sleeper.

9 Q Would you describe yourself as a light sleeper or a
10 heavy sleeper?

11 A It depends. If I don't get sleep and I finally go to
12 sleep, I'm a heavy sleeper. Oh, and I could -- I could wake
13 up really to the slightest sound.

14 Q Okay. So you go into the kitchen, and your mom and
15 Chris are in there.

16 A Yes, ma'am.

17 Q Do they say anything to you?

18 A Yes, ma'am.

19 Q What does your mom say?

20 A My mom says go back to sleep, it's a school night. And
21 Chris asked me what woke you up. I said nothing. He said
22 uh-huh.

23 Q Did he say anything else after that?

24 A No, ma'am.

25 Q And what do you do after that?

Minor

Direct examination by Ms. Barry

1 A I go back in my room and I start having a breakdown. I
2 started crying.

3 Q Did you tell anybody about that incident right away?

4 A No, ma'am.

5 Q And why didn't you tell anybody?

6 A I was still scared of him. He was in my house. I felt
7 like he could hurt me or hurt somebody I cared about.

8 Q And we may have gone over this, Minor , but I just want
9 to make sure. It was normal for Shelby and Chris to spend
10 the night at your house?

11 A They wouldn't always spend the night, but yes. It's
12 normal.

13 Q And where would they sleep when they would spend the
14 night?

15 A They would sleep in the living room. Our couch is
16 here. Lift up the cushions, it had a bed, or they would
17 have slept on their own mattress.

18 Q Okay. And you described your house as an open house.

19 A Yes, ma'am.

20 Q So what does that mean?

21 A That means there was, like, basically, no hallways.
22 And if you stood at the kitchen you could see my mom's room,
23 the living room, and you could have seen me and my brother's
24 hallway, and you could see our bathroom.

25 Q Okay. Minor , do you eventually tell somebody about

Minor

Direct examination by Ms. Barry

1 what Chris did to you?

2 A Yes, ma'am.

3 Q who do you tell?

4 A I tell three people and that was Chloe, Madison and
5 Aurora.

6 Q Okay. who is Chloe?

7 A Chloe's my cousin.

8 Q And who is Madison?

9 A Madison is my friend.

10 Q And who is Aurora?

11 A A friend.

12 Q what made you decide to tell them?

13 A Madison. She was my first ever friend I made when I
14 moved there. We've been friends since elementary school,
15 because I had to move schools and houses. And she was the
16 first friend that talked to me, that, so I finally had the
17 guts to tell her what happened.

18 Q Okay. Do you remember telling her?

19 A Yes, ma'am.

20 Q what do you remember about telling her?

21 A I -- I know what we was at Granard, but Granard shut
22 down when we was in sixth grade.

23 Q Okay. So you told her when you were in the sixth
24 grade?

25 A Yes, ma'am.

1 Q Okay. And then what made you tell Chloe?

2 A Chloe is -- Chloe is my mom's sister's daughter, and
3 Chloe is one of my closest cousins. We would go to the
4 house a lot. She was very close to me, and she still is to
5 this day.

6 And we was in her bedroom at our old house and we was
7 talking about our other cousin, Jordene, how we all wanted
8 to stay the night together. And, basically, that's when I
9 started to reveal that my uncle touched me. And she told
10 me I should -- I should go tell my parents. And I begged
11 her. I plead and begged her not to tell them, it's okay, I
12 will handle it and stuff like that.

13 Q And what was Maddy's reaction when you told Maddy?

14 A I can't remember.

15 Q Okay. What made you tell Aurora?

16 A Auroras was a close friend of mine. And Andre was in
17 the back of the bus, bus 24. And her niece was kind of on
18 the back of the other, like the seat in front of us, and
19 mine was sitting in the same position.

20 I started getting up, and that's when I looked at her
21 and I told her that my uncle touched me. And she kind of
22 looked at me like she seen a ghost.

23 Q What does that mean?

24 A That she had the biggest eyes, like her eyes was going
25 to pop out of her head. She was just stunned.

Minor

Direct examination by Ms. Barry

1 Q Okay. And do you tell anybody after you tell Maddy,
2 Aurora and Chloe?

3 A Yes, ma'am.

4 Q Who do you tell?

5 A My mom.

6 Q Okay. Do you remember when you told your mom?

7 A No, ma'am.

8 Q Do you remember how you told your mom?

9 A Yes, ma'am.

10 Q Okay. Describe how you told your mom.

11 A Can I describe the day?

12 Q Describe the day.

13 A The first time I tried to tell my mom is when my
14 brother went into a store. When my brother went into the
15 store I asked my mom if I could tell her, I had something
16 important to tell her. And that's when my brother started
17 walking kind of to the car. He got out from the store to
18 the car. And I started to be quiet because I didn't want to
19 say anything in front of my brother.

20 And then I tried to tell her when we got home and she
21 started cooking. She was cooking on the left-hand stove,
22 bottom one. And there's -- on our kitchen there's a tiny
23 wall that makes a corner, and I stayed in the corner and I
24 told her I had something important to tell me, and I told
25 her that my uncle touched me. She goes in the bathroom and

Minor
Cross-examination by Mr. File

1 calls, like, people, our family members, and she was asking
2 me like how did he touch you. And all I kept saying is he
3 touched me.

4 And then the next day I went to the sheriff, the
5 police department. That's when she found out how, like,
6 yeah.

7 Q And what made you decide to tell your mom?

8 A Shelby and Chris got a divorce and I felt safe and I --
9 he couldn't have hurt anybody of my family and I was away
10 from him. So I felt more safe.

11 Q And you said you went to the police department the next
12 day.

13 A Yes, ma'am.

14 Q And you told an officer there as well.

15 A Yes, ma'am.

16 Q Do you remember what you told the police officer?

17 A No, ma'am. I just remember telling her that my uncle
18 touched me.

19 Q Okay. And do you remember going to the Children's
20 Advocacy Center in Spartanburg?

21 A Yes, ma'am.

22 Q And you interviewed there?

23 A Yes, ma'am.

24 Q And do you remember if the interview was recorded?

25 A Yes, ma'am.

Minor
Cross-examination by Mr. File

1 Q Minor , I have no further questions for you. If you
2 will, please, answer any questions that Mr. File has for
3 you.

4 CROSS-EXAMINATION

5 BY MR. FILE

6 Q Hello, Minor . I'm Robin file. I'm Chris' lawyer.
7 I've just got a few questions to ask you.

8 A Yes, sir.

9 Q And I appreciate your answer.

10 Now, you said that the first incident was -- was when
11 somebody came into the bedroom, is that correct?

12 A No. The first incident is when I was playing the game.

13 Q Okay. So you were playing a game on the sofa?

14 A Yes, sir.

15 Q And you were sitting on the sofa?

16 A Yes, sir.

17 Q Okay. And you had a blanket over you, is that correct?

18 A Yes, sir.

19 Q And you -- you said that you could see the adults
20 outside.

21 A Yes, sir.

22 Q How was that? There was a big window?

23 A It's a glass door.

24 Q A glass door. Okay. So you could see them outside,
25 and they could see inside if they wanted to, is that right?

1 A Yes, sir.

2 Q Okay. And Chris came up and sat down beside you?

3 A Yes, sir.

4 Q Okay. And put his hands under the blanket. And he
5 touched -- touched your butt hole, is that right?

6 A He -- well, the blanket was -- it's, basically, a
7 blanket to cover a king size or queen size bed. It's a
8 really big blanket.

9 Q Yes.

10 A It's a black and blue Panther blanket, and it was over
11 my lap and he lifts it to his lap too. So it covered mine
12 and his lap.

13 Q Okay. And then the next thing you know you feel him
14 reaching down in your pants?

15 A Yes, sir.

16 Q Okay. What kind of pants were you wearing?

17 A I can't remember.

18 Q Okay. But you felt him reaching down in your pants and
19 you felt him touching your butt hole, is that right?

20 A Yes, sir.

21 Q Okay. Do you -- do you remember talking with Ms. Barry
22 yesterday?

23 A Ms. who?

24 Q Did you meet with Ms. Barry yesterday?

25 A Oh, yeah.

Minor
Cross-examination by Mr. File

1 Q You did?

2 A Yes, sir.

3 Q All right. And --

4 A Sorry. I'm not good with names.

5 Q Do you remember telling her yesterday that, that he did
6 not put his fingers inside your butt hole?

7 MS. BARRY: Your Honor, I'm going to object. Can we
8 approach?

9 THE COURT: Sure.

10 (Bench conference held off the record in the presence
11 of the jury but out of the hearing of the jury.)

12 MR. FILE: I withdraw the question.

13 THE COURT: Okay. The question is withdrawn.

14 Q Okay. You were sitting -- you were sitting though on
15 the sofa, is that right?

16 A Yes, sir.

17 Q Okay. Now, the -- the incident in your bedroom, you --
18 you said you heard the door open and you were laying in the
19 bed, is that correct?

20 A Yes, sir.

21 Q You don't remember what you were wearing, do you?

22 A No, sir.

23 Q And you heard somebody crossing the room and come to
24 your bed --

25 A Yes, sir.

1 Q -- and pull down your pants. And you felt somebody
2 licking your butt hole, is that right?

3 A Yes, sir.

4 Q All right. And did that person put his tongue inside
5 your butt hole?

6 A Yes, sir.

7 Q All right. Did you talk to Ms. Barry yesterday?

8 A Yes, sir.

9 Q Did you tell her at some point yesterday that he did
10 not put his -- that person did not put their tongue inside
11 your butt hole?

12 A Yes, sir.

13 Q Okay. How many times have you met with the solicitor,
14 met with Ms. Barry, to go over your testimony?

15 A A couple of times.

16 Q Okay. On the bedroom incident, you did not see Chris'
17 face or anything like that, is that right?

18 A No, sir. But I knew it was him because it's not the
19 first time. And it was past 11:00, and 11:00 is when my
20 parents go to sleep, and my dad's a heavy sleeper. I knew
21 he's asleep and my brother was in --

22 Q Let me stop you there.

23 You didn't see his face. That was my question.

24 A Yes, sir.

25 Q Okay. And -- and then you -- you woke up after that

Minor
Cross-examination by Mr. File

1 person left the room.

2 A No. I was already awake.

3 Q well, you got up after --

4 A Yes, sir.

5 Q -- the person left the room. You came out of your
6 bedroom, and you said your mom and Chris were in the
7 kitchen, is that correct?

8 A Yes, sir.

9 Q All right. Were -- had Chris and Shelby been there
10 that evening?

11 A They been there -- they almost all day.

12 Q Okay.

13 A They didn't -- been there in the morning.

14 Q All right. Where was Shelby?

15 A She wasn't -- I don't know where Shelby was. She was
16 probably in the living room asleep or watching T.V.

17 Q Okay. So Shelby was probably asleep on the couch.
18 would that be a safe bet?

19 A She was probably asleep on their own mattress or she
20 was sleeping on the bed that folds out from the couch.

21 Q Okay. And so the -- your mother and -- so there were
22 adults in the kitchen. That's -- that's your testimony.

23 A Yes, sir.

24 Q It was Chris and your mother.

25 A Yes, sir.

1 Q All right. Anybody else around?

2 A No, sir.

3 Q Did you go from the kitchen back to your bedroom, or to
4 J.H. ' room?

5 A I went in my room.

6 Q You went in your room. Okay. Do you recall telling
7 anybody you went to J.H. ' room?

8 A No, sir.

9 Q Okay. And Chris never said anything inappropriate to
10 you, did he?

11 A No, sir.

12 Q Okay. He never threatened you or told you not to tell
13 anybody.

14 A No, sir.

15 Q Okay. Let me ask you this. Were your mother and
16 father ever separated or anything?

17 A Ask that again. I could not hear you.

18 Q Were your mother and father ever separated at any point
19 in time?

20 A My brother and father?

21 Q Your mother and father.

22 A Oh, no. Like divorce?

23 Q Not divorce but not living together.

24 A No.

25 Q Okay.

Heather Diana Harris
Direct examination by Ms. Barry

1 A They always lived together when I was born and when
2 J.H. was born.

3 Q And who did you say you told first about this
4 happening?

5 A It's between Madison or Aurora, but I would have told
6 Madison first because I knew Madison first. Then I met
7 Aurora. My cousin Chloe, I don't know.

8 Q Okay.

9 A And I told her. I just don't know the time. I know I
10 told Aurora and Madison and Kinard.

11 Q But you don't really know what order you -- you told
12 them, do you?

13 A No, sir.

14 Q I believe that's all the questions I have. Thank you.

15 THE COURT: Anything, Solicitor?

16 MS. BARRY: Beg the Court's indulgence, Your Honor.

17 (Pause.)

18 MS. BARRY: Your Honor, I have no further questions of
19 Minor .

20 THE COURT: Ma'am, you may step down. Please be
21 careful.

22 THE WITNESS: Thank you.

23 MS. BARRY: Your Honor, my next witness is going to be
24 Rebecca Grounsell. I just need to make sure that she's
25 here.

Heather Diana Harris
Direct examination by Ms. Barry

1 THE COURT: Okay.

2 (Pause.)

3 MS. BARRY: Your Honor, the state is ready to call
4 Heather Harris to the stand.

5 HEATHER DIANA HARRIS, having
6 been first duly sworn, testified as follows:

7 THE COURT: Ma'am, tell us your full name, and spell
8 your last name, please.

9 THE WITNESS: Heather Diana Harris -- H-A-R-R-I-S.

10 THE COURT: I'm going to ask you to speak just a
11 little louder. Thank you.

12 THE WITNESS: Okay.

13 Solicitor.

14 MS. BARRY: Thank you, Your Honor.

15 DIRECT EXAMINATION BY MS. BARRY

16 Q Heather, you are Minor 's mom?

17 A Yes, ma'am.

18 Q And are you working anywhere?

19 A Yes.

20 Q Where are you working?

21 A Team leader at Wal-Mart.

22 Q Here in Gaffney?

23 A Yes.

24 Q And where are you living?

25 A [REDACTED] Catawba Road, Gaffney.

Heather Diana Harris
Direct examination by Ms. Barry

1 Q And how long have you lived in that address?

2 A About six years.

3 Q How do you know Christopher Hallbrook?

4 A He was married to my husband's sister.

5 Q Okay. And what is your husband's sister's name?

6 A Shelby Jean, was Hallbrook.

7 Q Do you know how long they were married?

8 A I'm not sure.

9 Q And with them being married and related to you, would
10 you guys hang out?

11 A Yes.

12 Q Okay. Where would you guys spend time together?

13 A Our house.

14 Q Okay. And was it special occasions you would hang out,
15 just a normal thing?

16 A No. It was just occasionally. Their stove didn't
17 work, so like Shelby was usually the only one working. So
18 we'd help them out, like grill out, cook, stuff like that.

19 Q Would they come down for holidays or anything like
20 that?

21 A We would go to the mother's house, the mother and
22 father's house.

23 Q Okay. And when you guys would -- when they would come
24 down that would be at your house where y'all cook and
25 everything?

Heather Diana Harris
Direct examination by Ms. Barry

1 A Yes.

2 Q Okay. And when they would come to your house would
3 they spend the night?

4 A Sometimes.

5 Q Okay. And where would they sleep?

6 A The living room.

7 Q And when they were at your house were there times when
8 Chris would be alone with Minor ?

9 A In the living room or kitchen, yes.

10 Q Where would you guys be? Why wouldn't y'all be in the
11 room with them?

12 A We smoked outside.

13 Q Okay.

14 A So we would walk outside to smoke.

15 Q And describe the layout of your house.

16 A When you walk in the side door you have the laundry
17 room, and then it leads straight into the dining room, which
18 is you can see the kitchen and half the living room. It's
19 open. You've got J.H. 's room, and across the hall is
20 Minor 's. And the bathroom splits it.

21 Q Okay. So it's pretty easy access to the rooms in the
22 house?

23 A Yes.

24 Q So we're here to talk about Minor . And Minor -- did
25 she make a disclosure of a sexual assault to you?

Heather Diana Harris
Direct examination by Ms. Barry

1 A Yes, ma'am.

2 Q Did she tell you when it happened?

3 A Fourth, fifth grade.

4 Q And did she tell you where it happened?

5 A Yes, ma'am.

6 Q And where did she tell you it happened?

7 A [REDACTED] Catawba Road.

8 Q Okay. When she told you, what did you do?

9 A I freaked out. I told her -- I took a minute. I told
10 her father. I let her tell Patrick on the phone. I called
11 my mother-in-law so we can figure out what we needed to do.
12 And I called Shelby.

13 Q Okay. And after you called the individuals that you
14 called, what's the next step that you take?

15 A I went and her took to the sheriff's office the
16 following day, February the 14th.

17 Q Did you notice a change in Minor ?

18 A After she told us?

19 Q After she told.

20 A Immediately. We did.

21 Q And what were those changes?

22 A She was missing a lot of school. The school was
23 calling a lot. She started wearing black, a lot of hoodies
24 because she wanted to be invisible.

25 She was immediately scared, because it took months to

Heather Diana Harris
Cross-examination by Mr. File

1 even find him. So she was immediately scared. She didn't
2 want to leave the house. She lost most of her friends.

3 She went to like two different mental health
4 evaluations. She started cutting herself. She was writing
5 suicidal notes. She's still in therapy. Like, she just
6 had a rough time.

7 Q Prior to her telling you about it had her behavior
8 changed in any way?

9 A Yes.

10 Q And how did it change?

11 A She started sleeping in her brother's room a lot and
12 she started dressing differently. She chopped all of her
13 hair off. She didn't want to be around any boys unless it
14 was J.H. or her father.

15 Q And prior to the behavior change, what type of girl was
16 Minor ?

17 A She was a girly girl. She had long dark hair, which
18 you will probably see. She was -- she's still very sweet.
19 She never lost that. She just kind of shut down.

20 We asked her if anything was wrong, and she was just
21 saying no. So we just thought it was her growing into her
22 individual self.

23 Q Ms. Harris, I don't have any further questions for you.

24 If you can, answer any questions that Mr. File may
25 have.

Heather Diana Harris
Redirect examination by Ms. Barry

1 CROSS-EXAMINATION

2 BY MR. FILE

3 Q Hello, Ms. Harris.

4 You said Chris and Shelby would come over sometimes for
5 cookouts and things like that.

6 A Yes.

7 Q Was there ever any point in time when you were
8 separated with your husband?

9 A Yes. It was about four to six weeks. I think the kids
10 might have been eight, nine or ten.

11 Q Okay.

12 A The father was over every night and put the kids to
13 bed, and we kind of shielded them from it until we figured
14 out what we was going to do.

15 Q Okay. So the children were eight, nine or ten, is what
16 you said?

17 A It was years ago.

18 Q Now, when Minor told you about these incidents, she
19 told you on what, February 13th?

20 A Yes.

21 Q And then you took her to the sheriff's office and she
22 gave a -- a statement --

23 A Yes.

24 Q -- to the officer, is that correct?

25 A Yes.

Heather Diana Harris
Redirect examination by Ms. Barry

1 Q At that time she -- she only told the officer about the
2 incident in the bedroom, is that correct, do you remember?

3 A I do not.

4 Q Okay.

5 A There was a lot going on that day.

6 Q All right. And Chris was really never alone with
7 Minor , you said, except the living room or the kitchen, is
8 that correct?

9 A Yes.

10 Q Okay. And there were adults around most of the time
11 going in and out of the house. Would that be safe to say?

12 A Just us four.

13 Q Okay. So you didn't see anything happen with Chris and
14 Minor .

15 A No. You can't really see in the house. When the
16 lights is on, it's a glare.

17 Q Okay.

18 A And when it's night and the back porch light is on you
19 can't really see in.

20 MR. FILE: That's all I have.

21 THE COURT: Anything at all?

22 MS. BARRY: Just very briefly, Your Honor.

23 REDIRECT EXAMINATION

24 BY MS. BARRY

25 Q You said that you were separated from your husband for

1 about four to six weeks.

2 A Uh-huh.

3 Q And you shielded the kids from it?

4 A Uh-huh.

5 Q How would you do that?

6 A He was coming over after work every day. He was eating
7 dinner with us, putting them to bed, going to football
8 games, going to cheerleading. He was -- he was there. So,
9 like, they would be in bed and we'd hug, kiss and he'd
10 leave.

11 Q So it was basically business as usual. It was just
12 when they were in bed.

13 A Yes. They asked him. They did ask a couple of
14 questions. We just was not truthful with them at the moment
15 because we didn't know as parents. So, yeah. We didn't
16 tell them.

17 MS. BARRY: I have no further questions, Your Honor.

18 THE COURT: Anything for that little bit?

19 MR. FILE: No.

20 THE COURT: Thank you.

21 Ma'am, you may step down. Please be careful.

22 Ladies and gentlemen, Mr. Foreman, I think our next
23 witness is stuck on the interstate in traffic, but it's
24 time to break anyway. You've only been here an hour, but
25 we've been in here since five minutes till 9:00. So it's

Rebecca Grounse11
Direct examination by Ms. Barry

1 time for us refresh ourselves, and so let's take our
2 morning break. This will be about 15 or 18 minutes. If
3 you need coffee, if you need water, whatever you might
4 need -- some soda, whatever -- just let the bailiffs know
5 and they'll be happy to try to accommodate you.

6 Don't talk about the case. You're at work, and when
7 you go on break the last thing you want to talk about is
8 work.

9 So, Mr. Foreman, if you will, take the jury out.

10 (The following takes place outside the presence of the
11 jury.)

12 THE COURT: Let's be in recess for about 15 or 18
13 minutes.

14 MS. BARRY: Thank you, Judge.

15 THE COURT: Thank you.

16 (Whereupon, a recess was taken.)

17 THE COURT: Everybody ready? Bring the jury.

18 (The following takes place in the presence of the
19 jury.)

20 THE COURT: Mr. Foreman, everybody good?

21 THE FOREMAN: Yes, sir, Your Honor.

22 THE COURT: Thank you.

23 Solicitor.

24 MS. BARRY: Thank you, Your Honor.

25 The state would call Rebecca Grounse11 to the stand.

Rebecca Grounsell
Direct examination by Ms. Barry

1 REBECCA GROUNSELL, having been
2 first duly sworn, testified as follows:

3 THE COURT: Ma'am, if you will, tell us who you are.
4 And spell your last name for the court reporter, please.

5 THE WITNESS: My name is Rebecca Grounsell. My last
6 name is spelled G-R-O-U-N-S-E-L-L.

7 THE COURT: Solicitor.

8 MS. BARRY: Thank you, Your Honor.

9 DIRECT EXAMINATION BY MS. BARRY

10 Q Good morning, Ms. Grounsell.

11 A Good morning.

12 Q How are you?

13 A I'm good.

14 Q Where are you employed?

15 A I am employed with Children's Advocacy Center of
16 Spartanburg, Cherokee and Union.

17 Q Okay. And what are your duties at C.A.C.? Is that
18 what you call it?

19 A We do. The acronym is C.A.C. My primary role is as a
20 forensic evaluator.

21 Q Okay. And what is your educational background?

22 A I have a bachelor's degree in social work from Winthrop
23 University in Rock Hill and a master's of science and social
24 work from the University of Tennessee in Knoxville.

25 Q Okay. And as -- or while you worked at the C.A.C., do

Rebecca Grounse11
Direct examination by Ms. Barry

1 you have to undergo any kind of additional training while
2 you've been employed there?

3 A Yes. They prefer -- they require that all clinicians,
4 which I'm under that umbrella as a clinician, be licensed.
5 And I am a licensed independent social worker, a clinical
6 practice -- that's L.I.W.C.P. -- under the State of South
7 Carolina.

8 That requires to get that license additional --
9 several years of additional supervision and training and
10 classes. And then once we have that we -- we have that
11 qualification as a licensed clinician to work there. And
12 they also require training through the National Children's
13 Advocacy Center Forensic Training.

14 Q So they require a certain amount of hours that you have
15 to do or anything like that?

16 A For my licensure we have to maintain 40 hours every two
17 years.

18 Q And as a part of your duties at the Children's Advocacy
19 Center do you conduct forensic interviews?

20 A Yes.

21 Q And about how many forensic interviews have you done in
22 your time at the Children's Advocacy Center?

23 A I have done about 1,100 assessments. And I say the
24 word assessment because sometimes they're broken up into
25 more than one interview. So it may be more individual

1 interviews.

2 Q And how long have you been at the Children's Advocacy
3 Center?

4 A I have been there for ten years.

5 Q Okay. And when you do a forensic interview are the
6 child's parents or guardians present for the interview?

7 A They are not present in the room. Someone does
8 accompany them usually to the interview. But no one aside
9 from the interviewer and the child or adolescent is in the
10 room during the assessment.

11 Q And what's the reason for that?

12 A The reason is to -- is to keep it -- the forensic
13 interview is meant to be an objective way of understanding a
14 child's experiences and having someone else in the room,
15 with the exception of when we have to use an interpreter,
16 could -- we don't want it to somehow influence what a child
17 is willing or not willing to share or have them feel
18 uncomfortable. So that's why it is just the interviewer and
19 the child.

20 Q Where is the interview conducted?

21 A At our center in Spartanburg. We have at this time
22 three dedicated forensic interviewing rooms, and those are
23 set up with recording equipment. So it would be in one of
24 those three rooms.

25 Q Okay. Is anyone allowed to observe the interview?

Rebecca Grounse11
Direct examination by Ms. Barry

1 A Yes. Only the -- for purposes of investigation our
2 partner agencies, which may be D.S.S. or law enforcement, if
3 one of them, that they can observe.

4 Q And when you conduct a forensic interview, what type of
5 questions are used?

6 A We are careful to avoid questions that may be
7 suggestive or leading or introducing a topic that they have
8 not already brought up. So we do that by trying to start
9 out with really open-ended questions like tell me about --
10 tell me about X-Y-Z or tell me about this and -- and having
11 them give a free narrative.

12 And depending on the child's needs or the
13 developmental levels or comfort levels, we sometimes after
14 we try that if we need to kind of funnel it down to
15 something a little more direct, we can, such as who, what,
16 where, when or giving option-posing questions if we need to
17 do that. But we try to really start out with this open and
18 friend if it's possible.

19 Q Did you see Minor on February the 26th of 2019?

20 A Yes.

21 Q Did you meet with her once, more than once?

22 A I met with her twice.

23 Q And how old was she for the first interview?

24 A Eleven.

25 Q And what is her date of birth?

1 A [REDACTED] of '07.

2 Q who referred her to the Children's Advocacy Center?

3 A The Cherokee County Sheriff's Office.

4 Q And was that in furtherance of a criminal
5 investigation?

6 A Yes.

7 Q Did Minor disclose a sexual assault to you?

8 A Yes.

9 Q Did she tell you where this occurred?

10 A Yes.

11 Q where did she say it occurred?

12 A She disclosed two different locations relevant to this
13 case. She disclosed at her home she was living at at the
14 time in Gaffney.

15 Q And did she tell you when this occurred?

16 A Yes.

17 Q when did she tell you it occurred?

18 A She said she was around ten years old and in the fifth
19 grade.

20 Q what was her demeanor when she was talking to you?

21 A She was what I would call an inactive phase of
22 disclosure, meaning she -- she was willing -- you know,
23 ready to share her information but it wasn't easy. It --
24 there -- it was uncomfortable.

25 There were parts of it that were especially hard to

Rebecca Grounse11
Cross-examination by Mr. File

1 talk about but she was -- she was able to share
2 information, but it was hard and uncomfortable in certain
3 parts.

4 Q And was the forensic interview recorded?

5 A Yes.

6 Q And have you had a chance to review that recording
7 prior to court today?

8 A Yes.

9 MS. BARRY: Your Honor, may I approach the witness?

10 THE COURT: Yes, ma'am.

11 Q Ms. Grounse11, I'm going to show you what's been
12 premarked as State's Exhibit 1. Do you recognize what that
13 is?

14 A Yes.

15 Q Is that the video of the interview?

16 A Yes.

17 Q And other than portions that are required to come out,
18 has it been altered or edited in any way?

19 A No.

20 Q Does that fairly and accurately represent the interview
21 that you had with Minor on February the 26th of 2019?

22 A Yes, yes.

23 MS. BARRY: Your Honor, at this time I would like to
24 admit State's 1 into evidence.

25 THE COURT: Yes, sir.

1 MR. FILE: Without objection.

2 THE COURT: Without objection, State's 1 is admitted.

3 (D.V.D. marked State's Exhibit No. 1.)

4 MS. BARRY: Your Honor, at this time I would like to
5 publish to the jury.

6 THE COURT: Yes, ma'am.

7 (Whereupon, the video was played for the jury.)

8 MS. BARRY: Your Honor, I have no further questions
9 for this witness.

10 Q Ms. Grounse11, answer any questions that Mr. File may
11 have for you.

12 THE COURT: Yes, sir.

13 MR. FILE: Thank you, your Honor.

14 CROSS-EXAMINATION

15 BY MR. FILE

16 Q Ms. Grounse11, did you also have Minor write out a,
17 like a, disclosure too, like in a statement?

18 A No, sir.

19 Q Like that. You didn't?

20 A No.

21 Q Okay.

22 MR. FILE: I don't have any questions.

23 THE COURT: Anything at all?

24 MS. BARRY: No, sir, Your Honor.

25 THE COURT: Ma'am, you may step down. Please be

1 careful.

2 MS. BARRY: Your Honor, may this witness be excused?

3 THE COURT: Any objection?

4 MR. FILE: No, sir.

5 THE COURT: Ma'am, you're excused from your subpoena.

6 You may stay or go, whichever you choose.

7 THE WITNESS: Thank you.

8 (Whereupon, the witness was excused.)

9 MS. BARRY: Your Honor, our next witness will be
10 available at 1:30 this afternoon, so we don't have any
11 other ones to call until she gets here.

12 THE COURT: Okay. Let me see the lawyers over here.

13 (Bench conference held off the record in the presence
14 of the jury but out of the hearing of the jury.)

15 THE COURT: Mr. Foreman, ladies and gentlemen, I'm
16 told that the next witness will be here close to 1:30. We
17 can take up a couple of matters that wouldn't require your
18 attention.

19 So we're going to let you go to lunch now and bring
20 you back at 2:00. We'll be here at 1:15-1:20, something
21 like that, and get some logistics done before you get back.
22 I don't want you sitting back there.

23 Don't talk about the case; don't try to learn anything
24 about the case. We're certainly not at an end. And you're
25 going to lunch. And, again, you're working here. You

1 don't want to think about work while you're at lunch. But
2 if you will, please, be back and ready to work at 2:00 p.m.
3 -- at 2:00 p.m.

4 (The following takes place outside the presence of the
5 jury.)

6 THE COURT: Okay. Anything at all before we break?
7 We'll be in recess until 1:30.

8 (Whereupon, a recess was taken.)

9 MS. BARRY: Judge, Ms. Galloway-Williams is not here
10 yet. I'll shoot her a text and see where she is.

11 THE COURT: Okay.

12 (Pause.)

13 MS. BARRY: Judge, the state is attempting to put in
14 testimony from Ms. Shauna Galloway-Williams as to child
15 sexual abuse dynamics.

16 I believe that Mr. File is objecting to her testimony,
17 and I believe we need to proffer what she would be going
18 into.

19 MR. FILE: That's correct, Your Honor.

20 For the record, it would be my position based on my
21 understanding of what she would testify to that it would
22 maybe help bolstering of the witness even though it may not
23 go so far as what they used to do in these cases. I think
24 there would, in effect, of bolstering the victim's
25 testimony in the case, even though she's a blind witness,

1 that it would be cumulative.

2 The victim in this case was very verbal and
3 descriptive of the things that she has gone through. Her
4 mother testified to more of the same, or even more so to
5 the effects of this on her and -- and the dynamics between
6 her and her mother and things like that.

7 And -- and one of the reasons for having the expert
8 would be that, according to the state's motion, is for
9 children -- the expert testimony may be more crucial in
10 situations where children are victims.

11 The experience and impressionability of children often
12 render them unable to effectively articulate the events
13 giving rise to criminal sexual behavior. You know, the
14 victim in this case was very articulate, I felt like, maybe
15 even more so for her age range in describing things.

16 And the final reason would be the relevancy in this
17 particular case, and I just think overall the prejudicial
18 effect would outweigh its probative value for us to admit
19 this testimony. And I would ask for that reason that the
20 testimony not be allowed.

21 THE COURT: All right. Well, let's do -- let's
22 proffer the testimony and see where we are.

23 MS. BARRY: Thank you, Your Honor.

24 The state would call Ms. Shauna Galloway-Williams to
25 the stand.

Shauna Galloway-Williams (In-camera)
Direct examination by Ms. Barry

1 SHAUNA GALLOWAY-WILLIAMS,
2 having been first duly sworn, testified as follows:

3 THE COURT: Tell us who you are, and spell your last
4 name for my court reporter, please.

5 THE WITNESS: Okay. Shauna Galloway-Williams.
6 S-H-A-U-N-A G-A-L-L-O-W-A-Y, hyphen, W-I-L-L-I-A-M-S.

7 THE COURT: Thank you.

8 MS. BARRY: Thank you, Your Honor.

9 DIRECT EXAMINATION BY MS. BARRY

10 Q Where are you currently employed?

11 A I'm the C.E.O. of Julie Valentine Center.

12 Q And what is the Julie Valentine Center?

13 A The Julie Valentine Center is a child abuse and sexual
14 assault recovery center that serves Greenville and Pickens
15 County.

16 Q And what do you do there as the C.E.O.?

17 A So I am responsible for the overall administrative
18 functions of the organization including fundraising, both
19 physical responsibilities of the organization.

20 I also do have responsibility to our clinical team, so
21 I provide clinical supervision and still do provide some
22 clinical services in that I provide assessments, as well as
23 co-facilitate groups.

24 I'm also responsible for providing community education
25 and training to both professionals, as well as community

1 members, parents and children.

2 Q Tell us about your educational and training background.

3 A I have a bachelor's degree in psychology from Winthrop
4 University and a master's degree in counseling from Clemson
5 University. I'm also licensed as a professional counselor
6 in the State of South Carolina.

7 I've been in the field of mental health for 25 years
8 now. The bulk of that time has been spent specifically in
9 the area of child abuse and sexual assault. That's my area
10 of specialization. Most of my postgraduate training and
11 experience has been specifically in that area.

12 I have over 150 skills-based hours of training
13 directly related to assessing children when there may be
14 allegations of abuse. And in addition that we're required
15 to maintain continuing education each year as part of our
16 licensure, and most of my education has been in the area of
17 child abuse and sexual assault.

18 Q What did you do prior to working in the Julie Valentine
19 Center?

20 A I've been at the center since 2007, and prior to that I
21 worked for the Department of Mental Health in their
22 outpatient child and adolescent unit, as well as operating a
23 private practice on the -- on the side.

24 Q Are you familiar with current research in the field of
25 child sexual abuse and dynamics?

Shauna Galloway-Williams (In-camera)
Direct examination by Ms. Barry

1 A Yes.

2 Q Have you ever taught, like, courses or forums on child
3 abuse?

4 A Yes. I'm currently an adjunct faculty member at U.S.C.
5 Upstate in their child advocacy studies program. I teach
6 two courses there. I teach one course on child
7 maltreatment. It's an undergraduate course. And I also
8 teach a course on gender violence in society, both of those
9 in the child advocacy studies program.

10 Additionally, I'm on the Child First faculty for South
11 Carolina. That is the faculty that is out of the
12 Children's Law Center in Columbia. And we train
13 interviewers and multidisciplinary team members in
14 assessing allegations of abuse. And I also present at many
15 local, national and state conferences on a regular basis.

16 Q Have you ever or have you also counseled children who
17 have experienced trauma or abuse?

18 A I have.

19 Q About how many have you counseled in your career?

20 A I don't know an exact number, but I would say well over
21 a thousand.

22 Q The methods that you rely on in your teaching and
23 counseling, are those uniformly accepted and recognized
24 within your field?

25 A Yes.

1 Q Are those methods peer reviewed?

2 A Yes.

3 Q And how long have these methods been reviewed?

4 A Well, I mean, the field of child maltreatment is really
5 a pretty young field in this instance that most of what we
6 do and rely on now has probably come about over the last 30
7 years of research. So for that reason a lot of the -- the
8 techniques and the reasons why we do some of the things that
9 we do, the bulk of that research has been done over the past
10 30 years, although, you know, the treatment of these issues
11 and the identification of these issues has been around
12 for -- for a long time. But we've definitely improved the
13 field the most in the past 30 years.

14 Q And these methods that I've been talking about, what
15 are these methods?

16 A Well, I mean, I'm referring to the whole of child abuse
17 dynamics in the sense that there are numerous dynamics
18 associated with behaviors, characteristics that you might
19 expect from children who have been abused, the way that
20 children disclose abuse, their responses to that and
21 specifically how children respond to trauma and the impact
22 that that may have on them, as well as their families.

23 Q Can you find these methods and principles in articles,
24 journals or textbooks?

25 A Yes.

Shauna Galloway-Williams (In-camera)
Direct examination by Ms. Barry

1 Q As part of your duties at the Julie Valentine Center do
2 you have to stay current on issues that affect children who
3 have been sexually abused?

4 A Yes.

5 Q And have you ever been qualified in court, especially
6 general sessions court, as a child sexual abuse dynamics
7 expert?

8 A Yes.

9 Q Approximately how many times?

10 A Over 45 times.

11 MS. BARRY: Your Honor, at this time I would like to
12 move to qualify Ms. Galloway-Williams as an expert in the
13 field of child sexual abuse dynamics.

14 MR. FILE: No objection, Judge.

15 THE COURT: No objection. Do you want to ask some
16 questions?

17 MR. FILE: No. I don't think I have any questions
18 about qualifications.

19 THE COURT: Okay. So at this time it's without
20 objection. She will be qualified as an expert in child sex
21 abuse dynamics.

22 MS. BARRY: Thank you, Your Honor.

23 Q Before we begin, have you ever met the victim in this
24 case?

25 A No. I have not.

Shauna Galloway-Williams (In-camera)
Direct examination by Ms. Barry

1 Q Ever personally counseled her?

2 A No.

3 Q Have you looked at any interviews, incident reports
4 involving this case?

5 A No. I have not.

6 Q Aside from the conversations that you and I have had,
7 have you been involved in this case whatsoever?

8 A No. Not at all.

9 Q What is your understanding of your purpose in
10 testifying in this case?

11 A To provide education and information to the jury about
12 child abuse dynamics, specifically child sexual abuse
13 dynamics.

14 Q In regards to disclosures, what is a disclosure?

15 A So in -- in our field when we're referring to
16 disclosures, that is the statement or behaviors that a child
17 uses to let someone know that an abuse incident may have
18 occurred. So they've either made a statement to someone,
19 someone has observed some type of behavior in them. And
20 we're asking them questions about that.

21 Q And what is a delayed disclosure?

22 A That refers to when a child does not tell right away.
23 In many cases of child sexual abuse children delay
24 disclosing. That can be days, weeks, years. Many adults
25 delay disclosing into their adulthood and may never tell

Shauna Galloway-Williams (In-camera)
Direct examination by Ms. Barry

1 anyone what's happened to them.

2 Q And what are the statistics as far as children who
3 delay disclosing?

4 A You know, the vast majority -- many children, the
5 major -- more children delay disclosure than -- than not.
6 There certainly are children that tell right away, and there
7 are numerous dynamics or reasons why children delay.

8 Q And what are those reasons?

9 A Yeah. One of the main reasons that children delay
10 disclosure is fear. They're afraid of what's going to
11 happen to themselves; they're afraid of what's going to
12 happen to the person that's done this to them.

13 They may be afraid of what's going to happen to their
14 family. They may be afraid of what may be happening to
15 their pet. And those threats -- those fears could be based
16 on threats. They may have been threatened that if they
17 tell something would happen to them.

18 Children also are generally -- most children are
19 abused by someone they know, they love and they trust.
20 About 90 percent of the time children are abused by someone
21 that's known to them. It's only about 10 percent of the
22 time that that's a stranger.

23 And the fact that this person knows this person, that
24 they may also love this person and have a trusting
25 relationship makes it difficult for children to tell.

1 Children rely on adults to take care of them.
2 Children naturally believe that adults have their best
3 interest in mind and they trust them. And so for those
4 reasons it's very difficult for children to tell.

5 Many times children still love the person that's done
6 this to them. They just want them to stop doing it.

7 Children may also not have the words to describe
8 what's happened to them. Many young children just don't
9 have a sexual vocabulary. They may know that something
10 that's happened to them is not okay, but have may not have
11 the words to describe it.

12 Q Is it possible that the act of disclosing sexual abuse
13 can be just as traumatic as the abuse itself?

14 A Yes. You know, when children tell -- when they tell,
15 if they tell, that's a really crucial time in their healing
16 process. And if they are -- you know, many times the -- the
17 experience that happens afterwards may be more traumatic
18 than the abuse itself.

19 For many children when they disclose abuse, again,
20 they may have been abused by someone they know, they love
21 and they trust. That may mean disruptions to their family;
22 that may mean disruptions to their household; that may mean
23 disruptions to their school; that may mean exposure that
24 now people know about what's happened to them. Those
25 things can be traumatic and difficult for children. And,

1 again, they may feel even more overwhelming than the
2 experience of abuse itself at times.

3 Q And are there different types of disclosures?

4 A Sure. And we do refer to -- disclosure is not a
5 one-time event. Disclosure is really a process. We don't
6 expect that someone who's been abused is going to tell every
7 single detail about a single event or multiple events at one
8 time. This happens as a process.

9 So children may share pieces of information early on.
10 They may not even tell exactly what's happened. They may
11 hint about something happening or someone may observe a
12 behavior and ask them questions. And so they may only
13 share information based on who's asking those questions.

14 For instance, if a mother is asking questions, the
15 questions and the type of information she's seeking may be
16 different than that of an investigator or a clinician.

17 And so children, again, are -- they're very
18 egocentric, so they -- they think that we know what they
19 know and they also think that we already know the answers.

20 So sometimes they, again, are only going to give us
21 the information that we specifically ask for. They may not
22 share additional details unless we ask for those pieces of
23 information. So that's really the -- the process.

24 There are also other things that may affect how and
25 when a child shares that information. For instance, you

1 know, was the response to their initial disclosure a
2 positive or a negative one, do they still have contact with
3 the person that's done this to them, do they fear having
4 contact with them or not. Those types of things can also
5 impact to when and how much information a child shares.

6 Q What is meant by a piecemeal disclosure or a partial
7 disclosure?

8 A Again, that would be where a child is sharing parts of
9 the information but maybe not all of that information. They
10 may share about one particular incident if the child's been
11 abused multiple times. They may only share a general
12 description of what's happened rather than giving all of
13 those specific details that someone may need in a formal
14 investigation.

15 Q In your experience is it common or uncommon for
16 children to be abused by family members or people in
17 positions of authority or trust? I believe you said it was
18 about 90 percent of those.

19 A Yeah. As I said before, about 90 percent of the time
20 children are abused by someone that's known, loved and
21 trusted not only to the child but also to their family
22 members and many times to other community members.

23 Q How may a child's disclosure be affected if the
24 perpetrator is a family member?

25 A Well, as I referenced before, the fact that they have a

1 relationship with this person makes that difficult.

2 The child may have a trusting relationship with this
3 person and ultimately think this person has their best
4 interest in mind.

5 This is also only one piece of that whole relationship
6 that they have with them. Many of us have relationships
7 with individuals who have hurt us or harmed us in some way,
8 and yet we continue to have that relationship with them.
9 And we may never even say anything to anyone about what
10 that harm was, even if it wasn't, you know, something like
11 sexual abuse. But that's really what we're talking about,
12 is the complexity of that relationship. The child can both
13 love this person and have a relationship and care for this
14 person but also want them to not do the thing that they're
15 doing to them.

16 Q Can you tell why a child might become passive or, I
17 guess, accepting of the abuse?

18 A You know, I think what you're referring to is when
19 children maybe don't fight back when they are abused. And I
20 think it's a misconception to -- to believe that sexual
21 abuse is always violent or aggressive. Many times it's not.
22 Like I said before, many times the act can be committed by
23 someone that's known, loved and trusted by the child.

24 Children, again, they are dependent on adults. They
25 also are fearful of adults and they trust adults. During

1 an abuse situation a child is in a traumatic situation. In
2 that period of time they may not believe or feel like they
3 have any power. They feel powerless to do anything in that
4 situation.

5 Essentially, they may be engaging in what we refer to
6 as fight, flight or freeze response to the event where, you
7 know, the urge is to fight back, which incident you're
8 referring to, they might not. They might be passive or
9 just, you know, not fight back. They might freeze, which
10 is the act of just allowing it to happen, not in a
11 victim-blaming sense but not fighting back. Or to fight
12 back -- fight back, freeze or free -- flight, fight or
13 freeze. Sorry. Flight, run away, or to flee the
14 situation.

15 And, again, for all of those reasons that I just
16 mentioned in terms of trust, fear, the fact that this is a
17 traumatic experience and the relationship that the child
18 has with this individual may lead them not to act in that
19 way.

20 It's a very different scenario than, you know, if the
21 child is hurt on a playground or when child hurts another,
22 you know, they make an outcry right away. The dynamics
23 associated with this are very different.

24 Q What is -- what does the term non-offending caregiver
25 mean?

Shauna Galloway-Williams (In-camera)
Direct examination by Ms. Barry

1 A That would be a caregiver that has not committed an
2 offense of abuse against the child.

3 Q What role does a non-offending caregiver play in a
4 child's disclosure?

5 A They can have where they play a critical role in -- in
6 the child's recovery from what's happened. You can have a
7 non-offending caregiver who is protective, but you can also
8 have a non-offending caregiver who is non-protective or
9 non-supportive.

10 When a non-offending caregiver is confronted with the
11 possibility that a child may have been abused often their
12 initial response, as would I -- would any of ours, would
13 be, is denial, especially if this is someone that they
14 know, they love and they trust. And so that may be their
15 initial response to it.

16 And then what they do afterwards is either the
17 protective or non-protective action so they either follow
18 up and get support and believe the child and protect them
19 and -- and do all the things that they're supposed to do to
20 care for them or they may not initially do those things.

21 What we hope is that with resources and education that
22 caregivers will ultimately become protective if they're
23 non-protective.

24 Q Can a non-offending caregiver be someone other than a
25 parent?

1 A Sure, yeah. For many children their primary caregivers
2 could be their grandparents, their aunts, uncles, you know,
3 surrogate caregivers.

4 Q Okay. How common -- and I believe we touched on this
5 earlier. How common is it for sexually abused children to
6 reveal portions of abuse to some people but not others?

7 A Yes. That's very common. Again, we don't expect that
8 a child is going to share every single detail of the abuse
9 they may have experienced.

10 And, again, a lot of times what they share may depend
11 on the context in which they're sharing it -- is someone
12 asking them questions, when are the questions being asked,
13 who -- who is asking them, how long, how much time has
14 passed from the initial disclosure, how much time has
15 passed between the interaction with the person that may
16 have done this with them, what kind of support have they
17 had, have they been in counseling. All of those things can
18 impact that. So we would never expect that a child would
19 tell everything at one time.

20 Q Okay. If the abuse spans a long period of time is it
21 normal that a child would not recall every detail of every
22 time that they've been abused?

23 A So, yes. I can say we -- and we wouldn't expect that a
24 child might remember every single detail. In particular,
25 they may not remember all of the details that we may believe

Shauna Galloway-Williams (In-camera)
Direct examination by Ms. Barry

1 are important to an investigation.

2 For instance, you know, when a child has been abused
3 they've experienced a traumatic situation, and so the way
4 that they are remembering details, the way that those
5 memories are being stored for them and the way that they're
6 able to recall those is kind of not in the normal sense or
7 sequence that it would be.

8 Someone who's been through a traumatic experience
9 typically remembers things in flashbulb moments. They may
10 remember specific details that had a certain meaning to
11 them, sensory details, the way that someone felt, the way
12 something smelled.

13 They may not remember all the details. They also may
14 not remember everything in sequence because when we are
15 experiencing trauma our brain goes back to sort of our
16 animalistic brain, that primal brain. And so, again, we're
17 remembering those things as if they are -- we're responding
18 more with emotion to those moments. So they may
19 remember -- not remember things in sequence.

20 Also, that's a developmental skill to be able to put
21 things in order and to put things in sequence. And so very
22 young children have difficulty with doing that. So when
23 they are telling the details about what happened to them,
24 they may leave pieces out. And, again, what we think is
25 important may not be what is important to the child in

1 terms of what they remember.

2 Another way to think about it is, you know, this is --
3 we're talking about traumatic memories for a child. If you
4 ask any one of us to recall every sexual experience that we
5 had had -- consensual sexual experiences that we had had
6 with our partner or with someone over the past ten years
7 and we were asked to describe what we were wearing, how our
8 clothes came off, who took our clothes off, who did what,
9 who touched who, what room it happened in, what time it
10 happened, the date, we might have difficulty remembering
11 all of those details as well, and we are talking about
12 consensual experiences.

13 So for a child to not remember all of the details
14 would not be surprising.

15 Q And you have talked about or you mentioned sexual
16 vocabulary, and it's possible that children might not have
17 the words and the language to describe what's happened to
18 them.

19 A Correct.

20 Q Around what age do children generally have enough
21 sexual knowledge to know the difference?

22 A Well, so, you know, we generally -- that may depend on
23 the child and the type of family situation they've been
24 raised in.

25 You know, some children are taught from a very young

Shauna Galloway-Williams (In-camera)
Direct examination by Ms. Barry

1 age about sexual touch. They're taught about private
2 touching. Some children are introduced to that because of
3 abuse scenarios.

4 But often school-age children are introduced to this
5 type of information either through prevention education
6 programs in their schools and then, in particular, when
7 children start learning about reproductive health, which
8 happens somewhere around fourth and fifth grade. I think
9 they start having those sexual education lessons in our
10 schools.

11 But also, you know, prevention education programs that
12 may be provided by the school district that the child is in
13 or by organizations like ours that provide prevention
14 education programming. We often see that we are providing
15 information to children about how to keep themselves safe
16 and children are hearing that information and then
17 disclosing that they have already had something like that
18 happen to them.

19 Q So you talked about traumatic experiences. Can you
20 describe trauma for us?

21 A Sure. So a traumatic experience -- examples of
22 traumatic experiences could be a car accident, a natural
23 disaster, any type of abuse, whether that's physical abuse,
24 sexual abuse, neglect, domestic violence.

25 There are incidents that happen where the individual

1 feels powerless. They have no control and they may fear
2 for their life in those situations. So they are difficult
3 situations that leave an individual feeling release with
4 out of control.

5 Q What are some common symptoms of trauma in children who
6 have been sexually abused?

7 A So there's a wide range of symptoms. Children may
8 become depressed or anxious. You may have a child who was
9 previously very social become very withdrawn. You might see
10 changes in their grades, behavior at home. For some
11 children you may see regressed behavior, children that
12 previously weren't wetting the bed or were toilet trained
13 may be having accidents.

14 On the flip side of that you might have a child who is
15 showing no external symptoms. You may see no behavior
16 change at all. They may be internalizing the trauma.

17 We may see nightmares, flashbacks. It's important to
18 know that the lack of symptoms or the cluster of symptoms
19 are not diagnosed -- diagnostic of sexual abuse. These are
20 things that we may see, and when we see them we would treat
21 them by addressing the trauma that they have experienced.

22 Q What does coaching mean in the field of child sexual
23 abuse?

24 A That would be, you know, an influence on what the child
25 is saying, so influencing them to say or not say something

1 related to any information that they may be sharing.

2 Q And how could you assess for coaching?

3 A Really, just like what I had just said. A lot of times
4 we're asking children has anyone told you what to say or not
5 to say.

6 We also are looking to see, you know, when children
7 share information, are they sharing information in a way
8 that indicates that this is something they've experienced
9 rather than something that they have been told about. And
10 so that's when we're looking for those sensory details, you
11 know, how something smelled, how something felt, the things
12 that, again, would be encoded in their memory and through
13 their senses rather than something that would just have
14 been told to them.

15 Q And based on your experience how does age affect
16 suggestibility?

17 A So younger children are certainly more suggestible than
18 adults, and all of us are suggestible to some degree.
19 However, by the age of ten most children are no more
20 suggestible than adults are.

21 Q I believe that's all the questions that I have for you.
22 If Mr. File has any questions, please answer those.

23

24

25

1 CROSS-EXAMINATION

2 BY MR. FILE

3 Q None of your testimony today would have any bearing on
4 whether or not my client is culpable of child sex abuse, or
5 not, would it?

6 A No. I'm not here to determine that.

7 Q And you were talking about child symptoms of sexual
8 abuse, for example, nightmares, sleeplessness, that type of
9 thing.

10 A Yes.

11 Q Those could also be the result of other things going on
12 in a child's life, could they not?

13 A Absolutely, yeah. Those symptoms could be related to
14 something else, and you can have a child that has absolutely
15 no symptoms at all, which is why I said that it's not
16 necessarily diagnostic criteria for sexual abuse.

17 Q Okay. And can -- let me ask you this. Can peer
18 pressure have a role in sexual abuse allegations? For
19 example, talking with friends and things like that and among
20 certain age groups of children.

21 A Can you clarify what you're asking me?

22 Q Well, as far as disclosures, talking to friends and
23 things can -- can peer pressure have a -- play a role in
24 making a disclosure too?

25 A So children do disclose to their peers at times.

1 Sometimes they may disclose to a peer rather than an adult.

2 Some children hesitate to disclose to peers because
3 sexual abuse is a crime of secrecy and embarrassment and
4 shame. So they may not disclose to their peers for that
5 reason.

6 And then sometimes peers may encourage a child to
7 disclose. You know, it may be that they have had a similar
8 experience or they're sharing information with one another
9 about, again, something that they've learned and they have
10 those trusting relationships with their peers. So you
11 could have a variety of scenarios with that.

12 Q That's all I have. Thank you.

13 THE COURT: Anything?

14 MS. BARRY: No, sir, Your Honor.

15 THE COURT: All right. Thank you. You may step down.
16 Do you want to be heard, Solicitor?

17 MS. BARRY: Yes, sir, Your Honor.

18 For the admission of an expert testimony there's a
19 3-part test -- will the evidence assist the trier of fact,
20 whether the witness has appropriate skill and knowledge to
21 support qualification as an expert, and whether it's
22 reliable.

23 As to will the evidence assist the trier of fact, the
24 Supreme Court has stated that in Brown it allows for expert
25 testimony because child sexual abuse dynamics is not common

1 knowledge to the jury. They don't understand why a child
2 would do something in a sexual abuse case, why they
3 wouldn't do something in a sexual abuse case. And the
4 knowledge that Ms. Galloway-Williams has will be able to
5 assist them in coming up with a verdict in the case.

6 In the Brown case Ms. Galloway-Williams was the
7 expert. She was allowed to testify to the child sexual
8 abuse dynamics. And it's not just about delayed
9 disclosures. It's a non-offending caregiver, process of
10 disclosure, piecemeal disclosures and other things that
11 Ms. Galloway-Williams testified to -- coaching.

12 So all of that would be put before the jury, whether
13 it applies or not. It would just be for her to testify to.

14 whether the witness has appropriate skill and
15 knowledge to support qualification as an expert, she was
16 qualified as one. She has extensive experience in what she
17 does.

18 Mr. File didn't object to her being qualified as an
19 expert. She's been qualified as an expert over 40 times.
20 And whether it's reliable, she testified that her methods
21 have been published and peer reviewed and accepted and
22 relied upon in her field.

23 So for these reasons the state would argue that her
24 testimony should be admissible and should go before the
25 jury -- jury.

1 Your Honor, she has not met the victim in this case.
2 She truly is blind. So it would not -- she's not
3 testifying to the truthfulness of the victim, that she
4 believes the victim, that because she is -- the victim has
5 delayed disclosed, that she is a victim of sexual abuse,
6 it's purely to help the trier of fact decide what to do in
7 this case, Your Honor.

8 THE COURT: Mr. File.

9 MR. FILE: Your Honor, I would renew my objections
10 again.

11 The -- the victim, I think, covered some of the things
12 that she would be talking about and as far as explaining
13 why she delayed disclosure and things like that. I just
14 think it would be cumulative and I think it would just
15 serve to bolster what the victim's already told -- told the
16 jury, so.

17 THE COURT: This Court is going to allow her to
18 testify and be qualified as a child sex abuse -- testify as
19 to child sex abuse dynamics.

20 She's testified and will testify to children -- the
21 children sex abuse dynamics, which is delayed disclosure
22 and many other things and the ways children disclose sex
23 abuse.

24 She's given reasons here before the Court today in her
25 proffer that children delay, and it would include, but not

Shauna Galloway-Williams
Direct examination by Ms. Barry

1 limited to, the trust issues, fears, threats, family harm
2 which the complaining witness herself has testified to,
3 that she was afraid for her family.

4 And this testimony enables a jury to understand the
5 common behavioral characteristics of a sexual assault and
6 the range of responses.

7 Her testimony will assist the jury. It's agreed that
8 she has the requisite knowledge and skills in the subject
9 matter. And the substance of her testimony is reliable.

10 Again, she has testified to her methods that have been
11 published, subject to peer review, accepted and relied upon
12 by other professionals in her field.

13 She has been qualified before. I'm familiar with the
14 witness myself. But this Court puts no -- no credence on
15 whether she's been testified one time or 40 times or 140
16 times.

17 She is qualified to testify. I will allow her to
18 testify.

19 MS. BARRY: Thank you, Your Honor.

20 THE COURT: Are we ready for the jury?

21 MS. BARRY: The state's ready, Your Honor.

22 THE COURT: Okay. We have a witness who has to come
23 through the elevator, and they were holding her downstairs.
24 I'm sorry. A juror. Yeah, a juror. I'm sorry. So can we
25 get her up here? She has to come through the courtroom.

Shauna Galloway-Williams
Direct examination by Ms. Barry

1 (Pause.)

2 (The following takes place in the presence of the
3 jury.)

4 THE COURT: Mr. Foreman, anything from the jury?

5 THE FOREMAN: No, sir, Your Honor.

6 THE COURT: All right. Very good. Thank you.

7 Solicitor.

8 MS. BARRY: Thank you, Your Honor.

9 The state would call Shauna Galloway-Williams to the
10 stand.

11 SHAUNA GALLOWAY-WILLIAMS,
12 having been first duly sworn, testified as follows:

13 THE COURT: Ma'am, tell us who you are, and spell your
14 last name, please.

15 THE WITNESS: Shauna Galloway-Williams. S-H-A-U-N-A
16 G-A-L-L-O-W-A-Y, hyphen, W-I-L-L-I-A-M-S..

17 THE COURT: Thank you.

18 Solicitor.

19 MS. BARRY: Thank you, Your Honor.

20 DIRECT EXAMINATION BY MS. BARRY

21 Q Where are you currently employed?

22 A I'm the C.E.O. of Julie Valentine Center.

23 Q And what is the Julie Valentine Center?

24 A We are the child abuse and sexual assault recovery
25 center that serves Greenville and Pickens County.

Shauna Galloway-Williams
Direct examination by Ms. Barry

1 Q And as C.E.O., what do you do there?

2 A So I am responsible for the overall administrative and
3 executive functions of the organization, including physical
4 management, fundraising, marketing, those types of things.

5 In addition, I still provide clinical support and
6 supervision to our therapists and interviewers.

7 I also still provide some clinical services doing
8 assessments, as well as co-facilitating groups and provide
9 any education to professionals in the field, as well as
10 community members and caregivers.

11 Q Tell the jury about your educational and your training
12 background.

13 A I have a bachelor's degree in psychology from Winthrop
14 University, a master's degree in counseling from Clemson
15 University. I'm also licensed as a professional counselor
16 in the State of South Carolina.

17 Q What did you do prior to working at the Julie Valentine
18 Center?

19 A So, I've been in the field of mental health treatment
20 for over 25 years. Prior to working at the Julie Valentine
21 Center I was employed by the Greenville Mental Health Center
22 in their outpatient child and adolescent unit, and also
23 operated a private practice as well.

24 Q And -- sorry.

25 A No. I was just going to say my -- my area of

Shauna Galloway-Williams
Direct examination by Ms. Barry

1 specialization is specifically in the area of child abuse
2 and sexual assault.

3 Q And how long have you been at the Julie Valentine
4 Center?

5 A I've been employed at the Julie Valentine Center since
6 2007. I've been director or C.E.O. since 2009.

7 Q Are you familiar with current research in the field of
8 child sexual abuse and dynamics?

9 A Yes.

10 Q Have you ever taught or led courses or forums on child
11 abuse?

12 A Yes. I am an adjunct faculty member at U.S.C. Upstate
13 in their child advocacy studies program, and I teach two
14 undergraduate courses, one in child maltreatment, the other
15 in gender violence in society.

16 I'm also on Child First faculty which is through the
17 Children's Law Center in Columbia where we train
18 multidisciplinary team members in assessing and
19 investigating allegations of abuse.

20 I also present at state, national and local
21 conferences on a very -- on a regular basis.

22 Q Have you also counseled children who have experienced
23 trauma or abuse?

24 A Yes.

25 Q About how many children have you counseled in your

1 career?

2 A I don't have an exact number, but I'd say well over a
3 thousand.

4 Q And the methods that you rely on in your teaching and
5 counseling, are those uniformly accepted and recognized
6 within your field?

7 A Yes. They are.

8 Q And what are those methods?

9 A So in terms of child sexual abuse dynamics we're
10 talking about children responding to trauma, how they and
11 their families may respond to trauma, how children may talk
12 about abuse, how they may disclose abuse, the different
13 symptoms that may arise from that and how children may cope
14 with that and different techniques or skills that may assist
15 them in coping with the experiences they may have had.

16 Q And are those methods peer reviewed?

17 A Yes.

18 Q And how long have those methods been reviewed?

19 A Well, I mean, abuse itself has been around forever.

20 The methods and really the -- the core of what we do
21 and the -- and the -- the strength and redevelopment of our
22 field has been over the past 30 years.

23 There's been a real growth and change in research and
24 understanding how to appropriately respond to children and
25 their families when something like this may or may not have

Shauna Galloway-Williams
Direct examination by Ms. Barry

1 occurred.

2 Q Can you find these methods and principles in articles,
3 journals or textbooks?

4 A Yes.

5 Q As part of your duties as the C.E.O. of the Julie
6 Valentine Center do you have to stay current on issues that
7 affect children who have been sexually abused?

8 A Yes.

9 Q And have you ever been qualified in court, especially
10 general sessions court, as a child sexual abuse dynamics
11 expert?

12 A Yes. I have.

13 MS. BARRY: And, Your Honor -- excuse me.

14 Q How many times?

15 A Over 45 times.

16 MS. BARRY: Your Honor, at this time the state would
17 move to qualify Ms. Galloway-Williams as an expert in the
18 field of child sexual abuse dynamics.

19 MR. FILE: That is without objection.

20 THE COURT: Without objection.

21 Ladies and gentlemen of the jury, normally a witness
22 cannot give opinion testimony. That person must testify to
23 something they have personally seen, heard or sensed.

24 However, an exception exists for someone who is
25 qualified due to their experience, education, skill and

Shauna Galloway-Williams
Direct examination by Ms. Barry

1 training.

2 This person, this witness, has now been offered as an
3 expert in child sex abuse dynamics and is now qualified as
4 an expert.

5 That does not mean that you must accept her opinion,
6 but it is evidence that you may use and give what weight
7 and creditability you believe is appropriate.

8 Solicitor.

9 MS. BARRY: Thank you, Your Honor.

10 Q Ms. Galloway-Williams, before we begin, have you ever
11 met the victim in this case?

12 A No. I have not.

13 Q Personally counseled her?

14 A No. I have not.

15 Q Have you seen any of the incident reports or interviews
16 involved with this case?

17 A No.

18 Q Have you seen any evidence involved with this case?

19 A No.

20 Q Aside from the conversations that you and I have had,
21 have you been involved with this case whatsoever?

22 A No. I haven't.

23 Q And can you tell the jury what you understand your
24 purpose in testifying in this case is?

25 A My role is to provide education and information about

1 child sexual abuse dynamics for the jury.

2 Q So what is a disclosure?

3 A So in -- in reference to child sexual abuse or child
4 maltreatment a disclosure is when a child tells about an
5 abuse incident that may or may not have occurred. And that
6 may be with their words. Some young children, it may be
7 with their behavior. But we refer to that as their
8 disclosure.

9 Q And what is meant by the term delayed disclosure?

10 A It is something that's very common among children who
11 are abused. And delayed means that they're not telling it
12 right away. They're not telling -- taking the first
13 opportunity to tell the first person that they see or either
14 the first trusted adult that they may interact with.

15 Delay can be days, weeks, years. And we know that
16 many adults who are survivors of sexual abuse live into
17 their adulthood and may never tell anyone about what's
18 happened.

19 Q What are some reasons why a child may wait to disclose
20 sexual abuse?

21 A One of the most common reasons for delaying disclosure
22 is fear. Children are afraid of what's going to happen to
23 them. They're afraid of what's going to happen to the
24 person that may have done this to them.

25 They may be afraid of what's going to happen to their

1 family. They may even be afraid of what's going to happen
2 to their pets. These fears may be a result of threats that
3 were made to them. They could have been told that if they
4 tell this will happen.

5 Children may have witnessed previous aggressive or
6 violent behaviors by the person that's done this and they
7 may internalize it if they tell that may happen to them.

8 Young children may not have the words to describe
9 what's happened to them. Many children don't have a
10 sexual -- don't have sexual knowledge, don't have a sexual
11 frame of reference. So they may know that something that's
12 happened to them doesn't feel okay, but they may just not
13 have the words to describe it.

14 Most children are abused by someone that they know,
15 they love and they trust so they have a relationship with
16 the person that's done this in many cases. It's only about
17 ten percent of the time that a stranger is assaulting a
18 child.

19 So that relationship in and of itself may have an
20 impact on whether the child believes that they could tell
21 or feels as if they can tell.

22 The child can love this person and also want this
23 person to stop doing the things that they're doing to them.
24 So they may not tell in hopes that this person will just
25 stop doing this, or if they can avoid it.

1 So that relationship is one of the -- again, the fears
2 are one of the main reasons, but also that relationship can
3 be critically important.

4 Q And is it possible that the act of disclosing sexual
5 abuse could be as traumatic as the actual abuse itself?

6 A Yes. Many times after a child makes a disclosure their
7 life is really turned upside down -- the child and the
8 family's life. The child may have to move; the family may
9 have to move. They may lose income; they may lose friends;
10 they may lose family members. Because, like I said, most
11 times this is someone that's known, loved and trusted not
12 only by the child but also known, loved and trusted by other
13 people in the child's world.

14 Children sometimes have to change schools. They may
15 have to deal with the fact that now people know about the
16 secret. And child sex abuse is something that carries a
17 lot of shame and responsibility and guilt. And knowing
18 that other people know about that can be very difficult for
19 a child, and very traumatic.

20 Q Are there different types of disclosure?

21 A Yes. So I don't think I mentioned this before, but
22 disclosure is really a process. It's not a one-time event;
23 it's not a one-time statement. It's really a process that
24 takes place over the course of an indefinite period of time.

25 There can be accidental disclosures. Those are

1 disclosures where the child is not making an intentional
2 effort to tell someone about what happened.

3 That may be where a child has written a note or a
4 journal entry and someone's discovered that, or maybe the
5 child has demonstrated a behavior that's concerning and
6 adults ask questions.

7 Sometimes there's just a hunch that someone may have
8 and they ask the child. Those are accidental disclosures
9 where the child is not making a purposeful intent to go and
10 tell someone.

11 There also may be purposeful disclosures where the
12 child does decide that they want to tell someone and they
13 made the conscious effort to do that. Then they tell a
14 family member, a friend, a teacher, someone else that they
15 trust about what's happened.

16 Q What is meant by the term piecemeal disclosure or a
17 partial disclosure?

18 A So I as said before, disclosure is a process. So we
19 don't expect that a child is going to tell every single
20 detail about an abuse incident.

21 One, they may not be able to tell every single piece
22 of information about that for multiple reasons. But they
23 may not be asked the questions about that, and so they may
24 share different pieces of information at different times.

25 Sometimes children are sharing bits of information to

Shauna Galloway-Williams
Direct examination by Ms. Barry

1 test the waters to see what the reaction of adults are
2 going to be when they do share that information.

3 Sometimes, again, if it's an accidental disclosure
4 they may only be sharing information that they're asked
5 about and they really may not have been ready to share
6 anything at all.

7 So that piecemeal or sharing things at different times
8 may depend on whether the child's ready to talk. It may
9 also depend on who's asking the questions. It could depend
10 on the proximity the child has to the person that may have
11 done this. You know, is this person still in their life,
12 do they have access to them or has there been a period of
13 time when they've not been around them, and then have they
14 been in counseling. There are lots of things that could
15 influence that piecemeal or how they tell about it over
16 time.

17 Q You stated that it is common or probably 90 percent of
18 those who are abused are abused by family members.

19 A Someone's that known, loved and trusted by the child.
20 So, you know, about 50 percent of the time that is family
21 members.

22 The other 40 percent is someone that may be outside of
23 the family but is an extended family member or a close
24 family friend or teacher or church leader, someone that's
25 known, loved and trusted by the child and not a stranger to

1 them.

2 Q And you may have touched on this, but how does that
3 affect a child's disclosure if it's a family member or
4 somebody that they've known, loved and trusted?

5 A Well, because that's a complex relationship. They have
6 a relationship with this person where they love them and
7 care about them. This person may have done -- may be the
8 one person they care about the most.

9 This person probably has also worked really hard to
10 develop a trusting relationship with that child.

11 Children see adults as authority figures. They see
12 them as folks that they can't really say no to. They also
13 see them as trusted people who should be taking care of
14 them.

15 And so even when someone's doing something to a child
16 that they know is not okay children still instinctively
17 have that response that this is an adult that's doing this,
18 cannot really do anything about this. They feel powerless
19 to do that. And they may also be very confused about that.

20 Again, children may both love the person that's doing
21 this to them. They may also know that other people in
22 their life love this person and they just want the abuse to
23 stop.

24 And many of us continue to have relationships with --
25 with loved ones who may have harmed us and yet we still

1 continue that relationship with them in spite of this thing
2 that they may have done. And it's, again, not to minimize
3 sexual abuse to that, but that's really what that's like.

4 Q Can you tell us why a child might not fight back if
5 they're being sexually abused?

6 A For some of those same reasons that they may not
7 disclose if the person that's doing this to them is someone
8 they know, they love and they trust.

9 You know, they, you know, are under the assumption
10 that adults are operating in their best interest and
11 they're taking care of them and they're doing what's in
12 their best interest.

13 Children also are taught to do what adults tell them
14 to do. Right. So oftentimes children feel powerless to
15 respond to that.

16 The other thing is child sexual abuse is a traumatic
17 experience. It is an experience where the individual who
18 may be abused feels powerless. They feel out of control,
19 and they may enter into what we call that fight, flight or
20 freeze category where they either feel as if they can fight
21 back, and fight back against this terror or this thing that
22 is scaring them or this traumatic event. They may freeze
23 and not act, which is what I think you're referring to, or
24 they may flee. They may run away.

25 And for many children that is not an option, because,

1 again, this is someone that they know, they love and trust.
2 This is someone that may be bigger and more powerful than
3 them. And that power and size may not be in their actual
4 stature, or it could be. But it may just be that power and
5 influence that they have over their life that leads them to
6 feel powerless and out of control.

7 Q what is meant by the term non-offending caregiver?

8 A So that would be a caregiver that's in the child's life
9 that has not committed an abusive offense. So they've not
10 physically sexually abused a child or neglected a child.

11 Q And in child sexual abuse dynamics what role does a
12 non-offending caregiver play in a child's disclosure?

13 A They have a critical role in the child disclosure as
14 well as their healing. Their initial response and how they
15 respond afterwards can have a very powerful effect on the
16 child positively or negatively.

17 we know that, again, most non-offending caregivers
18 know, love and trust the person that may have done this to
19 their child. And so their initial response to hearing that
20 this has happened to their child may be denial. Many, many
21 of us would have that response if we heard that someone we
22 loved had done this to our children.

23 And then what we hope is that their response after
24 that is a protective one, but there are non-offending
25 caregivers that are both protective initially, and some are

1 not protective and supportive. But we do know that when
2 caregivers are given education and resources that they
3 often do become protective.

4 Many non-offending caregivers are in impossible
5 situations when their children disclose abuse. If this is
6 someone that the family, not just the child but the family,
7 is dependent on that may have an impact on the entire
8 family -- their living situation, their livelihood, their
9 ability to meet their basic needs.

10 And so sometimes non-offending caregivers are making
11 choices about caring for their family, their basic needs,
12 versus all the other things that may come later.

13 Q And a non-offending caregiver can be someone other than
14 a parent, correct?

15 A Sure. Non-caregivers can be extended family members.
16 Those could be grandparents, aunts, uncles, foster parents
17 even could be non-offending caregivers. Those who are
18 charged with caring for a child.

19 Q How common is it for sexually abused children to reveal
20 portions of abuse to some people but not to others?

21 A So, again, this kind of goes back to how children
22 disclose abuse.

23 A lot of times that depends on who's asking the
24 questions. So the type of questions and the type of
25 information that a mom or dad may be asking of their child

1 may be different than those of an investigator, you know.

2 And children, again, are very egocentric. They think
3 that we know what they know and that we already know the
4 answers. And so they don't necessarily know what
5 information we need without asking them that. So we have
6 to -- when we ask them specific questions, they give us
7 that information. They may not share anything above and
8 beyond that. So different people asking them different
9 questions may elicit different pieces of information.

10 Now, you would expect that the core information that
11 they're sharing would remain the same but those details,
12 those contextual details, about, you know, the color of
13 the walls, what someone was wearing, when things happened,
14 the order and sequence of those things, may change based on
15 who's asking those questions.

16 Q And if the abuse spans a long period of time is it
17 normal that a child would not recall every detail of every
18 time that they were abused?

19 A Sure. That would not be uncommon. So what we're
20 asking children to do is to describe traumatic experiences
21 that they have had.

22 We're asking them to describe the details of possibly
23 non-consensual sexual behavior. And if any of us were
24 asked to describe all of the details of the previous
25 consensual sexual behaviors that we had engaged in with our

Shauna Galloway-Williams
Direct examination by Ms. Barry

1 current partner over the past two to ten years we might
2 have a difficult time answering all of those details as
3 well -- what time did the incident happen, who initiated
4 the incident, who touched who where, who took whose clothes
5 off, what were you wearing, how many times did that happen,
6 what did that feel like.

7 And that's what we're asking children to disclose in
8 the context of trauma. And when children or adults
9 experience trauma we don't necessarily remember every
10 single detail or all of the details that someone might
11 expect that you would remember. You're remembering things
12 that -- that were encoded through your senses in that
13 experience. You're remembering the things that were most
14 meaningful to you in that time period. And sometimes those
15 memories come to you later. Sometimes you'll remember
16 things that you didn't initially remember right when
17 someone asked you about those things.

18 So it's a traumatic experience like a car accident or
19 a natural disaster. And if someone asked you to identify
20 all of those things in the order that they happened, you
21 might be challenged to do that, not just because time has
22 lapsed but also because of the trauma you experienced.

23 Q And earlier you talked about sexual vocabulary. So is
24 it possible that children might not have the words and the
25 language to describe sexual abuse that's happening to them?

1 A Yeah. Often children don't. They often don't have the
2 words to describe what's happened to them. And so many
3 times they're describing it in a child-like way, which makes
4 it difficult sometimes because we don't necessarily
5 understand what they're trying to tell us.

6 Q Around what age do children develop the sexual
7 knowledge or have sexual --

8 A Yeah. So that really depends, you know. Some children
9 are taught from a very young age up at home about privacy,
10 personal touch, personal safety. Some children aren't
11 educated about that at home and they may not get that
12 education until they're in school. And generally, depending
13 on the school district, children receive prevention
14 education. Some schools provide Erin's Law education.

15 For instance, in Greenville County children receive
16 education on child sexual abuse prevention from
17 kindergarten through twelfth grade. That may not be the
18 case in every school district.

19 But generally around fourth and fifth grade, around
20 the time that children learn about reproductive health,
21 would be the time that they may also learn how to
22 articulate abuse that they may have experienced and to put
23 some context around some of these behaviors that they might
24 not previously have been able to put words to.

25 Q And you talked about trauma and traumatic experience.

1 Can you define trauma for the jury?

2 A Yes. So traumatic experiences are like those things I
3 just mentioned. So it can be a natural disaster; it can be
4 a car accident. Any type of abuse -- physical abuse, sexual
5 abuse and neglect, those are traumatic experiences. And
6 these are experiences that overwhelm us. They overwhelm us.
7 They leave us powerless; they leave us feeling out of
8 control. And many times they make us fear for our life or
9 our ability to -- to be free.

10 And so the way that we -- there are different ways
11 that we respond to those experiences, and that also impacts
12 how we remember and recall those incidents as well.

13 Q What are some common symptoms of trauma in children who
14 have been sexually abused?

15 A So some children may display no symptoms at all. Some
16 children may internalize what's happened to them, and they
17 may have feelings of depression or anxiety, but you may not
18 actually see that on the outside.

19 Other children may demonstrate that. You may see
20 children who previously were very social and outgoing and
21 all of a sudden they're not any more.

22 You might have a child who is making really good
23 grades and all of a sudden their grades are declining.

24 You might have a child who is showing anger and
25 aggression, a child who does have increased anxiety.

1 You might see regressed behavior out of a child, a
2 child who previously was toilet trained and was not
3 bedwetting and now they're having those types of issues.

4 You might see nightmares, difficulty sleeping,
5 difficulty eating, significant changes in just general
6 behavior.

7 The extreme end of that might be a child who is
8 harming themselves, threatening to harm themselves,
9 actually harming themselves or threatening to harm others.

10 Q What is meant by the term coaching in child sexual
11 abuse?

12 A Coaching refers to trying to influence what a child is
13 saying, either influence them to say something or to not say
14 something.

15 Q And how can you assess for coaching?

16 A Well, one of the -- one of the ways that do we do that
17 is by asking children, you know, has anyone told you what to
18 say or not to say when you come to talk to me.

19 The other way that we assess for that is by looking at
20 the child's statements, and is the child able to give
21 contextual details in addition to the core details about
22 what they're talking about. Are they talking about this
23 and giving sensory detail talking about how things felt,
24 how they smelled, how they -- how they internalize and
25 experience them, or are they saying things that just sound

1 as if someone just told them about this.

2 Q And how does age affect suggestibility?

3 A So certainly younger children are more suggestible than
4 older children. We all are suggestible. We all are
5 suggestible to a degree. But really by the age of eight to
6 ten children are no more suggestible than adults.

7 Q Ms. Galloway-Williams, I appreciate your testimony. I
8 do not have any further questions. If you could, answer any
9 questions that Mr. File may have for you.

10 MR. FILE: Thank you.

11 CROSS-EXAMINATION

12 BY MR. FILE

13 Q Ms. Galloway-Williams, none of your testimony today has
14 any bearing on whether or not my client is guilty or
15 innocent of this.

16 A That's correct.

17 Q Okay. A child exhibiting symptoms that are sometimes
18 tied to sexual abuse like sleeplessness, self harm,
19 nightmares, that type of thing, could also display the
20 symptoms due to something else stressful going on in their
21 life, could he or she not?

22 A Sure, yeah. They could be related to something else.
23 They're not really diagnostic of sexual abuse.

24 Q And bullying could cause that. Other stressors.

25 A There could be a number of things that could cause

1 those responses.

2 Q Okay. And while confusion of details is labeled as
3 common in child sex abuse cases, it's not indicative that a
4 child has, in fact, been abused, is that correct? would
5 that be a correct statement?

6 A Can you clarify?

7 Q Yeah. You -- you stated that sometimes children that
8 have been abused, that confusion in details about the abuse
9 or -- or piecemeal disclosures or disclosure of one part of
10 the abuse to one person and disclosure of another abuse
11 incident to another person might take place. While
12 confusion of details is -- is common in these type of cases,
13 it's not indicative though that the child has, in fact, been
14 abused, is that correct?

15 A Correct, yes. Those -- those dynamics in and of
16 themselves do not indicate that a child has been abused.
17 These are common dynamics of child sexual abuse victims.

18 Q Again, there may be other causes causing the similar
19 symptoms, is that -- or causing these symptoms. Is that --
20 that's -- that would be safe to say?

21 A So you're speaking specifically about the disclosure
22 though, a child is making a disclosure?

23 Q I'm just saying that the types of things that the -- as
24 far as details, leaving out details and things like that,
25 there may be other causes for -- for that other than abuse

1 in -- in telling something to someone.

2 A Yes. Someone could leave out details about any type of
3 incident that's not specifically related to abuse. But --
4 but what I'm speaking about are the dynamics that are
5 associated with child sexual abuse disclosures and some of
6 the commonalities around how children do disclose.

7 Q Thank you.

8 THE COURT: Anything at all?

9 MS. BARRY: No further questions, Your Honor.

10 THE COURT: Ma'am, you may step down. Please be
11 careful.

12 MS. BARRY: Your Honor, the state would ask that this
13 witness be excused.

14 THE COURT: Any objection?

15 MR. FILE: No objection.

16 THE COURT: Ma'am, you're released from your subpoena.
17 You may stay or go, whichever you choose.

18 THE WITNESS: All right. Thank you.

19 (Whereupon, the witness was excused.)

20 THE COURT: Solicitor.

21 MS. BARRY: Your Honor, at this time state would rest.

22 THE COURT: The state rests.

23 Okay. Let me talk to the lawyers a minute.

24 (Bench conference held off the record in the presence
25 of the jury but out of the hearing of the jury.)

1 THE COURT: Mr. Foreman and ladies and gentlemen of
2 the jury, the state has now rested -- it's called case in
3 chief, which means the state does not plan to introduce
4 another exhibit or have another witness testify. They're
5 done.

6 All right. That brings us to a matter of law.
7 Remember, I told you that you are the judge of the facts
8 and I'm the judge of the law.

9 So at this time I have to take up some rules under our
10 rules of law -- some matters of law, and that must be done
11 outside of your presence.

12 Now, we're going to do this and consider this your
13 break. We're going to work a few more minutes on that and
14 then we're going to refresh ourselves because we actually
15 came back and were here about 1:25 or so -- nuts and bolts
16 things to be ready for you and didn't want you sitting back
17 there for that 30 minutes.

18 So take your afternoon break. Don't talk about the
19 case, and we'll reconvene in about maybe 20 minutes or so.

20 (The following takes place outside the presence of the
21 jury.)

22 THE COURT: Matters for the state?

23 MS. BARRY: Your Honor, no matters for the state.

24 THE COURT: Matters for the defense?

25 MR. FILE: Your Honor, we don't have any other matter

1 other than talking to the defendant about testifying.

2 THE COURT: Okay. Sir, if you will, stand. I'm going
3 to ask madam clerk to swear you.

4 MS. BARRY: Your Honor, does the defense have a
5 directed verdict motion?

6 MR. FILE: Yes, sir, Your Honor. I'm sorry.

7 THE COURT: Okay.

8 MR. FILE: We would make a directed verdict
9 information based on the evidence as a whole that you saw
10 today. I think that a directed verdict would be
11 appropriate in this case, and I would ask Your Honor to
12 consider that.

13 THE COURT: Solicitor.

14 MS. BARRY: Your Honor, for a directed verdict motion
15 the standard is any evidence. The state has put forth
16 evidence for it to go to a jury. So the state would argue
17 that the directed verdict motion should be denied.

18 THE COURT: The Court denies the directed verdict
19 motion. The Court does not weigh the evidence. The Court
20 merely determines if there's any evidence that the case
21 should go to the finders of fact, which in this case is the
22 jury.

23 The Court finds that there is a scintilla or any
24 evidence -- some people say scintilla; others any. But
25 there's scintilla, any evidence, in this case, and it will

1 go to the jury.

2 Anything further, Mr. File?

3 MR. FILE: No, Your Honor.

4 THE COURT: Okay. Mr. Hallbrook, if you would, please
5 stand, sir. I'm going to ask madam clerk to swear you.

6 CHRISTOPHER BLAKE HALLBROOK,
7 having been first duly sworn, was questioned as follows:

8 THE COURT: You may lower your hand, sir.

9 I am going to inform you about your right to testify
10 or not testify here on the record, sir. You've now been
11 sworn. If you don't understand something I say, if you
12 would be kind enough to stop I will repeat it or try to
13 explain it and allow you to talk to your lawyer. Okay?

14 THE DEENDANT: Yes, sir.

15 THE COURT: All right. Sir, we have reached the stage
16 of this trial where you may present your defense.

17 You have the right to claim protections given to you
18 by the Fifth Amendment to the Constitution of the United
19 States of America, which states, in part, no person shall
20 be compelled in a criminal case to be a witness against
21 himself.

22 Additionally, you have the right to claim the
23 protections given to you by Article I, Section 12, of the
24 South Carolina Constitution, which states, in part, no
25 person shall be compelled in any criminal case to be a

1 witness against himself. This means that you cannot be
2 required to testify in this case.

3 Sir, you have the right to testify, but no one can
4 make you do so. This is a personal right, and no one can
5 waive the right except you. If you decide to testify you
6 will be subject to the same rules that govern other
7 witnesses and you may be examined and cross-examined on any
8 relevant issue in this case.

9 Additionally, if you have any convictions involving
10 dishonesty or a false statement or for crimes punishable by
11 imprisonment for more than one year and this Court
12 determines the probative value of admitting the evidence
13 outweighs the prejudicial effect to you, the solicitor will
14 be able to introduce your record to attack your credibility.

15 If you decide to testify the decision on your part
16 must be freely, intelligently and voluntarily made with the
17 knowledge of the protections given to you by the
18 Constitutions of the United States, as well as the State of
19 South Carolina and the consequences of that decision.

20 If you decide not to testify I will instruct jurors
21 they cannot give the fact that you did not testify any
22 consideration and there would be absolutely no prejudice to
23 you because you did not testify.

24 It is entirely up to you as to whether or not you
25 testify. You may speak with your lawyer, family members,

1 friends, but the decision is entirely yours.

2 Do you understand what I have explained?

3 THE DEENDANT: Yes, sir.

4 THE COURT: Do you have any questions about what I've
5 told you?

6 THE DEENDANT: No, sir.

7 THE COURT: Have you discussed with your lawyer
8 whether you should or should not testify?

9 THE DEENDANT: Yes. I have.

10 THE COURT: Do you wish to talk to your lawyer any
11 further at this time?

12 THE DEFENDANT: No, sir.

13 THE COURT: Do you wish to testify?

14 THE DEFENDANT: Yes, sir. I do.

15 THE COURT: Sir, please don't take this the wrong way.
16 I ask a lot of people, but you are not under the influence
17 of any alcohol, medication or any substance that interferes
18 with your clear thinking, right?

19 THE DEENDANT: No, sir. I'm not.

20 THE COURT: Okay. And you wish to testify.

21 THE DEFENDANT: Yes, sir. I do.

22 THE COURT: You have that right. Thank you.

23 All right. Let's -- anything further, Mr. File?

24 MR. FILE: No, Your Honor.

25 THE COURT: All right. Let's all be in recess for

Christopher Blake Hallbrook
Direct examination by Mr. File

1 about 15 minutes or so, refresh yourselves, and we'll come
2 back and recognize your client.

3 (Whereupon, a recess was taken.)

4 THE COURT: Okay. I'm told the jury is already
5 assembled. We had some smokers that went out, but they
6 have rejoined the jury.

7 Everybody ready to go?

8 Solicitor, you ready?

9 MS. BARRY: Nothing from the state, Your Honor.

10 MR. FILE: We're ready.

11 THE COURT: All right. We will have the jury.

12 (The following takes place in the presence of the
13 jury.)

14 THE COURT: Mr. Foreman, is the jury ready?
15 Everybody? Need anything? Everybody good.

16 THE FOREMAN: We're ready, sir.

17 THE COURT: Okay. Give your attention to Mr. File.

18 MR. FILE: The state would call Christopher Hallbrook.

19 CHRISTOPHER BLAKE HALLBROOK,
20 having been first duly sworn, testified as follows:

21 THE COURT: Sir, tell us your full name, and spell
22 your last name for the court reporter, please.

23 THE WITNESS: Christopher Blake Hallbrook.

24 H-A-L-L-B-R-O-O-K.

25 THE COURT: Thank you, sir.

Christopher Blake Hallbrook
Direct examination by Mr. File

1 Mr. File.

2 DIRECT EXAMINATION BY MR. FILE

3 Q Chris, how old are you?

4 A Twenty-eight.

5 Q All right. And you're originally from Gastonia, North
6 Carolina?

7 A Yes, sir.

8 Q And were you married previously?

9 A Yes, sir, to Shelby Harris, which is Patrick Harris'
10 sister.

11 Q Okay. And how long were you married to her?

12 A About five years.

13 Q Okay. And then now you're divorced from her?

14 A Yes, sir.

15 Q When did you get divorced from her?

16 A 2019.

17 Q And do you have any children?

18 A No, sir.

19 Q Now, Chris, you've heard the testimony against you
20 today and you saw the video in this case.

21 I'm going to ask you, just go ahead and ask you, to
22 tell the jury. Did you do any of the things that they say
23 you did to Minor ?

24 A I did nothing that was said today.

25 Q Were you ever alone with Minor in the house?

Christopher Blake Hallbrook
Cross-examination by Ms. Barry

1 A No.

2 Q Were you ever alone with her in a bedroom?

3 A No, sir. I was not.

4 Q Have you ever been accused or charged with any sexual
5 offenses before?

6 A No, sir. I have not.

7 Q You've, in fact, babysat children before?

8 A Yes, sir. I have.

9 Q Okay. And there were no accusations of anything?

10 A No.

11 Q Did -- when you discovered -- where were you living
12 when the arrest warrant was issued for you?

13 A In Gastonia.

14 Q Okay. And were you informed by officers about that
15 warrant?

16 A When they pulled up at the house and told me that I had
17 had an arrest warrant for my arrest.

18 Q All right. And did you go willingly with them?

19 A Yes, sir. I did.

20 Q And you've been waiting since that time to clear your
21 name, is that --

22 A Yes. I have.

23 Q Okay. Do you have anything else to tell the jury about
24 this?

25 A No, sir.

1 Q Okay. That's all.

2 CROSS-EXAMINATION

3 BY MS. BARRY

4 Q Good afternoon, Mr. Hallbrook.

5 So you were married to Shelby, right?

6 A Yes, ma'am. I was.

7 Q Who is Minor 's aunt.

8 A Yes.

9 Q And you would go to Minor 's home, correct --

10 A Yes. I would.

11 Q -- with Shelby? So you had an occasion to be in the
12 house with Minor , correct?

13 A Yes.

14 Q And you spent the night there?

15 A Yes. I have.

16 Q And you said that you've been married or you were
17 married to Shelby for five years but you were never alone in
18 a room with Minor .

19 A No. I was not.

20 Q Why not?

21 A Because I don't -- I would never put myself in a
22 position to be alone with a child just for a specific
23 reason.

24 Q But you did testify that you babysat kids, right?

25 A Yes. I have.

1 Q So you have been alone in a room with kids before.

2 A Yes. I have.

3 Q But for some reason you didn't want to be alone in a
4 room with Minor because something like this might happen.

5 A The other kids was my family.

6 Q Minor 's your family, isn't she?

7 A She was at the time.

8 MS. BARRY: No further questions, Your Honor.

9 THE COURT: All right. Anything?

10 MR. FILE: No, Your Honor.

11 THE COURT: Sir, you may step down. Please be
12 careful.

13 MR. FILE: That's all we have, Judge.

14 THE COURT: The defense rests?

15 MR. FILE: We rest.

16 THE COURT: Any rebuttal or reply?

17 MS. BARRY: No, sir, Your Honor.

18 THE COURT: Mr. Foreman and ladies and gentlemen of
19 the jury, the defense now has rested, which means the
20 defense does not intend to put up any other witnesses or
21 offer any exhibit or other testimony. And the state does
22 not have any what's known as rebuttal or reply evidence to
23 put up at this point in time. So you now have all of the
24 evidence in this case that is going to be for your
25 consideration.

1 Let's -- do you want tomorrow?

2 I've talked with the lawyers. We actually thought
3 that the testimony would go a little longer today. They
4 want to argue and charge in the morning and not start at
5 this time of the afternoon.

6 The reason for that is -- I'll just tell you -- is
7 that it takes about 90 minutes for them to make their
8 closing statements, each of them about 20 to 30 minutes,
9 and then it takes me about 20 to 30 minutes or so to
10 explain the law. And that would put us -- that would put
11 us very close to the end of the day and then -- as a lawyer
12 I just never liked breaking up -- breaking up the flow, so
13 to speak.

14 So with that, it's a little early, but what we're
15 going to do is recess on this case until in the morning at
16 9:00 -- 9:00 everybody, at 9:00, 9:00 a.m.

17 And in the morning you will hear the arguments of the
18 lawyers, after which I will then charge the law to you,
19 after which you will retire to a jury room downstairs in
20 that jury assembly room. It's been social distanced down
21 there for you. So you won't be in two separate rooms
22 tomorrow morning. You'll be in one room, all 12 of you.

23 And, sir, you would be -- you would lead the 12 at
24 that point in time and come back to my courtroom. I'll
25 explain all of that tomorrow, exactly, to you.

1 All right. Do not try to do any research about this
2 case. It's -- all of the evidence is in, and you can
3 consider nothing else whatsoever. Okay. Don't do any
4 research; don't talk about the case until it is ended.

5 With that, I'm going to excuse you.

6 And, ma'am, I know you want to use the elevator. So
7 if you want to you can -- when they go out if you'll stay
8 right there for a second we'll have one of our officers
9 escort you to the elevator so that you won't have to go
10 back and forth.

11 Mr. Foreman, if you will, take the jury out.

12 (The following takes place outside the presence of the
13 jury.)

14 THE COURT: Okay. Matters from the state?

15 MS. BARRY: Nothing from the state, Your Honor.

16 THE COURT: From the defense?

17 MR. FILE: Nothing from the defense.

18 THE COURT: Okay. Want to renew? Want to renew
19 directed verdict?

20 MR. FILE: Yes, sir. I think we ought to renew our
21 directed verdict motion. I will ask Your Honor to consider
22 that.

23 THE COURT: Thank you.

24 Solicitor.

25 MS. BARRY: Thank you, Your Honor.

1 The state would argue the same thing they argued in
2 the initial directed verdict motion, that it's a scintilla
3 of evidence, as Your Honor likes to say, and the state has
4 put forth evidence that should go to the jury, Your Honor.

5 THE COURT: Yes, ma'am.

6 And the motion is denied for the same reasons
7 theretofore enunciated by the Court.

8 All right. We'll be in recess on this. Housekeeping.
9 The three of us lawyers can meet. My law clerk has put
10 together a charge. It's draft but it's ready. So I'd love
11 for the lawyers to review that. We've got time this
12 afternoon. So we won't waste any time in the morning. And
13 we'll take a look at the draft, any changes that need to
14 be. We'll be ready to go first thing in the morning.

15 END OF PROCEEDINGS JUNE 30, 2021

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1 (Proceedings July 1, 2021)

2 (The following takes place outside the presence of the
3 jury.)

4 THE COURT: Okay. We're back on the record in the
5 matter of the State of South Carolina vs. Christopher Blake
6 Hallbrook.

7 I want to put on the record that we had a charge
8 conference yesterday afternoon and again for a few minutes
9 this morning, and I'm going to make a court's exhibit out
10 of a proposed verdict form. And I have been asked to
11 change the verdict form, which I have agreed to do.

12 In an abundance of and to protect the record, we want
13 to make this a court's exhibit and put that in and will
14 elicit from both the state and the defense as to whether or
15 not we now have an agreement that this one will not be used
16 and that the one that has been redacted will be used.

17 Solicitor.

18 MS. BARRY: Yes, sir, Your Honor. The state agrees
19 with that portion of the verdict form coming out to where
20 the jury will just be asked to find the defendant not
21 guilty or guilty.

22 THE COURT: Mr. File.

23 MR. FILE: Yes, Your Honor.

24 We in conferring with the solicitor and with you this
25 morning, I think that would be appropriate to do that. I

closing arguments

1 think that other section of the form does not apply to be
2 used in this case, and also I think it's to my client's
3 benefit that it not be.

4 THE COURT: Okay. we'll make that part of the record.
5 (Jury charge marked Court's Exhibit No. 3.)

6 THE COURT: All right. Is there any objection to now
7 that you've seen, everybody has seen, the jury charge? Any
8 objection from the state or the defense?

9 MS. BARRY: No objection, Your Honor.

10 MR. FILE: No objection.

11 THE COURT: Okay. The last question, is everybody
12 ready for the jury.

13 MS. BARRY: The state's ready, Your Honor.

14 THE COURT: Okay. So you have to open in full.

15 MS. BARRY: Yes, sir.

16 THE COURT: And then defense. And then you can only
17 rebut, go back to rebut.

18 Okay. Have the jury.

19 (The following takes place in the presence of the
20 jury.)

21 THE COURT: Good morning, ladies and gentlemen.

22 Mr. Foreman, all is well with the jury?

23 THE FOREMAN: Yes, sir, Your Honor.

24 THE COURT: All right. Very good.

25 Give your attention to the lawyers for their closing

closing arguments

1 statements.

2 solicitor.

3 MS. BARRY: Thank you, Your Honor. May it please the
4 Court. Mr. File.

5 Ladies and gentlemen of the jury, good morning. I
6 just want to say thank you again for your time and
7 attention. And let's get started.

8 So when I started my case on Tuesday I told you that I
9 would have to prove beyond a reasonable doubt that
10 Christopher Hallbrook committed a sexual battery against
11 Minor when she was under the age of 11.

12 And the judge is going to charge you on the law. So
13 any law that I tell you that contradicts what he says,
14 follow what he instructs.

15 So what is a sexual battery? A sexual battery means
16 sexual intercourse, cunnilingus, oral sex, fellatio,
17 intercourse or any intrusion -- and this is what I want you
18 to focus on -- any intrusion, however slight, of any part
19 of a person's body or of any object into the genital or
20 anal openings of another person.

21 So before I dive right into what I think is important
22 in this case, what's the last thing you heard in the trial?
23 And the last thing you heard was the defendant's story, and
24 he testified that he had been married to Minor 's aunt
25 Shelby for five years but he was never alone with Minor .

closing arguments

1 But then he testified that, well, he was never alone with
2 her because he didn't want something like this to come up.

3 But then he said that he did babysit children. Oh,
4 but they were family members. Minor was a family member.

5 It's your job to determine the credibility of the
6 witnesses, and his story made no sense. So what did make
7 sense? What did you hear that proves that he molested
8 Minor ?

9 First, you heard from 13-year-old Minor . She took the
10 stand yesterday morning and she told you her story. She
11 got in front of 12 strangers -- 13 -- and she told her
12 story.

13 And what was her story? She told you about the living
14 room incident at her house at [REDACTED] Catawba Road here in
15 Cherokee County.

16 She told you that she was playing with wii that day.
17 She was playing Super Mario Kart Smash Brothers. And she
18 had her blue and black Pander blanket over her.

19 Her parents were outside and J.H. was in his room.
20 And Christopher Blake Hallbrook sat down next to her, and
21 he moved that blanket over his lap, and then he slowly --
22 she said slowly -- put his hands down her pants and he
23 fingered her, and he fingered her, in her words, her butt
24 hole.

25 I asked her how it felt. Physically, she said it

closing arguments

1 hurt. Mentally, she said it felt like she didn't want to
2 be there. She said, "I didn't want to be me." She pleaded
3 with God, why me. A nine-or-ten-year-old girl pleaded with
4 God and didn't want to be her.

5 She then told you about the incident in her bedroom at
6 █ Catawba Road. She was asleep, and she woke up to the
7 sound of her door opening and she laid there and she
8 listened to these footsteps approach her. Her back was to
9 the door. And then she feels her pants being pulled down
10 and then she's being licked, in her words, in her butt hole
11 by that man sitting right over there.

12 He stops and he leaves. And nine-or-ten-year-old
13 Minor just lays there, ladies and gentlemen. She wanted to
14 scream. She said she wanted to cry. She said she wanted
15 to snap her fingers and not be there.

16 So she gets up. She goes into the kitchen. And who's
17 standing in the kitchen? Her abuser and her mother. And
18 her mom tells her go back to bed because it's a school
19 night.

20 But he wants to know what woke her up. Why does he
21 want to know that, ladies and gentlemen? She says nothing
22 woke me up. And she testified that his response was
23 uh-huh. And then she went back into her room and she
24 cried.

25 Now, Minor doesn't tell anybody right away. She says

1 she's afraid. She's afraid of the defendant. She's afraid
2 of what he would do to her, what he would do to her family.
3 He's married to her favorite aunt, Shelby. She's afraid of
4 what might -- what he might do to her.

5 But Minor is able to tell eventually. She tells her
6 closest family and friends. She tells Madison who she said
7 was her first ever friend because they started elementary
8 school together. She then tells Chloe who is her favorite
9 cousin. And she tells her friend Aurora.

10 And she's able to tell you that she remembers when she
11 told Aurora. She said they were sitting on the bus. She
12 had her knees propped up against the seat in front of her,
13 and she went to get up. But she told Aurora I need to tell
14 you something, and she told her. She told her that her
15 uncle Chris had touched her, and she could remember
16 Aurora's reaction, and she said it was like Aurora had seen
17 a ghost. Her eyes got real big. And she begged these
18 people that she told to not tell anybody.

19 And then she tells her mom, and she remembers the day
20 that she told her mom. She remembers that they were
21 shopping. They were in the car. Her brother was in the
22 car. They get to the store and her brother goes in the
23 store. And she -- she's ready. She's ready to tell her
24 mom. She said, mom, I need to tell you something. But her
25 brother comes back out. She doesn't want to say anything

closing arguments

1 in front of her brother, so she waits.

2 And then they get home and her mom is cooking. And
3 she can tell you where on the stove her mom was cooking,
4 and she's standing in the corner. She described that
5 little corner in the kitchen for you. And she stood in
6 that corner and she told her mom that Christopher Hallbrook
7 touched her.

8 She said her mom started calling people. She went
9 into the bathroom, started calling people, started calling
10 family members. She called Shelby. She called Minor 's
11 dad.

12 And then they go to the police department the next
13 day. And you heard from Deputy Lester who said that they
14 did come in, Minor did report that she had been sexually
15 assaulted. She could tell where it happened and when it
16 happened.

17 So after you heard from 13-year-old Minor you were
18 actually able to hear from 11-year-old Minor , and that was
19 from the video that was recorded when Minor went to the
20 Children's Advocacy Center.

21 And why is that video so important? why is that
22 11-year-old Minor so important? Because 11-year-old Minor
23 said what 13-year-old Minor said. She was able to talk
24 about the incident where she was sleeping. She was able to
25 give the same details that she gave yesterday.

closing arguments

1 She was in her bed. She woke up. She felt her pants
2 being pulled down. She felt that man licking inside of
3 her.

4 And then he leaves and she walks out and there's mom
5 and there's Chris. She says that mom asked her or told her
6 to go back to bed. And Christopher Hallbrook wanted to
7 know what woke her up. It's the same thing she testified
8 to two years later when she took the stand yesterday.

9 She told you about the incident where she was playing
10 the wii. She was able to tell in the C.A.C. video that she
11 was playing Super Mario Brothers, same thing she testified
12 to yesterday.

13 She was able to testify or say in the video that she
14 had a blanket over her and Christopher Hallbrook came over
15 and sat down right next to her and he moved the blanket
16 over him, put his hands down her pants and fingered her.
17 In her words, he dugged into her butt and then he moved to
18 the front and he went into what she was very uncomfortable
19 trying to say -- vagina.

20 She stated that at the time she was around ten years
21 old when it happened in both incidents on the stand. She
22 was able to say fourth or fifth grade, nine or ten. And
23 when she was talking to the interviewer she talked about
24 how these incidents made her feel. They made her feel
25 nasty and depressed. They made her feel like she couldn't

closing arguments

1 tell anybody because they wouldn't care or they would judge
2 her. That man made an 11-year-old feel like nobody would
3 care that he had done these things to her.

4 She stated that she didn't tell right away, but she
5 told her friends, and her friends gave her the courage to
6 tell her mom. She remembers telling Aurora; she remembers
7 telling Aurora on the bus.

8 And she remembers telling her mom, and she remembers
9 telling her mom while they were out shopping, getting
10 Hibachi, something like that. They were in the car, and
11 she remembers she wanted to tell her mom. But she didn't.
12 She waited until they got home and told her mom, as she
13 stated in the video, and as she stated yesterday while she
14 was cooking.

15 You also got to hear from Minor 's mom, Heather.
16 Heather was able to corroborate what Minor was telling you,
17 that Christopher and Shelby would come over, they would
18 spend the night, they would sleep in the living room, just
19 as Minor stated.

20 She was able to go into the layout of their home.
21 It's an open layout, easy access from the living room to
22 the bedrooms.

23 She was able to tell you that Minor reported a sexual
24 assault to her, when it happened and where it happened.

25 She also told you that she freaked out, that she

closing arguments

1 started calling people. She stated she did call Shelby.
2 She called her husband Patrick.

3 But what's very important about what Heather told you
4 is how Minor changed. And in the video you can see Minor ,
5 and you notice how long her hair is. Very long. Heather
6 testified that she wanted to chop it all off.

7 She wasn't the girly-girl that she knew. She started
8 wearing black to school. She wanted to wear hoodies. She
9 had to be picked up from school early all of the time.

10 She had to see mental health counselors and be
11 evaluated. She started to cut herself, ladies and
12 gentlemen. She wanted to kill herself because of what
13 Christopher Hallbrook did to her. She did not recognize
14 her own daughter.

15 And then you heard from Shauna Galloway. Shauna
16 Galloway was able to go into the dynamics of sexual abuse,
17 children who have been sexually abused, how children act,
18 what's common among those who have been sexually abused,
19 where disclosures, why do they disclose, why do they
20 disclose later on.

21 They could be afraid to tell, afraid for their family,
22 for themselves, even for their pet.

23 Children that are abused are most often abused by
24 someone that they know, love and trust. And that can
25 affect when and how they tell. Disclosure is a process.

closing arguments

1 They may tell one person one thing and another person
2 another thing. They may not tell everything at one time
3 but gradually over time. Time affects a disclosure.

4 A child may not remember a sequence of events. And
5 children who are sexually abused may or may not exhibit
6 different types of behaviors.

7 How and when Minor told her story is not uncommon.
8 She told you that she trusted the defendant. He was her
9 uncle, married to her favorite aunt. She didn't tell
10 because she loved her aunt. She loved her family. And she
11 didn't want anything to happen to any of them.

12 And what does she tell? Are there inconsistencies in
13 some of her statements? Sure. Was it 11:00 o'clock at
14 night when he went into her bedroom, was it 2:00 to 4:00 in
15 the morning, did she go into J.H. 's room after she left
16 the kitchen or did she go in her room when she left the
17 kitchen?

18 You remember the big moments in your lives. I
19 remember when I was getting my bar results. It was a
20 Friday. I do remember that. And I was working at the
21 time, but I took the day off. I didn't want to be out of
22 the county when -- when or if I found out I failed. So I
23 was at home. I had gone to Target that day. Target's my
24 happy place. I wanted to be in a good frame of mind before
25 I found out if I was going to pass or fail.

closing arguments

1 And I got home. Bar results were coming out about
2 4:00 or 5:00. I don't really remember the time, but I
3 logged on to my computer. You would check on the website.
4 And the website wouldn't load. Everybody was trying to get
5 their results at the same time.

6 And my mom was standing in the room with me, so she
7 was on her phone. She was able to get the results before I
8 did. So she literally threw her phone at me. She was
9 like, here, you check that, I don't want to see it. So I
10 checked it and I passed. And the first person I told was
11 my mom because she was right there.

12 But who did I tell after that? I have no clue. Did I
13 text anybody, or who did I text, who did I call, did I send
14 a group message? What did I do? What was I wearing when I
15 found out that I passed quite possibly the toughest exam
16 I've ever taken? What did I have for dinner that night?
17 No clue. All I remember is that I passed the bar,
18 something that I had spent three years and a whole summer
19 getting ready for.

20 Minor remembers the big moments in her life.
21 She remembers the moment that the defendant sat down next
22 to her and fingered her. He put a part of his body into
23 hers. And she remembers waking up to his footsteps getting
24 closer and closer to her bed. And then he put his tongue
25 inside of her.

closing arguments

1 She remembers the moments that changed the course of
2 her life. And she testified that this is the first time
3 that somebody had ever touched her like that. Her first
4 sexual experience should have been her own choosing, who it
5 was with, when it happened, where it happened.

6 But that defendant took those choices away from her,
7 and because he did that, ladies and gentlemen, I ask that
8 you find him guilty of criminal sexual conduct with a minor
9 in the first degree. Thank you.

10 THE COURT: Yes, sir.

11 MR. FILE: May it please the Court, Your Honor.

12 THE COURT: Yes, sir.

13 MR. FILE: Ladies and gentlemen of the jury, I too
14 want to thank you for your attentiveness in this case.
15 You're paying attention to all of the evidence in the case,
16 and I was able to observe that and see that. And I think
17 you are well equipped to make a decision in this case.

18 Shortly, it's going to be up to you to review and
19 discuss the evidence and decide my client, this young man,
20 Christopher Hallbrook's fate.

21 Since you paid such close attention I'm sure that you
22 would have noticed differences in the testimony of Minor
23 and what she told Rebecca Grounsell at -- at the Children's
24 Advocacy Center.

25 If I point out to you something that you don't

closing arguments

1 remember or you don't remember being said or if Ms. Barry
2 even said something that you don't remember that was in the
3 evidence, you as jurors are the finders of fact, and you as
4 jurors are the ones to determine what was really said or
5 not said and that type of thing.

6 It's only the job of Ms. Barry and myself to point out
7 things to you to guide you in your deliberations about the
8 facts of the case and -- and what happened. We're here to
9 pull those things together and tell you what we think they
10 mean or the important things that you should consider.

11 But as I was getting ready to tell you, there were
12 some differences in what Minor said, and the differences
13 she said at the Children's Advocacy Center.

14 For example, the veteran incident, she either saw or
15 didn't see Chris. She -- you know, one instance she says
16 she saw him; another instance she said she never saw his
17 face.

18 Okay. And one instance she says that her tongue --
19 his tongue entered her butt. But she admitted to me that
20 at one point during her preparation for the testifying in
21 this case that she told Ms. Barry that his tongue did not
22 go inside of her butt hole.

23 You've got to keep in mind throughout all of this that
24 the state is charged with proving him guilty beyond a
25 reasonable doubt. Okay. Beyond a reasonable doubt. And

closing arguments

1 if there is some doubt as to whether or not this happened
2 or whether or not someone's not telling the truth, then you
3 need to acquit him and say he's not guilty, there's not
4 enough evidence.

5 The sofa incident. She told the Children's Advocacy
6 Center that Chris could -- couldn't get his fingers in her
7 butt so he moved to the front of her pants, but yet she
8 told you in person that he simply put his hands down the
9 back -- put his hand down the back of her pants.

10 And then there's some things that to me seem
11 implausible. When she came out of the bedroom her mom was
12 in the kitchen on the bedroom incident.

13 So somehow Chris got up from presumably sleeping on
14 the sofa bed with his wife and went to her bedroom with her
15 mom in the kitchen or with her mom appearing in the kitchen
16 shortly thereafter and molested her, and then he comes out
17 of the bedroom. Mom's in this kitchen. And mom didn't see
18 anything. I guarantee you if mom saw him coming out of her
19 bedroom she would have had all kinds of questions about
20 that.

21 Her mother testified that it was open floor plan in
22 the house, there was easy access to the bedrooms, the
23 living room and the other areas of the house. How could
24 somebody not see him coming out, at least coming out, of
25 the bedroom if not going in?

closing arguments

1 The incident on the sofa. She's sitting on her -- on
2 her bottom on the sofa and there's adults outside with a
3 door, a glass door. They can see inside as well as she can
4 see outside. And yet this is the time when Chris allegedly
5 comes and sits on the sofa and puts his hand on the back of
6 her pants when she's sitting on her bottom on the sofa.
7 And those adults were -- were outside and -- they came in
8 and she says that's when -- when they got up, when they
9 came in. I think this, these things, add up to reasonable
10 doubt.

11 She only told her mother after -- after telling her
12 friends about this incident. She -- her friends -- I think
13 she mentioned that one of her friends, at least one of her
14 friends, threatened that if you don't tell your mother I'm
15 going to say something, but yet she -- and she says she was
16 scared, but she also testified that Chris never threatened
17 her or told her not to tell.

18 The behavioral expert state -- stated that Minor 's
19 behavior was not necessarily indicative of sexual abuse
20 or -- or the guilt of my client.

21 She stated that her testimony had no bearing on
22 whether or not my client was guilty or not guilty, but that
23 she admitted that there could be other things going on in
24 the child's life that could cause similar reactions in
25 things. For example, bullying in school, stress, family

Jury charge

1 issues, any number of things.

2 In the meantime of all of this Chris Hallbrook gets
3 accused of sexual abuse of Minor . Twenty-eight years old,
4 no record as a sex offender. And he got up on the witness
5 stand yesterday and told you himself he didn't do this.

6 There's no other witnesses in the case except Chris
7 and Minor when it boils down to anything. The other
8 witnesses just added -- added some pieces to this, but
9 there's no other witnesses except Chris and Minor . And
10 Minor 's portions of Minor 's story just don't add up.

11 Ladies and gentlemen, it's my belief that those
12 missing pieces or the portions that don't add up amount to
13 reasonable doubt in this case.

14 I submit to you the state has failed in their burden
15 of proving beyond a reasonable doubt that Chris Hallbrook
16 is guilty of this terrible crime.

17 I told you I'll be the first to tell you I hate -- I
18 hate child molesters. But in this situation I don't think
19 the evidence rises to -- to the occasion. So I would ask
20 you all to consider the evidence as a whole, look at what
21 the evidence tells you or doesn't tell you and render a
22 verdict of not guilty for my client. Thank you.

23 MS. BARRY: Thank you, Your Honor.

24 One last time, ladies and gentlemen, just to touch on
25 a few things that Mr. File said.

Jury charge

1 One of the implausibilities in this case was there
2 were adults outside and there was a glass door that nobody
3 was -- could see in through the glass door. If you'll
4 remember Heather testified too that there's a glare. When
5 you're outside you can't see in because there's a glare.

6 And Minor told her friends, and Shauna Galloway stated
7 children will test the waters. She wanted to see how her
8 friends were going to react. And then she told her mom.
9 She felt safe. Shelby and Chris were divorced. She felt
10 safe. She could finally tell her story.

11 And Mr. File is right. It boils down to Minor and her
12 word against the defendant's. And Minor 's story at 13 is
13 the same as her story at 11. This defendant put his finger
14 inside of her and put his tongue inside of her.

15 I ask that you find him guilty. Thank you.

16 THE COURT: Mr. Foreman and ladies and gentlemen of
17 the jury, you have seen and heard the evidence presented,
18 as well as the arguments of the lawyers. And it's now my
19 duty and my obligation to instruct you on the law.

20 It will then be your duty and obligation to begin your
21 deliberations through which process you will decide facts,
22 apply the law as I now instruct it and render a fair and
23 impartial verdict.

24 It is your exclusive duty to determine what the facts
25 are in this case, and you will do that based on your own

Jury charge

1 common sense evaluation and examination of the testimony
2 and the evidence received during this trial.

3 You 12 alone will decide what effect, value and weight
4 is to be given to any testimony or evidence received.

5 Quite simply, your obligation is to give both the state and
6 this defendant a fair and impartial trial based on the
7 evidence presented and the law in this case.

8 I remind you that during this trial you and I have
9 certain duties to perform. As the trial judge it is my
10 responsibility to preside over the trial, and,
11 additionally, I have the duty to rule upon admissibility of
12 evidence offered during the trial.

13 You are to consider only the evidence before you. If
14 there were any testimony ordered stricken from the record
15 in this case, you must disregard it. You are to consider
16 only the testimony which has been presented from the
17 witness stand, the exhibits which have been made a part of
18 the record and the stipulations of the lawyers.

19 Additionally, I have the duty to charge you on the
20 applicable law. As the judge, I am the sole judge of the
21 law, and it is your duty as jurors to accept and apply it
22 as I now state it to you.

23 If you any idea as to what the law is or what the law
24 ought to be or what the law should be, you must disabuse
25 your mind of that and accept the law as I tell you now.

Jury charge

1 In every case tried in this courtroom before a jury
2 you 12 become the sole and exclusive judge of facts in a
3 case.

4 A trial judge cannot make a comment or a statement to
5 a jury about a fact in a case. You 12 are the sole judges
6 of the facts, and you are not to infer from anything I have
7 said during this trial in ruling on admissibility of
8 evidence that I have an opinion about a fact in this case.
9 I tell you and charge that the law of this state prevents a
10 trial judge from having an opinion about a fact in a case.

11 There are two types of evidence which are generally
12 presented during a trial, and they are known as direct
13 evidence and circumstantial evidence.

14 Direct evidence is the testimony of a person who
15 asserts or claims to have actual knowledge of a fact such
16 as an eye witness.

17 Circumstantial evidence is proof of a chain of facts
18 and circumstances indicating the existence of another fact.

19 The law makes no distinction between the weight or
20 value to be given either direct or circumstantial evidence,
21 nor is a greater degree of certainty required of
22 circumstantial evidence.

23 You should weigh all evidence, and after doing so if
24 you are not convinced of the guilt of this defendant beyond
25 a reasonable doubt you must find him not guilty.

Jury charge

1 Now, the indictment ending in 0277 charges this
2 defendant, Christopher Blake Hallbrook, with criminal
3 sexual conduct with a minor in the first degree.

4 It alleges that this defendant did in Cherokee County,
5 South Carolina, between the dates of January 1, 2016, and
6 August 19, 2018, commit a sexual battery upon a minor,
7 Minor , who was under 11 years of age at the time.

8 Our code Section 16-3-6551 provides that a person is
9 guilty of criminal sexual conduct with a minor in the first
10 degree if the actor engages in sexual battery with a victim
11 who is less than 11 years of age.

12 Section ending in 651 of the same code of laws defines
13 actor as being a person accused of criminal sexual conduct.

14 Victim is defined as a person alleged to have been
15 subjected to the criminal sexual conduct.

16 Sexual battery is defined as sexual intercourse,
17 fellatio, cunnilingus, anal intercourse or any intrusion,
18 however slight, of any person's body or an object into the
19 genital or anal openings of another person's body except
20 when accomplished for medically recognized treatment.

21 I remind you that the fact that this defendant was
22 arrested, charged and indicted is not evidence and cannot
23 be considered by you as evidence of his guilt; nor does it
24 create any presumption or inference of guilt.

25 I tell you again the indictments are simply a written

Jury charge

1 instrument which contains the charge made against him. The
2 indictment is a formal document by which this case is
3 brought before the Court.

4 Now, criminal intent is a necessary element of each
5 crime that must be proved by the state beyond a reasonable
6 doubt.

7 Criminal intent is a matter that must be determined by
8 you, the jury, from the circumstances surrounding the
9 situation. There is no way to prove intent by mathematical
10 certainty. Medical science cannot dissect a person's brain
11 and determine what he or she had in mind. So our law says
12 that criminal intent may be inferred from the circumstances
13 shown to have existed.

14 It is a state of mind which when operated jointly with
15 an act is the commission of a crime. It is a mental state,
16 a conscious wrongdoing. So it is up to you 12 to determine
17 what this defendant intended to do based on the
18 circumstances shown.

19 I tell you the state must prove criminal intent beyond
20 a reasonable doubt just as it must prove every element
21 beyond a reasonable doubt.

22 It is not necessary to establish intent by direct and
23 positive evidence. It may be established by inference in
24 the same way as any other fact taking into consideration
25 the acts of the parties and all of the facts and the

Jury charge

1 circumstances.

2 Now, the state may prove motive, but it is unnecessary
3 for the state to do so. But they must prove criminal
4 intent.

5 This defendant has pled not guilty to the indictment,
6 and that plea puts the burden on the state to prove his
7 guilt beyond a reasonable doubt.

8 A person charged with committing a criminal offense is
9 never required to prove himself innocent. I charge you it
10 is a cardinal, important and vital rule of law that in a
11 criminal trial, no matter what the seriousness of the
12 charge may be, the defendant is always presumed to be
13 innocent of the crime for which the indictment was issued
14 unless guilt has been proven by evidence satisfying you of
15 his guilt beyond a reasonable doubt.

16 The presumption of innocence does not end when you
17 begin your deliberations. It accompanies this defendant
18 throughout the trial until you reach a verdict of guilt
19 based on evidence satisfying you of guilt beyond a
20 reasonable doubt.

21 The presumption of innocence has been described as
22 being a robe of innocence placed about the shoulders of the
23 defendant which remains with him from the moment of his
24 arrest and continues with him until stripped from his
25 shoulders by evidence satisfying you 12 of his guilt beyond

Jury charge

1 a reasonable doubt.

2 The presumption of innocence is not a legal theory and
3 is not a legal phrase but a substantial right to which
4 every defendant is entitled unless you 12 are satisfied
5 from the evidence of his guilt beyond a reasonable doubt.

6 The state has the burden of proving him guilty beyond
7 a reasonable doubt, and proof beyond a reasonable doubt is
8 proof that leaves you firmly convinced of his guilt.

9 There are very few things in this world that we know
10 with absolute certainty, and in criminal cases the law does
11 not require proof that overcomes every possible doubt.

12 A reasonable doubt has been described as the kind of
13 doubt that would cause a reasonable person to hesitate to
14 act. If you have a doubt as to the guilt of this
15 defendant, say so, and find him not guilty.

16 But, on the other hand, based on your consideration of
17 the evidence if you are firmly convinced that this
18 defendant is guilty of the crime charged, say so, and find
19 him guilty.

20 You 12 alone must make the determination of whether or
21 not reasonable doubt exists as to the guilt of this
22 defendant.

23 Now, under the constitution of this state you 12 are
24 the finders of facts, and you must determine the
25 credibility of witnesses who have testified. Credibility

Jury charge

1 simply means believability. It is your duty as jurors to
2 analyze and evaluate the evidence and determine which
3 evidence is convincing to you.

4 In determining the believability of a witness you may
5 believe one witness over several, or several over one.

6 You may believe part of a witness' testimony and
7 reject the remaining part of that testimony. You may
8 believe a witness' testimony in its entirety, and you may
9 consider any interest, bias, prejudice or motive in this
10 case. You may also consider appearance and manner of a
11 witness while testifying. Simply put, do you believe the
12 witness was being honest.

13 whatever your good judgment and common sense tells you
14 is the most believable testimony is the testimony you
15 should accept, and reject the testimony you find not to be
16 credible or believable.

17 Now, our rules of evidence do not permit witnesses to
18 testify to opinions or conclusions. An exception to this
19 rule exists where a witness we call an expert witness, a
20 witness who by education, experience or professional
21 calling, may state an opinion relevant to the material from
22 which that witness claims to be an expert. You should
23 consider an expert opinion as received in evidence like all
24 other evidence and give it what weight you believe it
25 deserves.

Jury charge

1 An expert's testimony is to be given no greater weight
2 than that of other witnesses simply because that person is
3 qualified as an expert.

4 Now, you 12 jurors have been selected as fair and
5 impartial jurors sworn to impartially try the facts of this
6 case, and you are to decide the case according to the
7 testimony and evidence received. However, you may only
8 consider that testimony that is properly before you.

9 Ladies and gentlemen, your verdict must be unanimous.

10 Mr. Foreman, when the jury agrees on the verdict you
11 will indicate your verdict in the space provided on the
12 verdict form that I will explain momentarily, sign your
13 name as the foreperson, knock on the jury room door and
14 inform the bailiff or the officer that you have received a
15 verdict at which time we will return the jury to the -- to
16 this courtroom to receive the verdict.

17 During deliberations you may only discuss this case in
18 the jury room with your fellow jurors because they have
19 seen and heard the same evidence you have seen and heard.

20 However, you must not discuss this case with anyone
21 outside of the jury room until a verdict is returned and
22 the case is ended.

23 Now, Mr. Foreman, what I mean specifically by that is
24 if a juror -- one of the 12 -- has to excuse themselves to
25 refresh themselves -- restroom, a smoke break, whatever it

Jury charge

1 might be -- jury deliberations must cease. It is only when
2 all 12 are together that jury deliberations can be had.

3 This is the verdict form of which I speak. My law
4 clerk makes this verdict form in every case. It has the
5 caption of the case, and it has a number, and that merely
6 means that it goes to this case.

7 It says we, the jury, unanimously find the defendant,
8 Christopher Blake Hallbrook, on the charge of criminal
9 sexual conduct with a minor in the first degree not guilty
10 or guilty.

11 I tell you there is no significance to whether not
12 guilty or guilty is first or second on the page. I simply
13 put them in this order. Necessarily, one of has to go
14 above the other. Okay. So not guilty, guilty. You may
15 put an X mark, a checkmark, an initial. It matters not to
16 me. I only ask that it be unambiguous -- must be
17 unambiguous. Clearly a decision by the jury.

18 Once that is done you are certifying that this
19 decision is the unanimous decision of the jury, and you
20 would sign as the foreperson and put the date over here in
21 the space provided.

22 Now, I'm getting ready to excuse all 13 of you to go
23 to the jury assembly room or -- are you going to take them
24 out or are you going to take them --

25 THE BAILIFF: Back there until you --

Jury charge

1 THE COURT: Until I send them out.

2 Okay. Getting ready to send you out. They're going
3 to divide you up because you're not going to begin your
4 deliberations until you get the evidence.

5 I practiced law in this courtroom and others across
6 this state for a long time before I came up here. It is so
7 very easy to be making a closing statement and pick up a
8 piece of evidence that belongs to you, walk back to the
9 table and lay it down and now it's missing.

10 Okay. We don't have that much in this case, but in
11 some cases we might have two or three hundred pieces of
12 evidence -- pictures. Maybe it's a murder scene or
13 something like that and we have pictures and so forth.

14 We don't have that much here, but I'm going to ask the
15 lawyers when you leave the courtroom to come over and talk
16 to my court reporter and make sure that everything is
17 there. When that happens and everybody agrees, the bailiff
18 is going to come and bring this piece of paper and that
19 evidence to the jury.

20 Sir, when he brings the evidence to the jury you will
21 return to the courtroom with the bailiff. Okay. They'll
22 take -- you're going to take them downstairs, okay, so they
23 can deliberate. You would return to my courtroom, and I'll
24 excuse you from here. It would not be proper for the
25 alternate to be with the 12 at that point.

1 Okay. All right. Mr. Foreman, you can take the jury
2 out and give us about two minutes.

3 (Whereupon, the jury retired to deliberate at
4 10:00 a.m.)

5 THE COURT: Anything from the state?

6 MS. BARRY: Nothing from the state, Your Honor.

7 THE COURT: From the defense?

8 MR. FILE: No.

9 THE COURT: Okay. If you will, make sure.

10 (Pause.)

11 THE COURT: We will all stay put. We have one juror
12 who has to use the elevator. Everybody just stay there.

13 (Pause.)

14 (Whereupon, the jury was taken through the courtroom to
15 the jury room.)

16 THE COURT: Sir, thank you for your service. Your
17 service is now ended in this matter. You're free to stay
18 or go. You're more than welcome to wait if you want to and
19 be part of the gallery out here somewhere. Thank you.

20 (Whereupon, the alternate juror was excused.)

21 THE COURT: We'll be in recess.

22 (Whereupon, a recess was taken.)

23 THE COURT: Ma'am, if you will, come right over here
24 where we can get your voice.

25 JUROR NO. 146: Where?

1 THE COURT: Right here. Yes, ma'am.

2 There's been some discussion about the question. The
3 statement that you made to the jury, is that the only
4 statement made regarding your husband or your father, the
5 children's father, and the defendant being in the county
6 together?

7 JUROR NO. 146: Yeah. He -- I just knew that he was
8 in the county about the same time because he's been in and
9 out of the county since 2018. He's actually in prison now
10 and has been since November of last year. But he was in
11 county pretty much all -- not all -- majority of 2020. And
12 almost six months out of 2019 he was in county.

13 THE COURT: Okay. But that was the only statement
14 that you made to the --

15 JUROR NO. 146: Yeah, right. Just that I -- I knew
16 that they would have been in county about the same time,
17 but, I mean, I didn't know who he was. I only made the
18 assumption, of course, after being here that they would
19 have been in the county.

20 THE COURT: Can you still be fair and impartial in
21 this trial?

22 JUROR NO. 146: Yes.

23 THE COURT: Anything from the state?

24 MS. LESKANIC: No, Your Honor. Thank you.

25 THE COURT: Anything from defense?

Verdict

1 MR. FILE: We're fine.

2 THE COURT: Thank you so very much. They'll escort
3 you back. Thank you.

4 Let's do this. Put your juror number, please on --
5 your number is?

6 JUROR NO. 146: 146.

7 THE COURT: 146. Let's see. I might have another.

8 Okay. You may rejoin. They'll take you back. Thank
9 you.

10 (Whereupon, the juror retired to deliberate at
11 12:05 p.m.)

12 THE COURT: Resume deliberations.

13 They want to see the video.

14 MS. BARRY: Want to see the video?

15 THE COURT: "Can we review the video provided as
16 evidence during our deliberations?"

17 We have to bring them back.

18 MS. BARRY: And watch it in here?

19 THE COURT: Yes, yeah. I don't like sending a
20 computer. I'm afraid something -- somebody will --

21 MS. BARRY: Right.

22 THE COURT: Yes. Okay. They want to review the
23 video. So we just need to bring the jury out.

24 Right.

25 MS. LESKANIC: They need to bring the exhibit with

verdict

1 them.

2 (Pause.)

3 (Whereupon, the jury returned to the courtroom at
4 12:10 p.m.)

5 (Whereupon, State's Exhibit No. 1 was replayed for the
6 jury.)

7 THE COURT: Mr. Foreman, anything else?

8 THE FOREMAN: No, Your Honor. Nothing, Your Honor.

9 THE COURT: Very good.

10 If you will, take the jury back out.

11 And resume your deliberations.

12 (Whereupon, the jury retired to deliberate at
13 12:51 p.m.)

14 THE COURT: Anything from the state?

15 MS. BARRY: Nothing from the state, Your Honor.

16 THE COURT: From the defense?

17 MR. FILE: Nothing.

18 THE COURT: Okay. We'll be in recess.

19 (Question from the jury marked Court's Exhibit No. 4;
20 question from the jury marked Court's Exhibit No. 5.)

21 (Whereupon, a recess was taken.)

22 THE COURT: We're ready.

23 (Whereupon, the jury returned to the courtroom at
24 1:42 p.m. to report its verdict.)

25 THE COURT: Before we begin I'm going to caution

Verdict

1 everyone that this is a court of law. There will be no
2 outburst in this courtroom, no celebrating, one way or the
3 other. So if you cannot abide by that, please leave now.

4 Okay. Mr. Foreman, has the jury reached its verdict?

5 THE FOREMAN: Yes, sir, Your Honor. We have.

6 THE COURT: If you would, hand that to the bailiff,
7 please.

8 Madam clerk will publish.

9 THE CLERK: The State of South Carolina vs.
10 Christopher Blake Hallbrook, Indictment 2020-GS-11-277, the
11 jury finds the defendant guilty.

12 THE COURT: Will you poll the jury for us, please,
13 ma'am?

14 THE CLERK: Yes, sir.

15 As I call your number if -- if this is your verdict
16 and still your verdict, please raise your right hand.

17 Okay. Juror No. 76, Juror No. 174, 100, 111, 120, 85,
18 94, 173, 153, 79 and 51.

19 (Juror No. 50 had previously been excused and replaced
20 with an alternate.)

21 THE COURT: Did we miss one?

22 THE CLERK: Apologize. What was your number? I'm
23 sorry.

24 THE JUROR: 146.

25 THE CLERK: 146. Sorry.

1 (Whereupon, all jurors responded in the affirmative.)

2 THE COURT: Thank you.

3 The foreman needs to sign the indictment.

4 Mr. Foreman, if you would meet madam clerk right over
5 here, you'll have to sign the indictment.

6 Any matters regarding the jury?

7 MS. BARRY: Nothing from the state, Your Honor.

8 THE COURT: From the defense? Mr. File, anything for
9 the jury?

10 MR. FILE: No, Your Honor.

11 THE COURT: Okay. Ladies and gentlemen, thank you
12 very much. That concludes your service on jury duty this
13 week, and we appreciate you so very much.

14 We are going to continue to work this afternoon and
15 tomorrow, but we do not require a jury. So you can join
16 the rest of your bothers and sisters in being off the rest
17 of the week. Again, thank you for your time.

18 If you would like to remain in the courtroom -- we're
19 going to get you out of the jury box, but if you would like
20 to remain in the courtroom, if you'll just please join --
21 social distance into the gallery back here.

22 And I think you need to collect their badges on the
23 way.

24 And madam clerk has your pay vouchers.

25 (Whereupon, the trial jury was excused.)

Sentence

1 THE COURT: Matters from the state?

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

3 THE COURT: For the defense?

4 MR. FILE: Judge, motion for a new trial considering
5 the evidence in the case.

6 THE COURT: Thank you.

7 Solicitor.

8 MS. BARRY: Your Honor, the jury came to a unanimous
9 decision based off everything that they heard. So the
10 state would ask for the motion to be denied.

11 THE COURT: Yes. The state -- the defense's motion
12 for a new trial is denied. There was evidence to go to the
13 jury, and it did go to the jury. And they have deliberated
14 and returned its verdict.

15 Anything else, Mr. File?

16 MR. FILE: No, Your Honor.

17 THE COURT: All right. Ready to go to sentencing?
18 Solicitor.

19 MS. BARRY: Your Honor, I spoke with the victim and
20 her family. Nobody wishes to address Your Honor as far as
21 sentencing.

22 You were the presiding judge at the trial. You have
23 heard all of the facts, and so the state will leave
24 sentencing in Your Honor's discretion.

25 THE COURT: Thank you.

1 Mr. File.

2 MR. FILE: Your Honor, he's 28 years old and never
3 been accused of a -- has a record of anything like this
4 before. He has been forthright with me in all of my
5 dealings with him, and I would ask Your Honor to consider
6 the minimum sentence you can give.

7 THE COURT: Sir, I'm happy to hear from you.

8 THE DEENDANT: All I've got to say is I didn't do what
9 I've been erroneously convicted of. I'm sorry that we had
10 to go through this and waste the Court's time.

11 THE COURT: Sir, you haven't wasted my time. I
12 carried a rifle for many years so you could have this day.
13 Do you understand?

14 THE DEENDANT: Yes, sir.

15 THE COURT: And I'm not the only one in here. There
16 are some others.

17 2020-GS-11-0277, you're confined to the Department of
18 Corrections for 30 years. Give you credit for the time
19 you're entitled. Best of luck to you.

20 END OF REQUESTED TRANSCRIPT OF RECORD

21

22

23

24

25

CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh 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 cause, relative to appeal, in the Court of General Sessions for Cherokee County, South Carolina, on the 29th and 30th days of June 2021 and the 1st day of July 2021.

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

November 15, 2021

s/Linda D. Moffitt

Linda D. Moffitt
Circuit Court Reporter

DOCKET NO. 20-CC-11-00217

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

2020 FEB 20 AM 10:58

BRANDY W. MCBEE

WITNESSES

Cherokee County Sheriff's Office

The State of South Carolina

County of Cherokee

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

February 20, 2020 TERM

ARREST WARRANT NUMBER

2019A1110100441

THE STATE

VS.

CHRISTOPHER BLAKE HALLBROOK

ACTION OF GRAND JURY

~~TRUE BILL~~
~~TRUE BILL~~

Indictment for

CRIMINAL SEXUAL CONDUCT
W/MINOR, FIRST DEGREE

SC Code: 16-03-655 (A) (1)
CDR Code: 385
Class: FEL/A

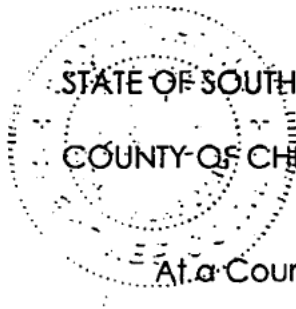
VERDICT

Guilty

A TRUE COPY
Brandy W. McBee
CLERK OF COURT
CHEROKEE COUNTY, S.C.

Shannie Davis
Foreperson of Grand Jury
Date:

Johnny L. Lister Jr.
Foreperson of Petit Jury
Date:



STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHEROKEE)

INDICTMENT

At a Court of General Sessions, convened on February 20, 2020, the
 Grand Jurors of Cherokee County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR, FIRST DEGREE

That Christopher Blake Hallbrook did in Cherokee County between January 1, 2016, and August 19, 2018, commit the crime of Criminal Sexual Conduct with a Minor, in that the defendant did engage in a sexual battery with a victim, Minor , who was less than eleven (11) years of age at the time of the said incident(s), in violation of §16-03-655 (A)(1), CODE OF LAWS OF SOUTH CAROLINA, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Adrienne Barry
 ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHEROKEE
 STATE VS.
Christopher Blake Hallbrook
 AKA: _____
 Race: WHITE Sex: M Age: 28
 DOB: 0-1992 SS#: _____
 Address: Mickey's Pl
 City/State/Zip: Clover, SC 29710
 DL#: _____ SID#: _____

INDICTMENT/CASE#: 2020GS1100277
 A/W#: 2019A1110100441
 Date of Offense: 1/1/2018
 S.C. Code §: 16-03-0655(A)(1); 16-03-0
 CDR Code #: 0385

SENTENCE SHEET

*CDL ☐ CMV ☐ Hazmat ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADS

TO: Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree (25 years- life)

in violation of § 16-03-0655(A)(1); 16-03-0 of the S.C. Code of Laws, bearing CDR Code # 0385
☐ 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: Adrienne Barry 101671 CR/CL Robin Clark SCB07843
 BARRY, ADRIENNE E. SC Bar# Defendant File, Robin Clark Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 30 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 SCDOC.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

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 (Public Def/Probation) \$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 \$ _____

3% to County (if paid in installments) \$ 3.75 \$ _____

TOTAL \$ 128.75

_____ 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: _____

TRUE COPY

CLERK OF COURT
 CHEROKEE COUNTY, S.C.

☐ Appointed PD or appointed other counsel,
 Proviso requires \$500 be paid to Clerk
 during probation and shall be collected before
 any other fees.

Clerk of Court/ Deputy Clerk Brandy McBe

Court Reporter: Brandy McBe

SCCA/217 (04/2018)

Presiding Judge A. Keith Kelly

Judge Code: 216

Sentence Date: 1 July 2021

CERTIFICATE OF COUNSEL FOR APPELLANT

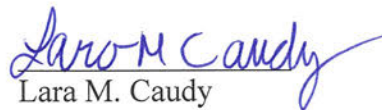
Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised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

Respectfully Submitted,

RECEIVED

May 20 2022

SC Court of Appeals



Lara M. Caudy
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 20th day of May, 2022