

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

February 24, 2015

To: Mr. Arthur Clarence Williams, GDC1000087115 H-C-46, River Bend Correctional Facility, 196 Laying Farm Road, S.E., Milledgeville, Georgia 31061

Case Number: _____ Lower Court: _____ County Superior Court _____

Court of Appeals Case Number and Style: _____

Your document(s) is (are) being returned for the following reason(s).

- There is no case pending in the Court of Appeals of Georgia under your name.**
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____
_____ The remittitur issued on _____
divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing. If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.**

Arthur Clarence Williams Sr Case # 2008-CR-745
G.D.C # 1000087115
River Bend Correctional Facility Dorm H-C Bed 46
196 Laying Farm Road SE
Milledgeville Georgia 31061

Date 2-18 2015

RECEIVED IN OFFICE
2015 FEB 23 PM 3:12
CLERK AND COURT ADMINISTRATOR
COURT OF APPEALS OF GA

To: Mr Stephen E. Castlen And The Appeal Courts

Clerk And Court Administrator: Stephen E. Castlen
The Court of Appeals
47 Trinity Avenue SW, Suite 501
Atlanta, Georgia 30334 (404)-656-3450

Dear Mr Stephen E Castlen
Before you is An Out Of Time Appeal Motion With A Copy Of Case #: 2008-CR-745 Trial Transcripts.
I the defendant Arthur Clarence Williams hope that the Appeal Courts Ponder Over The Information thats
before you and see The Error that has been Greatly made

Sincerely
Arthur C Williams

Arthur C Williams

Mary Jane Rootes
Mary Jane Rootes
NOTARY PUBLIC
Baldwin County, GEORGIA
My Commission Expires
10/23/2018

Out of Time Appeal Motion

Case # 2008-CR-745

Arthur Clarence Williams Sr.

G.D.C # 1000087115

TO: The Court of Appeals
 47 Trinity Avenue SW, Suite 501
 Atlanta, GA 30334
 Clerk And Court Administrator: Stephen E Castle

Out of Time Appeal

Come Now Pro Se Plaintiff, Arthur Clarence Williams Sr.

And makes his complaints that was made by Assistance of Counsel which was ineffective in the Superior Court of Columbia County Justice Center 630 Ronald Reagan Drive, Evans, Georgia.

By showing and stating as follows:

Cause of Action

I Plaintiff, Petitioner submits that he filed an out of Time Appeal Motion as a Complaint. Seeking relief from "Un Constitutional Incarceration asserting that defendant and or respondents, unlawful custody of him pursuant to void conviction and void illegal sentence entered, and imposed upon the (State) Court and frustrated by ineffective Assistance of Counsel. Without Plaintiff having been duly convicted, a matter that is prohibited by the Thirteen Amendment to the United States Constitution and Article 1 Section 1, Paragraph XXII Bill of Rights Provisions of the Georgia Constitution.

Further more Plaintiff Having Been Deprived of His Liberty without Due Process of Law, in violation of Plaintiff's rights afforded through the fifth and fourteenth Amendments, to the United States Constitution; Article 1, Section 1 Paragraph, Bill of Rights, Provisions of the Georgia Constitution and Having Been Deprived of His Sixth Amendment Right to Effective Assistance of Counsel

Plaintiff submits further cause for action in showing that the grounds and issues, that are before the appeal courts that could have been resolved based on facts that appear in the record in a timely manner, but has not been resolved. Firstly because of ineffective assistance of counsel not reasonably the issue in the trial court and or on direct appeal in a timely manner, consequently causing the plaintiff to raise the issues pro se for the first time in this out of time appeal that has been filed to the appeal courts to correct this void sentence that was made in the superior court of Columbia County Justice Center 630 Ronald Regan Drive, Evans Georgia 30809. However, submits secondly that because of the irregular, futile process from counsel whom, refused to rebut plaintiffs well founded claim of ineffective assistance of counsel. The fundamentally unfair " Evidentiary hearing that was from the motion of new trial.

InSufficient Evidence

There was corroborated evidence that wasn't established and need be revid. Chamber V. state, 141 Ga App.4. 233 S. E.2d 818, revid on grounds, 240 Ga. 76, 239 SE2d 324 (1977), later appeal, 146 Ga. App. 126 245 SE2d 467 (1978).

1) On Page 95 of Volume I of III Monday, June 15, 2009 Trial Transcripts Mr Fogus Ass D.A was interviewing Ms Kimberly Lee a Child Enrichment at the child Advocacy Center who's a director of forensic interviewing. On line 20 of Page 95 of Volume I of III Monday, June 15 2009 Trial Transcripts, Mr Fogus asked Ms Kimberly Lee, did the victim (Sadē Garcia) tell any one about the crime that happened. Ms Kimberly Lee stated, the victim (Sadē Garcia) also stated yes to the response of Ms Kimberly Lee's question. Also on line 16-17 of Page 95 Trial Transcripts the victim (Sadē Garcia) told Ms Kimberly Lee that when she (Sadē) told her brother (Jose) about such events her brother (Jose) didn't believe her. The victim (Sadē Garcia) also stated that the events that the defendant (Arthur Clarence Williams sr) did such events, and it happened In the Bath Room.

Now Mr Forgus stated on Page 168 on line 9-13 of Volume I of III Trial Transcripts and quote, "Victim says and with corroborated by the other person that was interviewed, (Jose) these things took place. All these took place to her Sadé Garcia In the Bath Room according to the Ass D.A Mr Forgus who claim its evidence beyond reasonable doubt. From the statement that was stated by the victims brother Jose.

On Page 99 of Volume I of III Trial Transcripts on line 17-25 Ms Kimberly Lee interviewed (Jose) the victims brother and such quoted statement were used for evidence which is in Index Trial Transcripts, and on The Television Testimony. (Jose) talked to Ms Kimberly Lee about the Bath Room Incident but (He) (Jose) never saw anything happened. Now Mr Forgus Statement on Page 100 of Volume I of III Trial Transcripts, (Jose) talked about going in to the Bath Room and on line 19 of page 99 Transcripts Jose quoted from Ms Kimberly Lee's questions that she gave the victim (Sadé Garcia) stating that both said the same thing kind of what the victim said about walking in the Bath Room and his dad the defendant making him (Jose) go out of The Bath Room and maybe go into the living Room. Mr Forgus also stated on Page 100 Trial Transcripts from line 7-10 that He (Jose) never saw anything but He Remembered.

Question What is it that the victims brother remember? What is it that the victim Sadé said about the Bath Room Incident? What is it that the Ass D.A Mr Forgus claimed it was corroborated evidence include the victims statement that was beyond reasonable doubt to Convict the defendant on the counts of, Aggravated Child Molestation, Incest and Child Molestation including Rape.

On Page 101 of Volume I of III Trial Transcripts The defendant's Lawyer Hugu Hadden cross examined Ms Kimberly Lee. On line 16-25 on Page 101 of Volume I of III Trial Transcripts, line 16 Mr Hugu Hadden asked Ms Kimberly Lee as she recalled being told by the victim (Sadé Garcia) that she (Sadé) and her brother (Jose) would sneak around and watch her Parents Mother (Heather Lynn Williams) and Step Father which is the defendant (Arthur Clarence Williams Sr) have sexual relations.

On line 19 of Volume I of III Trial Transcripts Ms Kimberly Lee stated to defendant's Lawyer that she do remember that. On line 20-23 defendant's Lawyer (Hugu Hadden) stated and quote "And she the victim (Sadé) told you (Ms Kimberly Lee) also that (Jose) would have seen the father the (defendant) trying to stick his penis in the back side of the private part, and you recall she told you that. Mr Hadden replied, that Jose would see it on line 24 on Page 101 Volume I of III Trial Transcripts Ms Kimberly Lee states and quote "that was the Bath Room Incident. From the video statements and Trial Transcripts

Such evidence was shown that sexual relations only happened between the Mother (Heather Lynn Williams) and the defendant (Arthur Clarence Williams Sr)

Thus Mr Forcus evidence never established proof beyond reasonable doubt of Rape, Incest, Aggravated Child molestation had occurred from such corroborated evidence from the Bath Room Incident which makes this Insufficient Corroborated evidence that never proved evidence beyond reasonable doubt to prove the elements of such crime.

In order for a sentence to be clear, unambiguous and above reasonable question as to intent.
 Tuip V state. 217 Ga App. 603 458 SE2d 375 (1995)

Constructive Denial of Counsel

United States V. Cronin 466 U.S. 648, 104 S.Ct 2039, 2047 80 L Ed 657 (1984)

Huge Hadden entirely failed subject the prosecution through out the whole proceeding, on the multiple counts of Aggravated Child Molestation, Incest and Rape, only Child Molestation was established beyond reasonable doubt. I the defendant Arthur Clarence Williams in G.D.C # 100008715, wrote my very own statement admitting to Inv Brandon Thacker and also to my Counsel Huge Hadden. I the defendant stated how the victim Sadē Garcia would sit on my lap grind on me (Cloths own) and how I would get a hard on, I the defendant also admitted the time the victim watch (error) the time the victim unzip my pants and Watch me ejaculate which showed beyond reasonable doubt of a bent mind of my lustful desires. I the defendant never had oral sex with the victim nor I never stated in any written statement that I have written stating at any time we had oral or physical sex. According to the statement the victim made to Child Advocacy, Ms Kimberly Lee on Page 91 of Trial Transcripts. I will show you the proof that support my claim of Innocences.

Mr Forcus asked Ms Kimberly Lee did the victim see anything, well on line 14-18 Ms Kimberly Lee quoted, I asked her the victim (Sadē) to describe what a penis was, what it look like, (I) Ms Kimberly Lee stated that she believe she said it was (Big and oval). Ms Kimberly Lee also asked the victim (Sadē) at one time did anything come out of the penis and the victim (Sadē) said yes "Goey Sticky stuff came out of the defendants penis. I the defendant told my lawyer Huge Hadden that I have a birthmark on the head of my penis and according to the off and on events from two to four years that was claimed and noticed "Goey sticky stuff" by sucking my penis how is it that the victim (Sadē Garcia) never noticed the (Birth Mark) on the head of my penis Hammond Tree V. State, 283 Ga App. 736, 642 SE2d 412 (2007).

The defendant explained to his counsel about his Birth Mark and wanted to use corroborated evidence from the Jail nurse or out side doctor to confirm that my claims of such Birth Mark is true and the evidence that the defendant was accused of (oral sex) would've brought questions to counts of Aggravated Child Molestation, Incest and Rape.

Instead the defendant's lawyer based his argument on the closer of the courtroom. *Hunt v. State* 268 Ga. App 568 (2004). O.C.G.A 17-8-54 states that when any person under the age of 16 is testifying concerning any sexual offense the court shall clear the courtroom of all persons except parties to the cause and their immediate family or guardians, attorney and their secretaries, officers of the court, victims assistance coordinator, victims advocates and such other victim assistance personnel as provided for by code section 15-18-14.2.

Whether or not my lawyer was or wasn't aware of this its harmful error at its greatest by my counsel, who tried to overrule and established unconstitutional law which is void judgement *Cooper v. Public Fin. Corp.* 144 Ga App. 572, 241 S.E.2d 839 (1978).

7-8-54 confirms that its allowed to have a close court because the victim (Sadie) was under the age of 16

2. Plea Bargain

Judge Hadden had the defendant to believe that on my first offense of child molestation that I had to do a mandatory 20 year sentence. According to O.C.G.A title 16-6-4(A) A person convicted of a first offense of child molestation shall be punished by imprisonment for no less than 5 years no more than 20 years upon the first offense or should I say first conviction.

Only a 20 year sentence becomes mandatory if the defendant has been charged and convicted of the second offense of child molestation.

Thus By the state never proving beyond reasonable doubt that any acts such as Aggravated Child Molestation, Incest, Rape never came out of the foundation of child molestation at any time and how my lawyer argument that was based on the closer of the courtroom and not about the innocences I've stated to him

+ shows that my counsel never use adequate defense services for the defendant. His guidelines never ensured me the defendant a fair trial and he never provided fair and adequate defense to the defendant Arthur C. Williams. The defendant stated that he never wanted to go to trial knowing that the statement he wrote to Inv Brandon Thacker and All he told his lawyer because of the faults I admitted to.

But there was conflict between my lawyer and I the defendant who had me to believe that going to trial was no other choice to fight the counts of Aggravated Child Molestation, Incest, Rape and Child Molestation

Certificate of Service

This is to certify that I have this day served a true and correct copy of within and foregoing Out of Time Appeal upon the party or parties listed below by depositing a copy of same in the United States mail in a properly addressed envelope with adequate postage thereon to ensure that it reaches its destination

This the 18th day of Feb 2015

Arthur Clarence Williams

Name

196 Laying Farm Road

Address

Milledgeville Georgia 30061

City, State, Zip Code

1st Arthur C. Williams

Pro se

Address UPon: Clerk And Court Administrator: Stephen E. Castlen
The Court of Appeals
477 Trinity Avenue SW, Suite 501
Atlanta Georgia 30334

Sworn and subscribed before me this 18 day of February 2015

Notary Public:

Name: Mary Jane Rootes

Signature: Mary Jane Rootes

My Commission Expires: 10-23-2018

seal)

Mary Jane Rootes
NOTARY PUBLIC
Rowan County, GEORGIA
My Commission Expires
10/23/2018

Being accused of one of the serious violent felonies and being guilty by evidence beyond reasonable doubt of a serious violent felony shall be sentenced to a mandatory term of imprisonment of not less than ten years and shall be excused shall not be eligible for first offenders treatment According to the Sentence Reform Act of 1994 as it is quoted, and I agree if one is truly guilty, but this Motion that's before the Appeal Courts with a copy of my Trial Transcripts and Information I've given to the best of my knowledge, according to O.C.G.A. Statute, quoted Cases and Amendments of Constitution Including Georgia laws such sentence and including that the defendant Arthur Clarence Williams is under the first offenders shows that harmful error is made in this case.

I pray that the Appeal Courts see my complaint and agree that this sentence is harsh and correct such void judgement, thus I've admitted my faults and what honestly happened.

If you're pondering why? why did I the defendant Arthur Clarence Williams committed the lesser charge which is Child Molestation by Masturbating in front of my stepdaughter Sedé Garcia. Well not to make any excuses nor to blame any one of my pass, (however) my second grade Teacher use to fondle with me and I would get an arouse, but we never had oral sex nor physical sex at any time. She would always say that she was teaching me sex education once she discovered the play Boy Pages I use to sneak from home from my Daddy's Books, I also admit that we both agreed that it's our little secret. I was never scared because at a young age I liked it and I clearly understood what was going on. Also As I got older I stole my father's Book called Karma Sutra and that's all I studied. Well back to the incident I explained in this Motion that I admitted to, I felt really bad about such incident and I didn't want to hold it in any much longer and I'll admit ever since the truth came out so much weight came off my shoulders and Succubus finally left me, she was a big strong female who was orange, green and light blue who would force me to have sex with her which at times I would wet the bed because I couldn't move nor wake up until she was finish. which also explains the reason why I was at East Central Regional Hospital at 3805 Adgett Hwy Augusta GA 30906 After of an overdose of Pills and trying to commit suicide, even at an adult age even while in prison I've wet the bed because of it. However Facing and Fighting such demon excuse me evil spirit took admitting my faults and work on self and be aware of my weakness and my strengths and try by all means to be a better person the best way I can. All my life I had special Education and I will admit I'm slow in a lot of areas but I make no excuses for it I'm just telling you the truth and given you the real Arthur Clarence Williams. If your Pondering will I do such crime again the answer to that is no and how can I assure that, well one thing I can and will say about me and that's I never make the same mistakes twice and how I've been treated and all I went through from such charge while being accused of other counts I honestly never committed not only put ever-lasting fear in me but also to respect the law by all means

1 MR. FOGUS: Your Honor, this case--Mr. Hadden is
2 correct there are 24 counts in this indictment. However,
3 all we have to prove is that 24 counts occurred beyond a
4 reasonable doubt within the statute of limitations.
5 They're not necessarily set on a certain date. I believe
6 there's sufficient evidence to let it go to a jury right
7 at the moment on that fact. Not only that, there's in
8 every indicted count there is a criminal intent in those
9 and also lesser included. But there is enough evidence
10 at this time to--for the jury to find, especially when the
11 victim says and with corroboration by the other person
12 that was interviewed, Jose, these things took place. All
13 these took place to her. Some took place in South--in
14 Georgia. Some took place in South Carolina. Some took
15 place in Columbia County. Some took place in Richmond
16 County. I think there is sufficient evidence to argue
17 that all of these occurred within that statute of
18 limitations.

19 MR. HADDEN: We would point out with the way this
20 indictment's drafted that the location is the, in essence,
21 the essential element that defines the counts as to each
22 grouping. The indictment is grouped such that there are
23 six counts for each location, and counts one through six
24 apply to Hardy Drive; seven through twelve apply to Spring
25 Street; thirteen through nineteen apply to Pauline Street;

1 had said anything about what was going on with her?

2 A. Yes. He had said that his sister had come to him and
3 said that his dad was touching her, but she--he didn't believe
4 her at the time.

5 Q. And he said he didn't believe her why?

6 A. I can't remember why he said that. But I did ask
7 her, you know--ask him, I'm sorry, about like her demeanor,
8 what did she look like. And I believe he said that she may
9 have been upset or crying or something when he told her that.

10 Q. Do you remember what word he used to describe what
11 she had said?

12 A. No.

13 Q. That will be on the video, though; right?

14 A. Yes, it will be.

15 Q. Now, did he describe anything--did Jose say anything
16 about a bathroom?

17 A. He did talk about the bathroom.

18 Q. What was that about?

19 A. He had said that--the same thing kind of what Sade
20 had said about him walking in the bathroom and his dad making
21 him go out of the bathroom and maybe go into the living room.
22 But he didn't say that he saw what happened. He just--

23 Q. So there's no--there's no allegations--I just want to
24 be clear--no allegations that the defendant has done anything
25 to Jose?

1 A. No, and he--

2 Q. There's no--I'm not saying there is any. I'm not
3 making those allegations.

4 A. No.

5 Q. But he didn't--he didn't say he ever saw anything
6 done to Sade by the defendant?

7 A. You're correct. He didn't say he saw it, but he did
8 remember--

9 Q. The bathroom.

10 A. --the bathroom incident.

11 MR FOGUS: Nothing further at this time, Your Honor.

12 THE COURT: Cross-examination.

13 CROSS-EXAMINATION

14 BY MR. HADDEN:

15 Q. You said on the tape that Sade told you that Diablo
16 had molested her when she was in the third grade and that he
17 was thirteen, now fourteen?

18 A. Well, at the time of the interview she said he was
19 fourteen years old, but at the time of the incident he was
20 thirteen.

21 Q. All right. So he'd been thirteen?

22 A. At the time of the--

23 Q. Time of the incident?

24 A. Yes.

25 Q. And that incident would have been in what period of

1 time prior to the interview?

2 A. I guess maybe within a year. I'm not sure. Because
3 I don't know Diablo; he was not a part of our original
4 allegation.

5 Q. You didn't follow up on that?

6 A. I did follow up on the allegation.

7 Q. I mean, she told you it happened six times. Do you
8 remember that?

9 A. I do. And I asked questions and follow-up questions
10 just like I did when she was talking about Mr. Williams.

11 Q. And it was your understanding that was within a year
12 before the interview?

13 A. Give or take, since she said he was fourteen now--

14 Q. Give or take--

15 A. --and he was thirteen at the incident.

16 Q. Now, do you recall being told by Sade that she and
17 Jose would sneak--sneak around and watch their parents having
18 sexual relations?

19 A. I do remember her saying that, yes.

20 Q. And she told you also that Jose would have seen the
21 father trying to stick his penis in private parts of the
22 backside; do you recall she told you that, that Jose would see
23 it?

24 A. That was the bathroom incident.

25 Q. Okay. But she said it since South Carolina through

1 A. Um-huh [yes]. Well, she has a--part of the time she
2 had a three-year-old brother. She said that sometimes her
3 three-year-old brother would come into her room, but he was so
4 young she doesn't think that he knew what was going on. But in
5 the bathroom, her brother, Jose, who was nine at the time,
6 walked--may have walked into the bathroom and may have saw
7 something happening, but she wasn't sure if he actually saw,
8 you know, the act taking place.

9 Q. Now, when you are asking children about sexual
10 contact between an adult and a child, kids language, how does
11 she describe some other sexual terms, if she did? I mean, did
12 she describe anything else with kids terms as we would--you
13 would understand to be something else?

14 A. Um-huh [yes]. Well, I asked her to describe--because
15 she used the word penis. So I asked her to describe what a
16 penis was, what it looked like. I believe she said it was big,
17 oval. And I asked her at one time what did--if anything came
18 out of his penis, and she said yes some gooey sticky stuff.

19 Q. Did you say about what time--how old she was when
20 that occurred?

21 A. I don't remember if she did. I just--I do remember
22 that she said it started when she was in the third grade.

23 Q. Do you recall--would it be on video?

24 A. Yes, it would be.

25 Q. Do you have any notes or anything?

Grovetown Department of Public Safety

306 East Robinson Ave.
Grovetown Ga. 30813
(706)863-1212
Email psafety@bellsouth.net

STATEMENT:

DATE: 5-14-2008 TIME: 14:15 LOCATION: Grovetown DPS

When Heather and I were from Grovetown In 2006
Sodie and I was in the front room at SC Bett's Arcady
She always want to sit in my lap when I start drinking
I would just sit there and she would grind on me
and I would get a hard on.

She would unzip my pants and play with my part.
I was drunk, I don't care about anything when I'm drinking.
Times I black out in the front room with no cloths on
And was thinking how did I get there.

Times I wake up Sodie is right beside me.

Also when she ~~pulls~~ ^{AC} ~~me~~ unzip my pants.

She ~~that~~ ^{AC} would play with me to watch me ejaculate.
That's when all this happen. In 2006 I remember it well I had
two half pints of moon shine

1 would occur or who would be around or what--how they occurred?

2 A. She--like I said, she said that the first time nobody
3 was at home. Mom and her two brothers were--they were gone or
4 it would be at night. She didn't say anybody would be around
5 besides maybe her little brother, who was maybe two, three at
6 the time, would come into the room. She did say that when her
7 brother, little brother, was in the bed with her nothing would
8 happen. He wouldn't do anything. So she would like for him to
9 stay in the bed with her.

10 Q. Did she tell--say whether or not she told Jose about
11 this or told anyone--let me back up.

12 A. Um-huh [yes].

13 Q. Did you ask her if she told anyone else about this?

14 A. Yes.

15 Q. And who--what was her answer?

16 A. She said she told her brother Jose about what
17 happened, but he didn't believe her.

18 Q. Did she tell you that?

19 A. Yes.

20 Q. And did she tell you--in that conversation about
21 Jose, did she ever say Jose saw this or walked--never saw any
22 of this, this molestation?

23 A. She said that he had walked into the bathroom, but
24 she wasn't sure if he had seen what happened. But her--like I
25 said, she referred to him as her dad. Her dad kind of rushed

1 MR. FOGUS: Your Honor, this case--Mr. Hadden is
2 correct there are 24 counts in this indictment. However,
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1 had said anything about what was going on with her?

2 A. Yes. He had said that his sister had come to him and
3 said that his dad was touching her, but she--he didn't believe
4 her at the time.

5 Q. And he said he didn't believe her why?

6 A. I can't remember why he said that. But I did ask
7 her, you know--ask him, I'm sorry, about like her demeanor,
8 what did she look like. And I believe he said that she may
9 have been upset or crying or something when he told her that.

10 Q. Do you remember what word he used to describe what
11 she had said?

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13 Q. That will be on the video, though; right?

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15 Q. Now, did he describe anything--did Jose say anything
16 about a bathroom?

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She would unzip my pants and play with my part.
I was drunk, I don't care about anything when I'm drinking.
Times I black out in the front room with no clothes on
And was thinking how did I get there
Times I woke up Sade is right beside me.
Also when she pull ^{AC} ~~me~~ unzip my pants,
she ~~pull~~ ^{AC} would play with me to watch me ejaculate.
That's when all this happen In 2006 I remember it well I had
two half pints of moon shine

1 would occur or who would be around or what--how they occurred?

2 A. She--like I said, she said that the first time nobody
3 was at home. Mom and her two brothers were--they were gone or
4 it would be at night. She didn't say anybody would be around
5 besides maybe her little brother, who was maybe two, three at
6 the time, would come into the room. She did say that when her
7 brother, little brother, was in the bed with her nothing would
8 happen. He wouldn't do anything. So she would like for him to
9 stay in the bed with her.

10 Q. Did she tell--say whether or not she told Jose about
11 this or told anyone--let me back up.

12 A. Um-huh [yes].

13 Q. Did you ask her if she told anyone else about this?

14 A. Yes.

15 Q. And who--what was her answer?

16 A. She said she told her brother Jose about what
17 happened, but he didn't believe her.

18 Q. Did she tell you that?

19 A. Yes.

20 Q. And did she tell you--in that conversation about
21 Jose, did she ever say Jose saw this or walked--never saw any
22 of this, this molestation?

23 A. She said that he had walked into the bathroom, but
24 she wasn't sure if he had seen what happened. But her--like I
25 said, she referred to him as her dad. Her dad kind of rushed

1 MR. FOGUS: Your Honor, this case--Mr. Hadden is
2 correct there are 24 counts in this indictment. However,
3 all we have to prove is that 24 counts occurred beyond a
4 reasonable doubt within the statute of limitations.
5 They're not necessarily set on a certain date. I believe
6 there's sufficient evidence to let it go to a jury right
7 at the moment on that fact. Not only that, there's in
8 every indicted count there is a criminal intent in those
9 and also lesser included. But there is enough evidence
10 at this time to--for the jury to find, especially when the
11 victim says and with corroboration by the other person
12 that was interviewed, Jose, these things took place. All
13 these took place to her. Some took place in South--in
14 Georgia. Some took place in South Carolina. Some took
15 place in Columbia County. Some took place in Richmond
16 County. I think there is sufficient evidence to argue
17 that all of these occurred within that statute of
18 limitations.

19 MR. HADDEN: We would point out with the way this
20 indictment's drafted that the location is the, in essence,
21 the essential element that defines the counts as to each
22 grouping. The indictment is grouped such that there are
23 six counts for each location, and counts one through six
24 apply to Hardy Drive; seven through twelve apply to Spring
25 Street; thirteen through nineteen apply to Pauline Street;

Grovetown Department of Public Safety

306 East Robinson Ave.
Grovetown Ga. 30813
(706)863-1212
Email psafety@bellsouth.net

STATEMENT:

DATE: 5-14-2008 TIME: 14:15 LOCATION: Grovetown DPS

When Heather and I move from Grovetown In 2006
Sodie and I was in the front room at SC Bett's Academy
She always want to sit in my lap when I start drinking
I would just sit there and she would grind on me
and I would get a hard on.
She would unzip my pants and play with my part.
I was drunk, I don't care about anything when I'm drinking.
Times I black out in the front room with no clothes on
And was thinking how did I get there.
Times I woke up Sodie is right beside me.
Also when she pull ^{AC} ~~me~~ ^{me} in zip my pants.
She ^{AC} ~~me~~ would play with me to watch me ejaculate.
That's when all this happen In 2006 I remember it well I had
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PAGE # ___ OF ___

STATE'S
EXHIBIT

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