

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

STATE OF GEORGIA) CRIMINAL ACTION
) FILE NO: 18-9-04076
vs.)
)
BRIAN SCOTT WILLIAMS,)
)
DEFENDANT.)

NON-NEGOTIATED PLEA
BEFORE THE HONORABLE C. LATAIN KELL, SR.
SUPERIOR COURT JUDGE
COBB JUDICIAL CIRCUIT
AUGUST 29, 2019

APPEARANCES:

ANDREW MICHAEL HEALY, ASSISTANT DISTRICT ATTORNEY
COBB COUNTY, GEORGIA

FOR THE STATE

L. DAVID WOLFE, ESQUIRE

FOR THE DEFENDANT

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1	<u>INDEX TO EXAMINATION</u>	
2		<u>PAGE NO.</u>
3	WITNESSES FOR THE STATE	
4	JADE GRINDLEY	
5	DIRECT EXAMINATION BY ASSISTANT D.A. HEALY	21
6	LAURA GRINDLEY	
7	DIRECT EXAMINATION BY ASSISTANT D.A. HEALY	24
8	GEORGE GRINDLEY	
9	DIRECT EXAMINATION BY ASSISTANT D.A. HEALY	29
10	WITNESSES FOR THE DEFENSE	
11	CLAYTON HEIM	
12	DIRECT EXAMINATION BY MR. WOLFE	34
13	CROSS-EXAMINATION BY ASSISTANT D.A. HEALY	38
14	REDIRECT EXAMINATION BY MR. WOLFE	39
15	LAWRENCE GREVSTAD	
16	DIRECT EXAMINATION BY MR. WOLFE	40
17	CROSS-EXAMINATION BY ASSISTANT D.A. HEALY	44
18	REDIRECT EXAMINATION BY MR. WOLFE	44
19	AUSTIN HARRIS	
20	DIRECT EXAMINATION BY MR. WOLFE	46
21	CROSS-EXAMINATION BY ASSISTANT D.A. HEALY	51
22	JAMES LEE POWELL	
23	DIRECT EXAMINATION BY MR. WOLFE	52
24	CROSS-EXAMINATION BY ASSISTANT D.A. HEALY	63
25	REDIRECT EXAMINATION BY MR. WOLFE	69

1	<u>INDEX TO EXAMINATION</u> (CONTINUED)	
2		<u>PAGE NO.</u>
3	WITNESSES FOR THE DEFENSE	
4	JAMIE DICKSON	
5	DIRECT EXAMINATION BY MR. WOLFE	71
6	CROSS-EXAMINATION BY ASSISTANT D.A. HEALY	89
7	REDIRECT EXAMINATION BY MR. WOLFE	97
8	RECROSS-EXAMINATION BY ASSISTANT D.A. HEALY	99
9	STATEMENT BY THE DEFENDANT	112
10	SENTENCING OF THE COURT	114
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 * * *

2 ASSISTANT D.A. HEALY: Mr. Wolfe is outside signing

3 up Brian Williams for the non-negotiated plea.

4 THE COURT: Very good.

5 * * *

6 THE COURT: Does anybody need to make an

7 announcement?

8 MR. WOLFE: Good morning.

9 THE COURT: Good morning, Mr. Wolfe, how are you?

10 MR. WOLFE: Good, Judge. We're signing up, also.

11 THE COURT: Okay. Very good. What's your client's

12 name?

13 MR. WOLFE: Brian Williams.

14 I don't mind falling at the end of the hit parade.

15 THE COURT: Yeah, you may. But that's fine, just get

16 him signed up and get the paperwork back to Ms. Johnson

17 and we'll take care of you.

18 * * *

19 THE COURT: As I said a few minutes ago, I really

20 appreciate everyone's patience on days like these. We've

21 never exactly know how long everything is going to go

22 take. I told my wife that I would be finished by

23 1 o'clock today. So I was really optimistic, and I am.

24 But that's okay, that's what we are here for.

25 I think -- are you all ready?

1 ASSISTANT D.A. HEALY: We are ready, Judge.

2 THE COURT: Very good. Thank you.

3 All right. Mr. Williams, if you would please place
4 your left hand on the Bible that's in front of you and
5 slide it close to you if you need to. Then raise your
6 right hand and I'll ask Mr. Healy to swear you in.

7 BRIAN SCOTT WILLIAMS,
8 having been first duly sworn, was examined and testified as
9 follows:

10 THE DEFENDANT: I do.

11 THE COURT: Thank you. You can put your hand down.

12 ASSISTANT D.A. HEALY: Judge, we are here today on
13 Mr. Williams' case. He's charged in Indictment 18-4076
14 with six counts. Five counts of sexual exploitation of
15 children, and one possession of marijuana count.

16 He is pleading to Counts 1 through 5. We are
17 dismissing Count 6 pursuant to plea negotiations. Those
18 counts will be merged for purposes of sentencing. It is a
19 non-negotiated plea as far as the length of time in
20 custody of the defendant. And I'll go through kind of the
21 ins and outs of that a little bit later.

22 But the factual basis, Judge, is that in this
23 particular case there is a known victim, a known person
24 that is shown in the pictures. Her name now is Jade
25 Grindley, G-R-I-N-D-L-E-Y, at that point identifying as

1 Josh.

2 Jade is 20 years old. Born in August of 1999. This
3 was a case that started in March of 2017 when Jade was
4 meeting with a therapist and disclosed what I'm about to
5 go into, Judge, which led to a DFCS referral which led to
6 a police investigation.

7 Jade disclosed and over the course of this
8 investigation talked about meeting this defendant in a
9 singing group. They did different types of choral singing
10 as well as barbershop quartet groups, and had met the
11 defendant through there when she was about 14. They spent
12 time together. They would go on trips out of town, out of
13 state, as well. And the defendant offered to take Jade,
14 take Jade's brother. And would be in a hotel room out of
15 state with Jade.

16 And the grooming process started when she was 14.
17 She would ask -- or the defendant would ask weird
18 questions related to sexual things, talk to the victim
19 about his sex life. Talk and ask him or ask her about
20 masturbation, if she did it. How she did it. Encouraging
21 her to do it. Talking about people that this defendant
22 had dated or had sex with. And supplying this child with
23 alcohol on the hotels in these trips on the car sometimes
24 at the hotel here in Georgia, as well.

25 There was a particular time that the victim was

1 uncomfortable when they were playing ping-pong and had his
2 shirt off and the defendant took a picture of it. The
3 defendant told the victim that he lost 50 pounds and
4 attributed it to liking the way that the victim looked
5 shirtless.

6 On one of these trips, he showed the victim a sex toy
7 that he said he used when he was out of town. The victim
8 as 14 at that time. That was at a hotel in Alabama. On
9 one of those trips, I think it was a trip to Alabama, when
10 the victim was 14, asked if the victim wanted to cuddle
11 with him in bed. The victim said no, citing that the
12 defendant had always talked about sleeping naked. At that
13 point the victim left the room. And when the victim
14 returned, the defendant told the victim he had tried to
15 masturbate in the meantime, but could not.

16 It was very common for this defendant to show the
17 victim pornography. That happened more than once. It
18 started when the victim was 14. He offered the victim a
19 thumb drive of pornography citing, this is stuff that
20 like.

21 Some of the stuff that the victim was shown was gay
22 pornography. The victim remembers seeing a video of what
23 the victim believed to be 15-year-old men masturbating --
24 15-year-old children.

25 MR. WOLFE: Well, the individual -- first of all, I

1 don't think this is a factual basis for the offenses that
2 he's pleading to, but I'm not going there. I'm just
3 saying the law enforcement officer in this case said that
4 the images that he observed in the computer, he could not
5 say whether the people were under the age of 18.

6 So I'm saying some of the things that are being said
7 here are a little beyond the pale. But I'm not objecting
8 to all of it, Judge, because it goes to where we
9 eventually end up. But I think it's critical in that
10 regard.

11 THE COURT: I understand. Overruled. Counsel, you
12 can continue.

13 ASSISTANT D.A. HEALY: So the reason that the
14 defendant gave for doing these things was that he was
15 bored in his marriage, that this may be one of his last
16 chances to experiment with guys. And he asked at one
17 point, the victim, to give the victim oral sex. The
18 victim said no. And on that particular evening the victim
19 went upstairs and the defendant was walking around outside
20 of the room, naked.

21 In the disclosure to the therapist, the time period
22 was consistent, that these things were happening when the
23 victim was 14 and 15 years old, the time line. And
24 basically the defendant would talk to this child about how
25 he was bored in his marriage and wanted to have fun again,

1 to experiment.

2 During the course of this investigation, they
3 searched one of the defendant's computers and found
4 pictures of the victim in what looked to be hotel
5 bathrooms. I have, Judge, and I've shown this to opposing
6 counsel, what I'm marking as State's Exhibit 1. These are
7 images that the -- the indicted images, other images of
8 the victim taken from that same camera, as well as
9 pornographic images that were found on the defendant's
10 computer.

11 I'm going to tender this. The defense has seen it,
12 and give Your Honor an opportunity to look at it on a
13 laptop not connected to the internet during the course of
14 this plea.

15 MR. WOLFE: I have no objections to the items being
16 admitted. With regard to two of the photographs that I
17 think are the subject of two of the counts of the
18 indictment, you said you -- they seem to be the same. So
19 you are only proceeding on one of those counts?

20 ASSISTANT D.A. HEALY: Well, we are merging these
21 counts for one purpose. You will be sentencing on one
22 particular count. So no issue as to that for the
23 consideration for Your Honor.

24 THE COURT: Thank you.

25 ASSISTANT D.A. HEALY: These pictures you are going

1 to see show the victim while the victim is in the
2 bathroom, in the shower. It shows the genitals of the
3 victim. There were other pictures of gay pornography in
4 websites highlighting young males.

5 The detective with High Tech also did a search of
6 some search terms that were found on the defendant's
7 computer, which would include "PJK," which was identified
8 as being preteen or prepubescent boys, as well as "LSM,"
9 which corresponds with underage girls.

10 When the defendant was interviewed as part of this
11 investigation, the defendant admitted to being aware of
12 those pictures of the victim, knowing that he had those.
13 Said they were from hotel rooms. Said that he used a
14 surveillance camera that looked like a clock that was
15 placed in the bathrooms. And when asked why in the world
16 he put this surveillance video in the bathroom, he said he
17 did not know.

18 That's the factual basis. The victim is here with
19 the victim's family. When we move on to the sentencing
20 portion, they would like to be heard. But as far as
21 what's in front of Your Honor is that for what he's being
22 sentenced for under 17-10-6.2, the sentencing parameters
23 are up to 20 years. And generally there's a minimum of
24 five years in custody with a requirement that there be a
25 split sentence.

1 We are agreeing for purposes of the non-negotiated
2 plea that Your Honor can deviate from that five years by
3 agreement. As far as the conditions of probation, I
4 believe we are negotiated as to the sex offender
5 conditions of probation; a drug and alcohol evaluation,
6 any treatment recommended; no drugs or alcohol while on
7 probation; no contact with the victim or the family; this
8 will require the defendant to register as a sex offender.

9 The State will be asking for a sentence of 20, to do
10 seven. And I said that the defense could ask for
11 something other than the five.

12 THE COURT: All right. Anything else from the State?

13 ASSISTANT D.A. HEALY: Not at this time, Judge.

14 THE COURT: All right. Mr. Wolfe, I'll let you --
15 just so everybody knows, what I want to do is I'll get the
16 sentence -- sorry, I'll get the plea entered. Then we
17 will take any other evidence that you want me to review or
18 hear. And then I'll do sentencing.

19 So, first of all, there anything you want to add, Mr.
20 Wolfe, to what will the State has said in regards to that?

21 MR. WOLFE: Well, first of all, I would like to share
22 with the Court that the images that were discovered on Mr.
23 Williams' computer of Jade who at that time was a young
24 man named Josh. Okay?

25 THE COURT: Uh-huh.

1 MR. WOLFE: Were -- had been deleted from the
2 computer and were inaccessible to him but through forensic
3 technology they were discovered as to having been on the
4 computer.

5 THE COURT: Uh-huh.

6 MR. WOLFE: I think that's important to share with
7 you. When they went in and searched and found the things
8 that they did, the items that are the subject of this had
9 been deleted previously, sometime previously. And he
10 didn't have access to them.

11 With regard to some of the allegations that have been
12 made with regard to things that may have occurred between
13 the two of them, we certainly do not agree with all of
14 them, number one.

15 Number two, Mr. Healy indicated that, then Josh,
16 Jade, was asked to perform oral sex on Mr. Williams. And
17 I believe that the discussion was the other way around.
18 Would you mind? And when the person said, no, Josh/Jade,
19 nothing more came of it. There was no coercion. There
20 was no force. And the matter was left as it was.

21 So I think those things are important. Those items
22 were discovered on his computer. And at the time some of
23 the conduct that seems to be most critical to the
24 allegations being made by the State occurred, Josh was
25 16 years old. Which is over the age of consent.

1 You know that it's difficult in these types of cases
2 to discuss these sorts of things. But I think it's
3 important to point that out to you. Because had Mr.
4 Williams been within four years of his age, what he's
5 pleading guilty to would be a misdemeanor. So it is the
6 age disparity that is critical to this case socially, if
7 you understand what I mean in our community.

8 But I do think it's important that the timing of some
9 of these things was after Josh, then, was 16 years of age.
10 So, you know, this is always a difficult thing. But we
11 are here before the Court to enter our plea. And we will
12 offer information with regard to why these things may have
13 occurred and what has been done over the past two years to
14 address those things when we have our opportunity to
15 present evidence to the Court.

16 THE COURT: Very good. All right. Thank you, sir.

17 So we will get the plea entered first. And then I'll
18 hear all of that other evidence.

19 So Mr. Williams, you understand that in order to
20 enter the plea you basically have to give up certain
21 rights, correct?

22 THE DEFENDANT: Yes.

23 THE COURT: I'm going to go over those rights with
24 you now and ask you some questions about them, but I just
25 want to make certain you understand the full extent of the

1 rights you are giving up if you enter the plea. So listen
2 carefully and respond to my questions.

3 First, are you able to hear and understand my
4 statements and questions?

5 THE DEFENDANT: Yes.

6 THE COURT: Are you now under the influence of any
7 alcohol, drugs, narcotics or pills of any kind?

8 THE DEFENDANT: No.

9 THE COURT: How old are you, sir?

10 THE DEFENDANT: 59.

11 THE COURT: How far have you gone in school?

12 THE DEFENDANT: Bachelors degree.

13 THE COURT: Good. And I assume that means you can
14 read and write the English language?

15 THE DEFENDANT: Yes.

16 THE COURT: Have you ever been in a mental
17 institution or under the care of a psychiatrist or a
18 psychologist?

19 THE DEFENDANT: No. I have been since this started.

20 THE COURT: Evaluations after that occurred, since
21 that time?

22 THE DEFENDANT: Yes.

23 THE COURT: I'll just ask the question anyway.

24 As we stand here today, are you suffering from my
25 kind of disability or disorder that would prevent you from

1 understanding what we are doing in this courtroom today?

2 THE DEFENDANT: No.

3 THE COURT: Very good. Are you a United States
4 citizen?

5 THE DEFENDANT: I am.

6 THE COURT: Have you had the opportunity to speak
7 with and have you spoken with your attorney about this
8 case?

9 THE DEFENDANT: Yes.

10 THE COURT: Is Mr. Wolfe your attorney?

11 THE DEFENDANT: Yes.

12 THE COURT: Is this plea of guilty made upon your own
13 free decision and choice after discussing it with your
14 attorney?

15 THE DEFENDANT: Yes.

16 THE COURT: Has your attorney discussed with you how
17 this plea could impact your eligibility for parole?

18 THE DEFENDANT: Yes.

19 THE COURT: Are you satisfied with the services your
20 attorney has rendered on your behalf?

21 THE DEFENDANT: Yes.

22 THE COURT: And do you authorize and instruct your
23 attorney to enter a plea of guilty on your behalf?

24 THE DEFENDANT: Yes.

25 THE COURT: Do you understand what you are charged

1 with in this case?

2 THE DEFENDANT: I do.

3 THE COURT: Do you understand that upon your plea of
4 guilty, you could be imprisoned for a maximum of up to
5 20 years and a fine of up to \$100,000 could be levied on
6 you?

7 THE DEFENDANT: Yes.

8 THE COURT: Do you understand you can either plead
9 guilty or not guilty to the charges?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you understand that a prior
12 conviction, including a plea of guilty which you are now
13 entering, may be used against you in a future sentence
14 determination if you should ever again plead guilty or be
15 found guilty of another crime?

16 THE DEFENDANT: Yes.

17 THE COURT: Has anyone made any promise or threat to
18 you in order to influence you to plead guilty?

19 THE DEFENDANT: No.

20 THE COURT: Do you understand that by pleading not
21 guilty or by remaining silent and entering no plea at all,
22 you would automatically obtain a jury trial?

23 THE DEFENDANT: Yes.

24 THE COURT: I'm going to go over with you now some
25 additional constitutional rights that you have. So please

1 listen carefully to those, and at the end I will ask you
2 to respond.

3 Do you understand that you may plead not guilty to
4 the offense with which you have been charged, and that if
5 you should choose to plead not guilty, the Constitution
6 guarantees you the following rights: The right to a
7 speedy and public trial by jury; the right to see, hear
8 and cross-examine all witnesses called to testify against
9 you; the right to use the power and process of the Court
10 to compel the production of any evidence, including the
11 attendance of any witnesses in your favor; the right to
12 have the assistance of an attorney at all stages of the
13 proceedings; that you do not have to testify against
14 yourself or incriminate yourself, and that you are
15 presumed innocent; that you have the right to make the
16 State prove your guilt beyond a reasonable doubt as to
17 every essential element of the crimes charged; and that
18 you have the right to testify and offer other evidence in
19 your own behalf? Do you understand all of those rights?

20 THE DEFENDANT: Yes, I do.

21 THE COURT: Do you understand that you will be giving
22 up those rights and the other rights that I have gone over
23 with you by entering this plea?

24 THE DEFENDANT: Yes.

25 THE COURT: And do you wish to waive your right to a

1 jury trial so that you can complete this plea today?

2 THE DEFENDANT: Yes.

3 THE COURT: How do you plead to the charges, guilty
4 or not guilty?

5 THE DEFENDANT: Guilty.

6 THE COURT: Are you, in fact, guilty?

7 THE DEFENDANT: Yes.

8 THE COURT: Do you acknowledge that there is a
9 factual basis to support the plea?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you understand that even though this
12 is -- well, this is not a negotiated plea. But do you
13 understand that recommendations will be made by both sides
14 with respect to what the sentence ought to be entered, and
15 that I'm not bound by any of those recommendations in
16 entering the sentence in this case?

17 THE DEFENDANT: Yes.

18 THE COURT: Have you ever been issued a Georgia
19 weapons carry license or a concealed carry permit?

20 THE DEFENDANT: No.

21 THE COURT: And have these questions that I have just
22 gone over with you previously been read and explained to
23 you by your attorney?

24 THE DEFENDANT: Yes.

25 THE COURT: Thank you.

1 Mr. Wolfe, has the defendant been informed of his
2 rights and have those rights been explained to him?

3 MR. WOLFE: Yes, sir.

4 THE COURT: And does he understand the consequences
5 of the guilty plea?

6 MR. WOLFE: Yes, sir.

7 THE COURT: Thank you.

8 Mr. Williams, based upon your responses to my
9 questions and my observations of you here in the
10 courtroom, I do find that your plea is being freely,
11 knowingly and voluntarily entered. I find that it's
12 entered without undue influence, compulsion or duress and
13 without promise of leniency.

14 And based on all of those findings, I will allow you
15 to enter it as a written guilty plea on the court records.

16 ASSISTANT D.A. HEALY: The plea has been entered,
17 Judge.

18 THE COURT: Thank you.

19 At this time I will allow the State to present any
20 evidence that it wants to present in aggravation.

21 Mr. Wolfe, you and your client can both be seated at
22 the table, and we will take up that evidence.

23 ASSISTANT D.A. HEALY: Judge, what the State has by
24 way of exhibits. One is State's Exhibit 1, I have brought
25 up that on the computer which I can hand up to the bench.

1 THE COURT: Yes.

2 ASSISTANT D.A. HEALY: The other one is State's
3 Exhibit 2, which I have shown to opposing counsel, it's a
4 letter from grandfather of the victim.

5 THE COURT: You want to just bring that around here?
6 Thank you.

7 ASSISTANT D.A. HEALY: So the first witness we would
8 call would be Jade.

9 THE COURT: Do you want me to review State's
10 Exhibit 1 before you call up the witness?

11 ASSISTANT D.A. HEALY: Yeah. It's only maybe 10 or
12 12 pictures of -- I think that can be done quickly.

13 THE COURT: Okay. All right. Give us just a moment.
14 Then I will let you call up the witness.

15 The record will reflect that I'm reviewing this
16 evidence on a computer that has been supplied to me by the
17 State.

18 You may call your witness.

19 ASSISTANT D.A. HEALY: The State calls Jade.

20 THE COURT: All right. If you will come on up. Come
21 around. If you will pass where the bailiff is standing
22 over there. And then come up to the seat closest to me,
23 please. And then we will get you sworn in.

24 Before you are seated, if you would please place your
25 left hand on the Bible that's there. Raise your right

1 hand. And I will ask the Clerk to swear you in.

2 JADE GRINDLEY,

3 having been first duly sworn, was examined and testified
4 as follows:

5 THE WITNESS: I do.

6 THE COURT: Thank you. You can be seated.

7 And then once you get your chair adjusted there, if
8 you would just please adjust that microphone so that it's
9 comfortable for you. Thank you.

10 All right, Mr. Healy.

11 DIRECT EXAMINATION

12 BY ASSISTANT D.A. HEALY:

13 Q. If you would, state your name and spell it for the
14 court reporter, please.

15 A. Jade Grindley.

16 Q. And how do you spell your last name?

17 A. G-R-I-N-D-L-E-Y.

18 Q. And you prepared a statement that you would like to
19 tell the Court about how this crime has affected you, correct?

20 A. Yes.

21 Q. I will ask you to read that at this time.

22 A. I am here today to testify, not because I want to, but
23 because I feel like it's my responsibility to the community.
24 If I stay silent and what happened to me happened to another
25 child, I could never forgive myself for not speaking up and

1 doing my part. That is why I am here today.

2 I am not and will never be the innocent person that I
3 was before I knew Brian. Over the course of three years, he
4 groomed me to trust and care for him by telling me
5 inappropriate sexual stories and by giving me access to things
6 I couldn't get otherwise, like porn and alcohol.

7 It started when I was 14. And I didn't know what was
8 and wasn't normal for adults to talk to kids about. I didn't
9 know people could be capable of such vile and selfish things.
10 So I assumed that he had my best interest at heart. He did
11 not. Over time he got bolder and took more risks like taking
12 pictures of me with hidden cameras in hotels, and even asking
13 me to engage sexually with him.

14 Every day is a fight to define who I am instead of
15 letting my past define me. I am afraid of most all middle-aged
16 white men that I encounter, and panic whenever they do nice
17 things for me and I don't see an obvious motive because I
18 assume that I am being groomed by them.

19 I don't feel safe anymore wherever I am. And I am not
20 sure that that is ever going to change. I didn't ask for this
21 to happen to me. And I certainly didn't want it to. What I do
22 ask for is justice for the man that destroyed my childhood. I
23 believe the world will be a much safer place with him in jail
24 for as long as possible. Thank you.

25 THE COURT: Thank you.

1 Q. (By Assistant D.A. Healy) Jade, you did hear the
2 State's recommendation in this case. Is that the
3 recommendation that you agree with, as far as what we talked
4 about, the 20 years, to serve seven?

5 A. Yes.

6 ASSISTANT D.A. HEALY: That is all I have, Judge.

7 THE COURT: Mr. Wolfe, do you have any questions for
8 this witness?

9 MR. WOLFE: No. Thank you, Judge.

10 THE COURT: Thank you very much. I appreciate it.
11 You may call your next witness.

12 ASSISTANT D.A. HEALY: The next witness I have is
13 Laura Grindley.

14 THE COURT: All right. If you will come on for me,
15 please. Thank you. Just over where the gentleman is
16 standing there and up to the seat closest to me, please.

17 Just set those things down. And place your left hand
18 on the Bible. And raise your right hand for me, please.
19 The Clerk will swear you in.

20 LAURA GRINDLEY,
21 having been first duly sworn, was examined and testified as
22 follows:

23 THE WITNESS: I do.

24 THE COURT: Thank you. You can be seated. Once you
25 are seated, if you will please adjust the microphone so it

1 is comfortable for you. Thank you.

2 DIRECT EXAMINATION

3 BY ASSISTANT D.A. HEALY:

4 Q. Could you state your name and spell it for the Court
5 Reporter?

6 A. Yes. Laura Grindley, G-R-I-N-D-L-E-Y.

7 Q. Okay. And have you also prepared a statement to the
8 Judge about how this crime has affected you?

9 A. I have.

10 Q. Okay. I would ask you to read that at this time.

11 A. Judge Kell, I am here to try to explain how our family
12 has been affected by the inappropriate interaction Brian
13 Williams had with our youngest, Joshua, beginning roughly six
14 years ago when our child was 14. When I remember the initial
15 motivation for our youngest two of four children to join and
16 take chorus in roughly 2013, we had musical sons with limited
17 programs options as home-schoolers.

18 Our youngest, the victim, was a talented young
19 pianist, pursuing a rigorous course of classical piano,
20 interested in vocal harmony, a Boy Scout, along with his two
21 older brothers, and a strong student.

22 My father drove to Marietta for a weekly male choral
23 program and was willing, even eager, to share his passion for
24 four-part harmony with his grandchildren. It felt like the
25 perfect match.

1 Drew and Josh embraced the musical experience and
2 interests shown in their abilities by the men in the chorus.
3 Looking back, I realized I should have been suspicious of
4 Brian's interest in my sons. Naiveté in this area is one of my
5 largest life regrets.

6 Brian and his high school son attended chorus and
7 reached out in 2014 to form a quartet with Drew and Josh. They
8 went on to compete well at the district level. I appreciated
9 Brian's musical talent and willingness to train our sons in the
10 barbershop. I thanked Brian often for his patience in working
11 with them.

12 It wasn't until after the awful call of March 8th,
13 2017, from the victim's therapist notifying us that she had
14 called DFCS on our behalf that the horrible truth came crushing
15 in. I learned about sexual grooming, and was horrified to
16 understand that Brian had worked our family for years to
17 develop the relationship he had with our child, and we
18 unwittingly played into his hands.

19 Brian had mentored our child, making him think he was
20 someone he could help and teach, undermining our role as
21 parents. He even built a relationship with George and me,
22 manipulating us to think he was trustworthy. He engaged our
23 child as a budding adolescent with initial positive
24 opportunities that quickly moved towards sexual violation.

25 He threatened our child when he tried to back away

1 from time with him. There was suddenly an awful explanation
2 for our child's symptoms we had observed over the prior year.
3 Withdrawal, self-harm, anorexia, depression, inability to focus
4 on school work, later learning of his extreme anxiety, frequent
5 periods of dissociation, et cetera, we learned slowly the
6 horrible truth, that Brian had offered our child vile videos,
7 language and pornography, lost 50 pounds telling our child it
8 was for him, shared inappropriate details with our child about
9 his sexual relationship with his wife, and his own childhood
10 exposure to sexual acts, serving our child alcohol as early as
11 14, and denied it to George's face when confronted. In
12 response, we asked our child to write a note of apology to
13 Brian for lying about him.

14 He exposed his nude self to our child and made sexual
15 advances -- I am sorry. Unknowingly to our child, he took nude
16 photos with a hidden camera from the bathroom in a hotel, we --
17 and more that I won't list, we don't know and our child, the
18 victim, may not be able to recall.

19 All my life I dreamed of being a mother. My highest
20 privilege was to have a family with the end goal to have
21 children with the character and skill set necessary to equip
22 them for life's challenges, enabling them to have fulfilling
23 lives as giving, serving members of society.

24 Brian's inappropriate actions have left our youngest
25 in an unhealthy and even unsafe state that is a huge grief. I

1 hesitate to tell someone else's story, but from my view as his
2 mom, my child struggles with fears, routine nightmares of ever
3 seeing Brian again, what will this court date do? My child
4 looks forward to knowing Brian is in jail and off the street,
5 where the victim currently fears seeing him unexpectedly.

6 My child lacks trust in other people and the ability
7 to evaluate the character and motivation of others. He
8 struggles to complete the final high school course at age 20.
9 Is unable to pursue the level of musical education that was
10 begun. The victim was accepted into Georgia State's musical
11 program to continue classical jazz piano. These plans are on
12 hold with day to day struggles.

13 My child relies on regular therapy visits with the
14 same psychiatrist who was the first to hear stories of abuse
15 over three years ago to help navigate life safely. My child
16 self-medicates to get through some days, is uncomfortable in
17 social situations and around family.

18 I've wrestled harder than I want to believe to
19 acknowledge that the fun-loving Brian who we thought we knew
20 was secretly so horribly inappropriate with my child. Today I
21 worry for his safety as he is determined to figure out life on
22 his own.

23 Brian should have to pay for his inappropriate acts in
24 a manner commensurate with the law of the land. I don't like
25 knowing how Brian's family will suffer from years he spends

1 behind bars. I also can't stand the thought of Brian ever
2 being able to do this damage to someone else.

3 I don't feel able to determine the appropriate payment
4 Brian is due, entrusting the Court to the uphold justice.
5 Meanwhile, I hope and pray that my child is able to heal
6 emotionally, mentally, physically and even spiritually from the
7 harm done to him by Brian.

8 Thank you.

9 THE COURT: Thank you. Do you have any other
10 questions?

11 ASSISTANT D.A. HEALY: I don't have any questions.

12 THE COURT: Mr. Wolfe, do you have any questions for
13 this witness?

14 MR. WOLFE: No, Judge.

15 THE COURT: Ma'am, thank you. You may step down.
16 Do you have any additional witnesses?

17 ASSISTANT D.A. HEALY: One more witness, Judge.
18 George Grindley.

19 THE COURT: Sir, if you will come around where the
20 bailiff is standing, and he will direct you to the witness
21 stand.

22 Sir, if you will please place your left hand on the
23 Bible, and raise your right hand. Thank you.

24 GEORGE GRINDLEY,
25 having been first duly sworn, was examined and testified as

1 follows:

2 THE WITNESS: I do.

3 THE COURT: Thank you. You can be seated. And then
4 if you will please adjust the microphone. Thank you, sir.

5 DIRECT EXAMINATION

6 BY ASSISTANT D.A. HEALY:

7 Q. Sir, if you would state your name for the Court.

8 A. George Grindley.

9 Q. Okay. And you also prepared a statement that you
10 would like the Judge to hear?

11 A. I have.

12 Q. Okay. If you will read that now.

13 A. Judge Kell, the purpose of this letter is simply to
14 emphasize how Brian Williams' betrayal has impacted me. Being
15 a father has been one of my height honors. And in light of our
16 purpose here, is one of my biggest devastations. Having lost
17 my own father at age 14, I was determined to be a positive
18 force in our children's lives, and in other children's lives
19 whenever the opportunity presented itself.

20 After college I was a big brother, big sister -- I was
21 a big brother in a big brother big sister organization while
22 serving in the -- and while serving in the Georgia State house,
23 I was a long time board member for the center of children and
24 young adults.

25 I became an assistant Scout master for 11 years to

1 help shepherd my children in the difficult transition into
2 adulthood. My decision to join the big chicken chorus was also
3 driven by the desire poured into my child's lives with rich
4 experiences while encouraging their passions.

5 Brian Williams seemed to take an immediate interest in
6 both of my children, starting when Josh was 14 and Drew was 15.
7 He even initiated a barbershop quartet that consisted of my two
8 children with him and his son. In my eagerness to allow my
9 kids to follow their interests, I blindly allowed them to
10 accept Brian's offer to share hotel rooms with Brian and his
11 son.

12 Looking back, I can see that I took the easy road by
13 allowing someone else that I thought I could trust to have
14 inappropriate access to my children. This dereliction of my
15 fatherly duties will continue to haunt me all the days of my
16 life and will be considered one of my biggest failures as a
17 father.

18 I was there to protect other needy children, but I
19 failed my own by handing them over to a child predator. I am
20 now forced to deal with the consequences of my actions. And I
21 remain confident that our legal system will allow Brian to face
22 his own consequences with the appropriate measure of justice.

23 Thanks for hearing me.

24 THE COURT: Any other questions?

25 ASSISTANT D.A. HEALY: No other questions.

1 THE COURT: Mr. Wolfe, do you have any questions?

2 MR. WOLFE: No questions. Thank you.

3 THE COURT: Sir, thank you very much. You may step
4 down.

5 ASSISTANT D.A. HEALY: No more witnesses, Judge.
6 Just two things.

7 THE COURT: Yes.

8 ASSISTANT D.A. HEALY: I know there are other people
9 in the courtroom that are not speaking today but are here
10 on behalf of Jade. So if you are here on behalf of Jade,
11 if you would just stand up.

12 Thank you.

13 THE COURT: Thank you very much.

14 ASSISTANT D.A. HEALY: And a point of clarification,
15 Judge, I didn't make at the time because it was the
16 factual basis for the counts he's pleading to. But the
17 most egregious things that the victim disclosed did not
18 happen when the victim was 16. The incident with the
19 Alabama hotel room and offering him a sex toy and asking
20 him to cuddle in bed with him and things like that
21 happened when the victim was 14, or 14 and a half.

22 The incident about asking him for oral sex or the
23 proposition of oral sex happened when the victim was about
24 14 or 15. The victim was able to give specific details
25 which were able to be matched up with dates and times,

1 things like that as far as different singing competitions
2 they were going to, and it matched up with that.

3 When I said that in the DFCS referral it was
4 consistent, these time periods are consistent. But that
5 these things happened before the victim ever turned 16.
6 Certainly there was contact after 16 that would have been
7 inappropriate between a normal 60-year-old and a
8 16-year-old. Certainly that continued up until the time
9 this was disclosed.

10 But those most egregious acts happened when the
11 victim was under 16 years old.

12 With that, Judge, that is all the State has.

13 THE COURT: Thank you.

14 Mr. Wolfe, at this time you can call any witnesses
15 you would like to call.

16 MR. WOLFE: Thank you, Judge.

17 THE COURT: Yes, sir.

18 MR. WOLFE: Well, I don't want to get into too much
19 detail and back and forth with regard to the factual
20 basis. Because we truly stipulate that there is a factual
21 basis for the offenses with which Ryan is charged.

22 THE COURT: Yes, sir.

23 MR. WOLFE: Okay?

24 THE COURT: I understand.

25 MR. WOLFE: I watched all of the videos last night of

1 Josh. And the timing doesn't comport with what's being
2 said. But the bottom line is, you know, we are not
3 charged with those offenses and we are moving forward with
4 this plea to accept responsibility and to, you know, share
5 with the Court what we are doing and what may have
6 precipitated what had went on.

7 THE COURT: Yes, sir. Thank you.

8 MR. WOLFE: First of all, Judge, if the Court is
9 going to hear with regard to the family, I would
10 appreciate it, these are friends and family members of Mr.
11 Williams. His wife Brenda is here. And these other
12 fellows are friends that have known him since 1992 and
13 forward.

14 I'm going to call some of them to testify. And then
15 I'm going to have Dr. Dickson and Powell speak to the
16 Court with regard to some of these things.

17 THE COURT: Thank you, sir.

18 Thank you folks for being here. I appreciate it.

19 MR. WOLFE: I think the first person that I will call
20 to share information with you, Judge, would be Clay Heim,
21 please.

22 THE COURT: All right. Mr. Heim, if you would come
23 across the courtroom where the gentleman is standing
24 there. And he will direct you to the witness stand.

25 Thank you.

1 If you would please place your left hand on the
2 Bible. And raise your right hand. The Clerk will swear
3 you in.

4 CLAYTON HEIM,
5 having been first duly sworn, was examined and testified as
6 follows:

7 THE WITNESS: I do.

8 THE COURT: Thank you, sir. You can be seated. If
9 you would please adjust the microphone so it's comfortable
10 for you. Thank you.

11 DIRECT EXAMINATION

12 BY MR. WOLFE:

13 Q. Good afternoon. Would you state your name for the
14 Court, please.

15 A. Sure. Clayton Heim.

16 Q. And, Mr. Heim, what do you do a living?

17 A. I'm an engineer, electrical engineer.

18 Q. Okay. And how do you know Brian Williams?

19 A. Brian and I have both been very involved in barbershop
20 singing since 1992 when he moved to Atlanta and joined the Big
21 Chicken Chorus where I was musical director at the time.

22 Q. And how long did you remain musical director after
23 1992?

24 A. I think it was 2005. I left the chorus. And we
25 started a new chorus that Brian was also a part of since 2006.

1 Q. And would it be fair for me to understand that there
2 is a vocal project, so to speak, that has different subparts to
3 it?

4 A. Yes. So, like the Big Chicken Chorus, we have the
5 Atlanta Local Project, which is a similar barbershop entity, a
6 chorus. And within that chorus, there are performing groups
7 that are quartets, of four guys.

8 Q. Okay. So would it be fair for me to understand that
9 you have been with the project in whichever entity from '92 to
10 perhaps currently?

11 A. Correct. I have been a director of the chorus that
12 Brian has been involved with since 1992.

13 Q. And as the director, are there other people in the
14 chorus that are in administrative positions or that perhaps
15 head different groups of different age groups, different
16 singing groups and that sort of thing?

17 A. Sure. So I have been the musical director. But we
18 also have lots of people that function in other capacities of
19 the music team who will lead a section. Like the base section,
20 for example. We have assistant directors, people that will do
21 digital work and do choreography.

22 And then that's a whole separate arm of the chorus
23 that's administrative. So we have a president, multiple vice
24 presidents, and lots of other functions to make sure things run
25 like they are supposed to.

1 Q. And are these people accessible to the participants in
2 the project or the choruses, generally?

3 A. Yes. They are in rehearsal every week. And those
4 roles are all published on our website. And we make sure
5 everyone knows who does what so they know where to go if they
6 have a question.

7 Q. And if anyone has a complaint, are you available to
8 hear them and to address them, if necessary?

9 A. Sure.

10 Q. Okay. Now, Brian has been with the chorus from '92 to
11 around 2017, correct?

12 A. Uh-huh.

13 Q. And would it be fair to say that give or take each
14 year, there's about 100 people in all of the collective groups?

15 A. Well, again, it's two different choruses. It's Big
16 Chicken Chorus through 2005. And then Atlanta Vocal Project
17 after that. Big Chicken Chorus at their peak was 120 or so
18 people. It's been as small as probably 40 over the years.
19 Atlanta Vocal Project has been roughly 30 to 40 folks since we
20 started in 2005.

21 Q. Okay. And different age groups?

22 A. Oh, yeah. I mean, I think at one point we had
23 14 years to 84 years.

24 Q. Okay. And is my understanding correct that you have
25 observed and worked with Brian working with the people over the

1 years in the group?

2 A. Yes. Brian has been since -- pretty soon after he
3 moved to Atlanta, he was involved in the leadership, both
4 administratively and musically, of the Big Chicken Chorus and
5 when we started Atlanta Vocal Project. He's been consistently
6 involved in leadership.

7 Q. All right. And other than the circumstances that
8 you've -- do you know what Brian is charged with?

9 A. I do.

10 Q. Okay. And than the circumstances surrounding his
11 involvement with Jade Grindley, are you aware of any other
12 complaints or allegations against Brian Williams?

13 A. No. Nothing even remotely like that.

14 Q. Okay. And it was in 2017 that Brian left the group
15 when these allegations were made, correct?

16 A. Correct.

17 Q. Do you have children?

18 A. I do.

19 Q. Does your family have a social relationship with
20 Brian's family?

21 A. Yes, somewhat. Our daughters -- my kids are about the
22 same ages of Brian's. Our daughters know each other. Our sons
23 have been friends on and off especially when they both sang
24 with the chorus.

25 Q. And how old were your sons when they were with the

1 chorus?

2 A. My son joined when he was 14, I think. And my
3 daughter has been an active barbershop girl since she was 14.

4 Q. Have either of them ever worked with Brian in the
5 chorus?

6 A. Camden, my son would have, yeah, in Brian's leadership
7 capacity and different roles where Brian ran different things
8 my son has been a part of, yeah.

9 Q. All right. And are you -- why are you here to speak
10 on Brian's behalf today?

11 A. Just -- I think it's my duty as someone who has been
12 good friends with Brian and known him for such a long time to
13 come and speak on his behalf and say what I know, and let that
14 be a factor in the result. Again, my association with Brian
15 has been, like a lot of people, has been only positive and he's
16 had a lot of impact on a lot of people because of all the
17 positive work he's been able to do in these groups.

18 MR. WOLFE: Okay. Thank you very much.

19 THE COURT: Thank you. Mr. Healy, do you have any
20 questions? One moment, sir. Mr. Healy gets a chance to
21 ask some questions also.

22 ASSISTANT D.A. HEALY: Just briefly.

23 CROSS-EXAMINATION

24 BY ASSISTANT D.A. HEALY:

25 Q. It's fair to say that there were parts of his life

1 that you did not know about?

2 A. Yes.

3 Q. Okay. And, you know, I understand what you are saying
4 that your experience has always been good. But these things
5 that you are hearing, those are clearly negative things and
6 things that people should be concerned about, correct?

7 A. Yes.

8 ASSISTANT D.A. HEALY: Okay. No further questions,
9 Judge.

10 THE COURT: Anything else, Mr. Wolfe?

11 REDIRECT EXAMINATION

12 BY MR. WOLFE:

13 Q. But to reiterate, you've never heard any allegations
14 similar to this in any regard prior to the circumstances
15 surrounding Jade?

16 A. That's correct.

17 MR. WOLFE: Thank you, sir.

18 THE COURT: Thank you, sir. You may step down.
19 You may call your next witness.

20 MR. WOLFE: Thank you, Judge.

21 THE COURT: Yes, sir.

22 MR. WOLFE: I would call Lawrence Grevstad.

23 THE COURT: All right. If you would come across the
24 courtroom, please, and over to where the bailiff is
25 standing.

1 Sir, if you would, yeah, please place your left hand
2 on the Bible. And raise your right hand. Thank you.

3 LAWRENCE GREVSTAD,
4 having been first duly sworn, was examined and testified as
5 follows:

6 THE WITNESS: I do.

7 THE COURT: Thank you. You can be seated. And if
8 you would, please adjust the microphone so it's
9 comfortable. Thank you.

10 DIRECT EXAMINATION

11 BY MR. WOLFE:

12 Q. Hello, Mr. Grevstad.

13 A. Yes, sir.

14 Q. How are you today?

15 A. I'm good.

16 Q. Good. What do you do for a living, sir?

17 A. I'm a high school teacher.

18 Q. And what grades do you teach?

19 A. Nine through 12th.

20 Q. And how --

21 THE COURT: Can I get him to state his full name and
22 spell it --

23 MR. WOLFE: Beg your pardon.

24 Q. (By Mr. Wolfe) Please state your full name.

25 A. Carlos Lawrence Johannes Grevstad.

1 Q. G-R-E-V-S-T-A-D?

2 A. Correct.

3 THE COURT: Thank you.

4 MR. WOLFE: Do you want him to spell out the other
5 ones?

6 THE COURT: No, sir. That's fine.

7 Q. (By Mr. Wolfe) How do you know Brian Williams?

8 A. I met Brian about 14 years ago. I joined the Atlanta
9 Vocal Project. And he was one of the members and one of the
10 leadership in there. And I immediately recognized his ability
11 and talent and the good works he was doing. Within a couple of
12 years he and I sang in the quartet. And pretty much for the 10
13 years after that, we sang in many quartets together.

14 Q. Now, when you first saw him and began interacting with
15 him, did you observe him working or helping with any younger
16 members of the group?

17 A. Brian helped anyone and everyone that he could. He's
18 very passionate about barbershop singing. And he wants
19 everyone that's possible that would like to be a part of it to
20 improve and be a part of it.

21 Q. Did you all become family friends where you interacted
22 with each away from the chorus?

23 A. Yes.

24 Q. And do you have children?

25 A. No, sir.

1 Q. And in your interactions with him at the chorus, did
2 you ever hold an administrative or a higher position with the
3 group?

4 A. For the Atlanta Vocal Project, I was an assistant
5 director. And I'm currently the director of the Big Chicken
6 Chorus, and have been for the last seven years.

7 Q. And I'll ask you a similar question to what I have
8 asked our previous witness. And in your capacity or in any
9 capacity with the chorus or with the project, for that matter,
10 have you ever heard, other than the circumstances surrounding
11 this case, anything disparaging about Brian Williams?

12 A. No, sir.

13 Q. And would you agree with the testimony that we heard
14 just a few moments ago by Mr. Heim that there is ample
15 opportunity for such complaints and information to be shared
16 with people at the chorus or the project, were there a problem?

17 A. Yes, sir. I agree.

18 Q. Okay. Do you know Jade?

19 A. Yes, sir.

20 Q. And did you know Jade back when she began
21 participating in the chorus?

22 A. Yes, sir. I was the director at that time.

23 Q. Okay. And did you ever have any conversations with
24 her at the time or interact with her with regard to her
25 participation in those sorts of things?

1 A. Can you rephrase the question?

2 Q. Sure. I mean, did you have an opportunity to watch

3 her interact --

4 A. Yes.

5 Q. -- and develop with the group?

6 A. Yes, sir.

7 Q. And was she an outgoing, energetic part of the group?

8 A. Yes, sir.

9 Q. And she enjoyed the performing that you all worked on

10 there?

11 A. Yes, sir.

12 Q. Okay. Do you know what -- did you know prior to today

13 what Brian had been accused of?

14 A. Yes, sir.

15 Q. And yet you still came to testify in his behalf; why

16 is that?

17 A. So, whatever Brian has done, we don't agree with it,

18 we don't condone. But that can't erase a lifetime of good that

19 he has done. I have seen him give his finances. I have seen

20 him give of his time. And I have become a more giving person

21 because I have known him.

22 MR. WOLFE: Thank you very much.

23 THE COURT: Mr. Healy, do you have any questions for

24 this witness?

25 / / /

1 CROSS-EXAMINATION

2 BY ASSISTANT D.A. HEALY:

3 Q. Sir, have you read any police reports in this case?

4 A. No, sir.

5 Q. And you haven't heard any of the interviews?

6 A. No, sir.

7 Q. And, in fact, all of the information is coming from
8 Mr. Williams; is that fair to say?

9 A. Yes, sir.

10 Q. Okay. Did you call Jade two days ago?

11 A. Yes, sir.

12 Q. Okay. And was that the first time you have talked to
13 Jade about any of this?

14 A. Not the first time. But the first time with any
15 depth.

16 Q. Okay. And that was two days ago?

17 A. Yes, sir.

18 ASSISTANT D.A. HEALY: That's it.

19 THE COURT: Anything else, Mr. Wolfe?

20 REDIRECT EXAMINATION

21 BY MR. WOLFE:

22 Q. Mr. Williams didn't ask you to call anybody or
23 anything like that; did he?

24 A. He did not. I did it of my own volition.

25 MR. WOLFE: Thank you.

1 THE COURT: Sir, thank you very much.

2 You may call your next witness.

3 MR. WOLFE: The last lay witness I will call is
4 Austin Harris.

5 THE COURT: Okay. Sir, if you will come across the
6 room to where the gentleman is standing over there, he
7 will direct you to the witness stand. Thank you.

8 Before you are seated, if you will place your left
9 hand on the Bible and raise your right hand for me,
10 please, and the Clerk will swear you in.

11 AUSTIN HARRIS,
12 having been first duly sworn, was examined and testified as
13 follows:

14 THE WITNESS: I do.

15 THE COURT: Thank you.

16 THE WITNESS: Excuse me.

17 THE COURT: You may be seated. Adjust the
18 microphone. And I think there also is some water over
19 there.

20 THE WITNESS: Yes, please.

21 THE BAILIFF: I will get it for you.

22 THE WITNESS: Thank you.

23 THE COURT: If you want, Mr. Wolfe, you can go ahead
24 and have him introduce himself.

25 MR. WOLFE: Sure.

DIRECT EXAMINATION

BY MR. WOLFE:

Q. Please state your name and spell it for the court reporter.

A. Austin Harris, A-U-S-T-I-N H-A-R-R-I-S.

Q. And what do you do for a living, Austin?

A. I'm a DEVOPS consultant. So I do computer work.

Q. Will you spell DEVOPS?

A. Yeah, sure. It's like development and operations. So D-E-V-O-P-S.

Q. D-E-V as in "victor"?

A. Yes.

Q. I'm saying that for the court reporter.

A. Right.

Q. I'm going to ask you a question because I think it will be important to my subsequent questions. But how old are you?

A. I'm 25.

Q. Okay. And how do you know Brian Williams?

A. I met him whenever we joined -- whenever I joined the Atlanta Vocal Project when I was 18 years old, in 2011. October of 2011, my freshman year, going into Kennesaw State University. Sorry, I'm extremely nervous.

Q. Don't worry. Nothing to be nervous about. If you need to take a moment, you are welcome to do so.

1 That's why I asked you your age. You were 18 years
2 old when you joined the project or the chorus or that sort of
3 thing, correct?

4 A. Yes.

5 Q. And did you meet Brian right away?

6 A. I think so because I was planning on joining the
7 chorus. And he had some stake in getting details about
8 everybody like name, e-mails, stuff like that. So I met him
9 pretty quickly. Excuse me, sorry.

10 Q. And how long did you remain in the chorus?

11 A. Well, I actually had been in the chorus until just
12 recently, on and off.

13 Q. Okay. In 2017 when Brian left, would it be fair for
14 us to understand that you were in the chorus from 2011 to 2017?

15 A. Yes. But with some spots here and there because of
16 school.

17 Q. Sure. Okay. And did you work closely or did you have
18 a close relationship with Brian?

19 A. Yes. We were in a quartet from like 2012, early 2012
20 to two years ago.

21 Q. Okay. And did you develop a friendship with Brian?

22 A. Absolutely.

23 Q. Could you describe your friendship to the Judge?

24 A. Sure. It was -- I mean, Brian is an outstanding guy.
25 Whenever I first met him, I mean, we immediately had a

1 connection. He's very personable with everybody. Whenever --
2 I'm sorry, I'm so nervous.

3 THE COURT: That's okay. Take a deep breath. We
4 just need to hear what you have to say.

5 THE WITNESS: I can't really gather my thoughts.

6 THE COURT: Take a sip of water. Just take a second.

7 THE WITNESS: Brian has been one of my best friends.
8 Nobody better laugh at this, by the way.

9 Brian has been one of my best friends for a long
10 time. So much that I wouldn't (unintelligible) -- I can't
11 do this.

12 Q. (By Mr. Wolfe) Okay. Just take a minute.

13 A. Sorry. I think I'm good. I think I'm good. Sorry.
14 I just needed that little breath.

15 THE COURT: Take a breath.

16 THE WITNESS: Brian has been one of my best friends
17 for the longest time. I wanted him to be one of my
18 groomsmen at my wedding. And he was extremely excited,
19 but was unable to. All of this started, he wasn't able
20 to. And it was very hard. But we have had one of the
21 best relationships because he's one of my best friends.

22 Q. (By Mr. Wolfe) Now, when you joined the group were
23 there people your age in the group?

24 A. Yes. I think actually Clay Heim's son Camden Heim was
25 in the group, as well as Brian's son Reid.

1 Q. And then there were some younger than you, also?

2 A. Uh-huh.

3 Q. Certainly Drew and Jade?

4 A. So they were in Big Chicken Chorus. I was in Atlanta

5 Vocal Project.

6 Q. I see.

7 A. And I don't think -- I guess they weren't quite

8 involved yet because they would have been a little bit younger

9 then maybe. Jake was probably 12. But I think they were

10 people that were younger because I think Eddie -- I'm

11 blanking --

12 Q. It doesn't matter the names and stuff --

13 A. Right.

14 Q. -- but there were younger people, and you had an

15 opportunity to interact with them; is that correct?

16 A. Yes.

17 Q. Did any of them ever make a complaint to you about

18 inappropriate conduct or anything that they thought was going

19 on with Brian and them that you didn't -- that you should know

20 about?

21 A. No, sir.

22 Q. Okay. In the time that you have known Brian, has he

23 ever conducted himself inappropriately in any regard?

24 A. No, sir.

25 Q. Okay. And my understanding is that you also knew Jade

1 when he joined the chorus?

2 A. Yes.

3 Q. And was he an outgoing and energetic child when he
4 first got there?

5 A. No, not really. Whenever I first met him, he was very
6 shy. And he mainly kept to himself until we got to know each
7 other better.

8 Q. Okay. And when he got know when you, and when you all
9 started spending some time together, you know, would you all
10 talk when Brian wasn't around?

11 A. Yes. There were several times whenever he would ride
12 with me from performances over to the Afterglow. And we just
13 kind of -- it was a short trip. And we just kind would hang
14 out and chitchat. And he would also hang out with me outside
15 of that, just walking around at conventions and seeing
16 different people and stuff.

17 Q. If fact, Brian leaving the group in 2017, had you
18 heard anything directly from him with regard to Brian's
19 conduct?

20 A. No. I had not.

21 Q. Now, you wrote a letter that we forwarded to the
22 Court, correct?

23 A. Yes.

24 Q. And there's information in that letter that deal
25 specifically with your conversations with Josh at or about the

1 times when you all were going to the afterglows, which is sort
2 of an after-performance just hangout, right?

3 A. Yes. It's like an after party kind of for singers.

4 Q. And the information that you shared with the Court in
5 your letter was true and accurate, correct?

6 A. Yes.

7 MR. WOLFE: Okay. Thanks a lot. Mr. Healy may have
8 some questions.

9 THE COURT: Mr. Healy, do you have questions for this
10 witness?

11 CROSS-EXAMINATION

12 BY ASSISTANT D.A. HEALY:

13 Q. Do you have any knowledge about how sexualized
14 behavior or sexualized talk can be a symptom of child sexual
15 abuse?

16 A. No, sir.

17 ASSISTANT D.A. HEALY: That's all I have.

18 THE COURT: Thank you. You can step down.

19 Before we -- I know your next witnesses are your
20 professional witnesses. Before we have their testimony, I
21 want to take a break. All of these folks have been in
22 court since 9 o'clock this morning. We're going to take
23 about a 10-minute break at this point and we will come
24 back and get right back to it.

25 So thank you all for your patience. I appreciate it.

1 (Recess from 2:06-2:18 p.m.)

2 THE COURT: You can remain seated.

3 Continue, sir.

4 MR. WOLFE: Dr. Dickson is taking a look at the
5 photos. It will be one second.

6 THE COURT: Yes, sir.

7 MR. WOLFE: Yes, Judge. Thank you.

8 THE COURT: Thank you.

9 MR. WOLFE: Judge, I would call Dr. Powell, please.

10 THE COURT: All right, sir.

11 If you will come past the bailiff over to the seat
12 closest to me, please. If you will just set your papers
13 down and place your left hand on the Bible and raise your
14 right hand, please. Thank you.

15 JAMES LEE POWELL,
16 having been first duly sworn, was examined and testified as
17 follows:

18 THE WITNESS: I do.

19 THE COURT: Thank you, sir. You can be seated. And
20 if you will, just adjust the microphone, please.

21 DIRECT EXAMINATION

22 BY MR. WOLFE:

23 Q. Please state your name.

24 A. James Lee Powell.

25 Q. And it's Dr. Powell; is it not?

1 A. That's correct.

2 Q. Would you please give the Court the benefit of your
3 educational background?

4 A. I have an undergraduate degree in religion from Duke
5 University. I have a masters of divinity from Duke Divinity
6 School. I have a PH.D. in clinical community psychology from
7 North Carolina State University at Raleigh.

8 Q. And how long have you been a doctor of psychology in
9 practice? How long have you been practicing?

10 A. Well, I practiced in internships while I was in
11 graduate school. I a predoctoral internship for a full year
12 full-time in '74, '75. And then I became the first acting
13 director -- first director, full-time director, of a rural
14 mental health center in the far western North Carolina
15 mountains where I worked on finishing my dissertation. And
16 then got the degree in 1984. And then have been in full time
17 practice since. Well, I'm semi-retired. I still do three to
18 four days a week.

19 Q. Right. And have you ever testified in court before?

20 A. Yes.

21 Q. Can you tell us approximately how many times?

22 A. Over a variety of cases, a little over 200 times.

23 Q. And have you ever testified in a case like this that
24 involves child pornography and the allegations that you have
25 heard today?

1 A. Yes.

2 Q. And have you been an integral part of anybody's care
3 and treatment before, after a psycho-sexual evaluation?

4 A. Yes, I have.

5 Q. And do you know how Brian Williams?

6 A. Yes, I do.

7 Q. And how do you know Brian?

8 A. I know him because I have been providing therapy for
9 him since September 26, 2017.

10 Q. Okay. And can you share with the Court how many
11 sessions that you have had with him?

12 A. I wrote you a letter --

13 Q. Sure.

14 A. -- up until --

15 Q. Does 65 sound right?

16 A. 65 was through July 2nd. And it's probably been
17 another five or six over that. So we are talking about 70 or
18 more times.

19 Q. Okay. Over the past 23 months?

20 A. Yes, sir.

21 Q. Okay. Good deal. And has he been diligent about
22 coming to the sessions with you?

23 A. Very diligent. I don't think he's ever missed one.

24 Q. And you are affording counseling to him based upon the
25 psycho-sexual evaluation done by Dr. Jamie Dickson, correct?

1 A. That's correct.

2 Q. And did you have an opportunity to read the
3 psycho-sexual evaluation before beginning Brian's care?

4 A. I think it was either concurrent with or right before
5 I started seeing him in therapy.

6 Q. And when you first read the psycho-sexual evaluation,
7 did you have any immediate impressions as to the findings?

8 A. Well, I thought the report was very well done. And
9 covered the important issues and were consistent with the story
10 that I heard from Mr. Williams.

11 Q. Okay. And did you know what Brian was alleged to have
12 done?

13 A. Yes.

14 Q. Okay. And having read the report, what steps did you
15 take in an effort to investigate what prompted the conduct that
16 Brian was -- had been engaged in?

17 A. Well, that was through the clinical interviewing of
18 him and listening to what he had to say. And he was very
19 forthright and open about the action. And we began to talk and
20 explore the motivation for the action, it became more and more
21 apparent.

22 Q. Now, the report that you wrote suggests that Brian was
23 likely a victim of child abuse in his youth; is that correct?

24 A. That's correct. He doesn't have clear memories of it.
25 But by age three, he was aware of things sexually and doing

1 some sexual behaviors that would have been somewhat
2 questionable. And the question is, how did he learn that?
3 Where did that come from? He, at times, seems to have some
4 foggy recollections. And other times he's not so sure.

5 But we know that there's a percentage of adult people
6 who were abused as children who have either all or part of that
7 abuse not clearly remembered. And there's a reason for that.
8 It happened at two or three. And at that point you have a very
9 limited language. You tend to encode memories based on our
10 language. We have to have something to encode it with.
11 Otherwise, it's more visual or idiosyncratic language that
12 encodes the memory. And as we get older, unless we have the
13 same language we don't retrieve the memory so easily.

14 So this is probably a not retrievable memory or
15 vaguely retrievable memory. And there's some documented
16 scientific evidence that this does occur. And I provided an
17 article about that to Mr. Wolfe.

18 So I think what we have got is somebody would has
19 probably some early sexual abuse of his own. He was initiated
20 as an adolescent in sexual behaviors. And all of these were
21 not resolved as he moved into adulthood. And I think that's
22 part of his underlying problem that we have with Brian.

23 So there were two directions of therapy that I did
24 with Brian. One was focusing on earlier victimhood of his own
25 life. And the other was his victimizing in this situation with

1 taking pictures without the person's knowledge in a bathroom.

2 Q. And in exploring those two avenues that you were going
3 to pursue, what techniques did you use? Did you address his
4 cognitive behavior? And if so, how did you do that?

5 A. A lot of the best treatment in therapy is cognitive
6 behavioral treatment. And we take -- took a look at a variety
7 of cognitive behavioral techniques that would break the cycle
8 of his inappropriate thinking, of the sexual emptiness within,
9 of the curiosity that obviously he had toward the victim in
10 this case.

11 And so we did things like cognitive restructuring,
12 replacement of more appropriate cognitive statements,
13 problem-solving, stress management, natural consequences,
14 changing his fantasy life, and reenforcing more appropriate
15 sexual behavior.

16 Q. And as a result of these efforts to change those
17 behaviors, did you see any progress? Or is there a way to
18 monitor or quantify that Brian was making progress in this
19 regard?

20 A. We did see progress because Brian was able to talk
21 about things more appropriately. His report of his own life
22 was more -- this was not a major part of his life. But it was
23 part of his life -- was more appropriate. He began to be more
24 aware of the unfairness. He never touched the victim. He took
25 pictures in secret. But he still victimized the person. And

1 he became aware of the fact that this was an inappropriate
2 intrusion of this person. And he became sorrowful for that.
3 He began to be aware of his own interactions of what he needs
4 to do to be more appropriate, including towards his wife. And
5 he had separate marital therapy. And that seems to have helped
6 a lot, too.

7 Q. And with regard to Josh, you said that while in the
8 beginning he may have tried to give excuses or explanations,
9 working on his cognitive behavior has allowed him to recognize
10 the harm he caused and to address it?

11 A. Right, yes.

12 Q. And has he expressed to you his sentiments about what
13 happened and what had gone on?

14 A. Yes.

15 Q. And what did he share with you?

16 A. He shared --

17 ASSISTANT D.A. HEALY: I'm going to object to this as
18 hearsay of the defendant. I mean, he certainly can
19 testify as to his feelings on it. But as far as this
20 expert being a conduit for hearsay, I think it's against
21 the rule.

22 MR. WOLFE: I don't think it's a conduit for hearsay.
23 I think an expert is allowed to comment on any information
24 that he's received, including hearsay that has assisted
25 him in arriving at his expert opinion.

1 THE COURT: Mr. Healy?

2 ASSISTANT D.A. HEALY: That's subject to the
3 balancing test in 703, that the probative value needs to
4 substantially outweigh any unfair prejudicial, which is
5 the defendant being able to get his testimony to Your
6 Honor without being subject to cross-examination.

7 MR. WOLFE: Well, if we are going to do a balancing
8 test, Judge, I don't want to ask you to forget about
9 everything that was said by the State in their argument to
10 you as to what may or may not have happened. I'm trying
11 to share with you the efforts that Mr. Williams has been
12 making with regard to counseling and treatment after the
13 psycho-sexual evaluation.

14 THE COURT: I understand. Overrule the objection.

15 I think this witness is appropriate to at least me
16 the things on which he has based his opinions that he is
17 going to render. So I will overrule the objection.

18 THE WITNESS: If you ask the question again.

19 Q. (By Mr. Wolfe) I just want to know what he has shared
20 with you after the treatment that you have given to him so that
21 he now recognizes that there is no excuse for what he did,
22 there are no explanations, and how he's coming out of the
23 sessions with regard to his sentence?

24 A. He indicated that he realizes it was unfair, that he
25 knows he was wrong. It's something that he would never do

1 again. And he realizes that it was based to a large extent not
2 so much on Josh as it was into his own unresolved issues which
3 he has been in the process of resolving in the therapy
4 sessions.

5 Q. Is it unusual for someone that has been abused in
6 their childhood to engage in conduct similar to what was done
7 to them?

8 A. No. That's unfortunately something that happens. And
9 people who are abused are more likely to be abusers. But not
10 everybody who abuses was abused. So it's a twofold thing. But
11 this was an acting out of some of his unresolved issues. And
12 this was not fair to Josh. And he is aware that that's his
13 fault. Brian's fault. Brian is aware it's Brian's fault.

14 Q. Is it significant to you that there have never been
15 any other allegations of abuse that we know of by Brian?

16 A. Right. Brian said this was a limited to one person
17 who triggered in him a lot of the feelings and memories of his
18 own childhood. And so this was unfortunately sort of a
19 reenactment of some unresolved issues in his own childhood.
20 And Josh became -- or Jade became the victim of this.

21 Q. And can you share with us how at this point after some
22 70 sessions he has progressed and what your thoughts are now
23 based on the testing you reviewed that Dr. Dickson will talk
24 about, but in your sessions as to his likelihood of recidivism?

25 A. I did a recidivism measure early in the treatment.

1 And I did a different test for recidivism measures this past
2 week. And in both of those, he is very unlikely to re-offend.

3 Q. And in fact even when the original psycho-sexual
4 evaluation was done, it reflected low level indicators of there
5 ever being a problem with recidivism, correct?

6 A. That is correct.

7 Q. And that was before your treatment?

8 A. That is correct. So I would suspect it's even lower
9 now. We hope it's lower now as a result of a lot of sessions
10 and therapy.

11 Q. Now, you write in your report that with regard to risk
12 behavior that research shows that an older person is lower in
13 the risk scale for repeat-offending. Can you tell us about
14 that?

15 A. Yes. The people who have the highest recidivism rate
16 are those who are younger. As they get older, hormones are
17 lower. Drive is lower. Hopefully wisdom is higher. Hopefully
18 some treatment along the way. And we know that age is one of
19 the factors. And that is -- there is a lot of research to back
20 that up.

21 Q. And you shared with us in your report that a risk
22 management assessment indicates that he's not likely to repeat
23 this offense; what is that based upon?

24 A. That's based upon a number of factors. When I wrote
25 that, I was using the one I did earlier in treatment which is a

1 20-factor risk assessment one, and I did one with 10 factors,
2 which is the one the prison system in Georgia uses. And in
3 both of those, he's very, very low. Because the factors that
4 correlate with likelihood of re-offending are not present. And
5 then you add in the therapy he has had, the values he has, his
6 concern for his family, his desire to rebuild when he gets
7 through whatever sentence he gets, his life.

8 He has tried to lay a foundation for starting anew and
9 having a good life and not hurting another person.

10 Q. And do you feel that your work with Brian in
11 discovering, discussing and working on the implications of the
12 abuse that may have occurred to him has in any way resolved
13 some of the issues that may have prompted him to act the way he
14 did?

15 A. I think he still needs some more therapy. But as far
16 as the victimhood, I think he has resolved most of those
17 issues. He understands those. And those risk factors are
18 pretty much resolved. I think what's needed is, you know, the
19 fantasy to use -- not using pornography, living a healthier
20 sexual life, appropriate goals, those things, the relapse
21 prevention stuff, this is follow-up therapy and I think that's
22 still needed.

23 Q. Still needed? But is he involved in all of those
24 things now?

25 A. With me, yes.

1 Q. Yes.

2 A. Yes.

3 Q. Thank you.

4 A. And hopefully he will get some of that in prison.

5 MR. WOLFE: Thank you.

6 THE COURT: Thank you.

7 Mr. Healy?

8 ASSISTANT D.A. HEALY: Yes, Judge.

9 CROSS-EXAMINATION

10 BY MR. HEALY:

11 Q. All right, sir. Let's start off with the basis of the

12 start of your work you said was the psycho-sexual evaluation;

13 is that correct?

14 A. Done by Dr. Dickson, yes.

15 Q. You didn't review any police reports, correct?

16 A. No. I have not seen police reports.

17 Q. Okay. You haven't seen any interviews with the

18 victim?

19 A. No, I have not.

20 Q. You have not reviewed any forensic findings of the

21 defendant's computer?

22 A. That's correct.

23 Q. It was just based on -- the information you had was

24 the psycho-sexual evaluation?

25 A. That's correct.

1 Q. And you said that what you were seeing from him was
2 consistent with the psycho-sexual evaluation?

3 A. Yes.

4 Q. And that would include rationalizing his behavior,
5 right?

6 A. It's been a while since I read that. But he was
7 certainly rationalizing some of it --

8 Q. Okay.

9 A. -- when we started. And that's something we overcame.

10 Q. And --

11 A. I'm not testifying about Dr. Dixon's report.

12 Q. Sure. But it was the basis of your opinion, correct?

13 A. It was the basis.

14 Q. So what you were seeing with him was also consistent
15 with him justifying his behavior?

16 A. Well, he started out justifying, as most people do at
17 the beginning of therapy, yes.

18 Q. And you said it was only through therapy that he
19 became aware that he had victimized somebody?

20 A. Right.

21 Q. And it was only through therapy that he became aware
22 that what he did was wrong?

23 A. Well, how much he did before, I did not have a measure
24 of that. But he became more aware of it because of therapy,
25 that is correct.

1 Q. Okay. But your testimony on direct was only after
2 therapy did he start to show that he understood that what he
3 did was wrong?

4 A. Right.

5 Q. Now, you've based your treatment and everything on the
6 psycho-sexual report. Do you know there's an amended
7 psycho-sexual report?

8 A. Amended --

9 Q. Amended in this particular case?

10 A. No. I'm not aware.

11 Q. Okay. And it was amended to add facts like the police
12 report and things like that. Certainly that would have been
13 important information for you to have, correct?

14 A. That would have been nice if I had had it, yes.

15 Q. Now, a lot of what you are doing -- you know, you
16 talked about the testing and everything. But just about all of
17 it is based on self-reporting; is that right?

18 A. To a large extent, yes.

19 Q. And that's fair, there's not any other way you can get
20 into the someone's head like that?

21 A. That's correct.

22 Q. But self-reporting is the vehicle that drives what you
23 do, correct?

24 A. Yes. Phenomenologically, yes.

25 Q. So you have not been able to see if what he's telling

1 you is inconsistent with things that are documented in the
2 police report; is that fair?

3 A. That's correct. Because I don't have the police
4 report.

5 Q. Right. So you don't know to what extent he is not
6 telling you the truth, right?

7 A. I don't have the police report to compare it to, yes.

8 Q. And you don't know the extent to which he's minimizing
9 what he actually did?

10 A. I don't have the police report to compare, correct.

11 Q. Now, you said that he saw Jade as kind of a way to
12 resolve some of his issues that happened to him when he was
13 around the same age?

14 A. Yes.

15 Q. You said that he told you that this happened when he
16 was three years old, right?

17 A. Initially. One set of issues.

18 Q. Okay.

19 A. There are two sets of issues. One was the vague
20 awareness of something happening to him when he was around
21 three. And the other was 14, 15, as an adolescent when an
22 older adolescent began to be sexually active with him.

23 Q. All right. So he was basically reenacting what he saw
24 or what he had experienced with Jade?

25 A. Well, I don't know that he reenacted. He never

1 touched him. But in his mind he was trying to resolve those
2 issues. And so that's where the sexualizing was.

3 Q. Okay. Now, on that point that he never touched the
4 victim, would your opinion be different -- would your treatment
5 be different if he had?

6 A. We probably would have done -- yes, I think we have
7 done a few more things, yes.

8 Q. And that's certainly, you know, a different animal; is
9 that fair to say?

10 A. Generally, yes. Because one is more fantasy. And the
11 other is dealing with a different type of sexual arousal.

12 Q. Okay. Now, you talked about recidivism rates being
13 lower for older people, correct?

14 A. Correct.

15 Q. Isn't it also true that an older person has less to
16 live in their life than a younger person, right?

17 A. I'm not sure I understand what you are asking.

18 Q. For younger people there is more time to re-offend,
19 right?

20 A. Right.

21 Q. And in older people, there is less time to re-offend,
22 correct?

23 A. Correct. But these are correlations that are done.
24 And you look at re-offending if someone is released at 60 years
25 of age versus somebody who's released at 22 years of age.

1 Q. Sure.

2 A. And the much higher rates within the year or two after
3 release. Most of these studies are done in a period of time
4 after release. Not lifetime.

5 Q. Sure.

6 A. So that makes it a little different.

7 Q. Okay. But it's still true that someone has to
8 re-offend to be part of this recidivism study; is that fair?

9 A. Right.

10 Q. Okay. Now, you talked about people who had been
11 sexually abused. There are plenty of victims who don't go on
12 to perpetrate crimes against other people, correct?

13 A. Correct. The majority of people who are abused do not
14 commit crimes of abuse. But the majority of people who commit
15 crimes of abuse were abused.

16 Q. Right. And nothing that you have seen from this
17 defendant leads you to believe he didn't know what he was
18 doing, right? Or that he was disconnected from reality, I will
19 put it that way?

20 A. I think he was naive. And I don't think he was
21 processing reality really well. But he was still competent,
22 yes.

23 Q. Right. He was still in control of his actions?

24 A. Correct. He was competent.

25 Q. And you said that he told you that he would never do

1 this again, right?

2 A. Right.

3 Q. You have had people in your practice who have told you
4 they are never going to do something again, and they have done
5 something again, right?

6 A. Of chorus.

7 ASSISTANT D.A. HEALY: Thank you.

8 THE COURT: Mr. Wolfe?

9 REDIRECT EXAMINATION

10 BY MR. WOLFE:

11 Q. With regard to your studies that you are talking
12 about, they don't just go out there and identify people who
13 have re-offended and use them to correlate and how often it
14 happens, correct?

15 A. Right.

16 Q. And would it be fair to say that what they do is they
17 follow people who have been convicted of a sex offense, whether
18 they are 22 or 60, and over the next 10 years they calculate
19 how many of them do re-offend?

20 A. Correct.

21 Q. And what you are sharing with us is that someone 22
22 over the next 10 years is more likely to re-offend than
23 somebody 60 years of age?

24 A. Right. Within a set period of time.

25 Q. Right. So it's not based upon the ones that do. It's

1 based upon all offenders and whoever does is identified in the
2 calculations?

3 A. That's correct. I actually have the statistics with
4 me if anyone wants to see.

5 Q. Okay. And with regard to the question if he had been
6 touched, would it be a different ball game I think is what the
7 question was of you. And you said "yes," correct?

8 A. Right. The treatment still would have been --
9 everything that was done would have been done. But we would
10 have done more specific treatment around the fantasy of actual
11 touching and stopping that.

12 Q. Well, you didn't see any information in the report
13 that you did review that there actually had been touching; did
14 you?

15 A. I'm not aware of any actually touching.

16 Q. Right. We'll talk to Dr. Dickson with regard to the
17 report and --

18 A. And we asked him that a number of times. And he
19 always reports that there was no touching.

20 Q. Right. If there was, it would be news to me, too.
21 Thank you.

22 A. Yes.

23 THE COURT: Mr. Healy, anything else?

24 ASSISTANT D.A. HEALY: Nothing further, Your Honor.

25 THE COURT: Sir, you may step down.

1 THE WITNESS: Thank you, Your Honor.

2 THE COURT: Yes, sir. You may call your next
3 witness.

4 MR. WOLFE: Dr. Dickson. Judge, this will be my last
5 witness.

6 THE COURT: Dr. Dickson, if you would come across the
7 courtroom to where the bailiff is standing, he will direct
8 you where to sit. If you will set those things down,
9 place your left hand on the Bible, and raise your right
10 hand for me, please, the Clerk will swear you in.

11 JAMIE DICKSON,
12 having been first duly sworn, was examined and testified as
13 follows:

14 THE WITNESS: Yes, I do.

15 THE COURT: Thank you. You can be seated. And if
16 you would please adjust the microphone so it's comfortable
17 for you.

18 THE WITNESS: Okay.

19 THE COURT: Thank you.

20 DIRECT EXAMINATION

21 BY MR. WOLFE:

22 Q. Would you state your name and spell it for us, please?

23 A. Yes. My name is Dr. Jamie Dickson. My last name is
24 D-I-C-K-S-O-N.

25 Q. And Jamie is?

1 A. J-A-M-I-E.

2 Q. And, Dr. Dickson, would you please give us the benefit
3 of your educational training?

4 A. Yes. So I completed a bachelors degree in psychology
5 from Milton State University. I went on after that to complete
6 a masters degree in psychology, and then a doctoral degree in
7 psychology both from the Georgia School of Professional
8 Psychology.

9 During my graduate school years in addition to course
10 work, we also do field placements, get practical experience,
11 supervised by licensed psychologists. So in addition to the
12 course work, I also worked at Northwest Georgia Regional
13 Hospital on the adult inpatient unit. And I did two years at
14 Devereux during my graduate school years, which is a
15 residential treatment facility for children and adolescents.

16 Q. And have you ever done a psycho-sexual evaluation
17 before Brian Williams?

18 A. Yes.

19 Q. And how many psycho-sexual evaluations have you done?

20 A. I have done approximately 250 of those at this point
21 in time.

22 Q. And where in fact do you get the training to do that?

23 A. So my initial training was working in consultation
24 with a psychologist who had already been in practice doing
25 psycho-sexual evaluations. So he initiated the training with

1 me and supervised my work. In addition to that, I have
2 attended continuing education seminars on the Static 99R, which
3 is a risk assessment instrument. I have attended continuing
4 education and seminars on assessment and risk management with
5 offenders, with sexual offenders in general. And then also
6 training specific to sexual sadists, child pornographers, and
7 non-contact offenders. Then I have also done training specific
8 to adolescent psycho-sexual evaluations, as well.

9 Q. And have you ever done them with regard to criminal
10 cases that are pending in the various courts throughout the
11 states or other states?

12 A. Yes.

13 Q. Have you ever testified about them like you are doing
14 today?

15 A. Yes, I have.

16 Q. And how many times have you done that?

17 A. I have testified on sexual offense recidivism about 10
18 to 15 times.

19 Q. And with regard to the actual tests that you do,
20 generally -- and then I will get to the one that you did on
21 Brian -- you talk about in your report on -- I am going to read
22 some words to you. The actual tests that are conducted such as
23 -- what specifically are the tests that are done that have been
24 scientifically developed?

25 A. So the test that I used in my evaluation, I used two

1 measures. One is called the Multiphasic Sex Inventory, 2nd
2 Edition. And the other one is the Sexual Adjustment Inventory.
3 Both of those measures are paper and pencil questionnaires that
4 the individual completes, answering questions about their
5 opinions, thoughts, experiences, behaviors. Both of the tests
6 are designed to identify the presence of sexually deviant or
7 abnormal interests, behaviors, thoughts. Both of them also
8 identify emotional and behavioral characteristics that we know
9 that are associated with an increased risk for violent
10 behavior.

11 And then the tests both have what we call validity
12 indicators built into them. So basically they can help us to
13 discern if the individual answered in a consistent manner, and
14 also if the individual answered in a manner that was open,
15 honest and forthcoming.

16 Q. Okay. So the tests that you have talked to us about
17 are the Multiphasic Inventory Test; is that right?

18 A. Multiphasic Sex Inventory, yes.

19 Q. The Sexual Adjustment Inventory, correct?

20 A. Correct.

21 Q. The Psychopathic Checklist Revised, 2nd Edition Test,
22 correct?

23 A. That's actually a rating scale that I complete after
24 I've conducted my evaluation and done all of the interviews and
25 scored the testing.

1 Q. Right. But that's something that has been developed
2 so that you can use it to come up with the scores after having
3 done the testing, correct?

4 A. Correct.

5 Q. Okay. And then there's the SVR-20; what is that?

6 A. That's the Sexual Violence Risk 20. And it is a risk
7 rating instrument for sexually violent recidivism. And it has
8 20 risk factors, again factors that through the research we
9 know are associated with an increased risk for future sexually
10 violent behavior. And on that extra, you rate each factor as
11 either definitely present, unsure, or absent for that
12 individual.

13 Q. And with regard to those tests that you just talked
14 about and the scales that are used to grade them, is my
15 understanding correct that they were created over the years and
16 are based on legitimate, scientific calculations? Or how were
17 they developed?

18 A. Yes. So if you look at, for example, the Multiphasic
19 Sex Inventory, it was developed over a span of approximately
20 eight years of research. They administered the test measure to
21 almost 7,000 known sex offenders. And then they also had a
22 sample -- we call normal -- the control samples of individuals
23 who have not offended. And they were able to compare the
24 results from individuals who were known to have offended to
25 those who have not. And helped to determine how the questions

1 on the tests can help discern between those two groups.

2 Same thing with the sexual adjustment inventory.

3 There were several years of validation studies and research
4 with thousands of offenders and non-offenders to help discern
5 if this test will give us this information that we are looking
6 for.

7 Q. And would you agree that these type of tests in a
8 psycho-sexual evaluation is often required or requested in
9 cases like the one that we are dealing with, with Brian by both
10 the defense and the State?

11 A. Yes. Yes. Because, again, you know, they are
12 objective test measures. The fact that they have validity
13 scales built into them so that we can assess for potential
14 offenses is one of the real values of using objective test
15 measures.

16 Q. And your testing with regard to Brian Williams was
17 done consistent with how these tests were supposed to be given.
18 And your assessments and analyses, were they swayed in any way
19 by a infinity for Brian Williams or a desire to make it come
20 out one way or the other?

21 A. No, no. My findings were based on his responses to
22 the testing. And then my review of the interpretation of his
23 scores.

24 Q. Okay. And we paid you to do the testing, correct?

25 A. Yes, that's correct.

1 Q. And we paid you to come testify in court today?

2 A. That's correct.

3 Q. And you would get paid the same amount whether you

4 were here for a defendant or the State?

5 A. That's correct.

6 Q. Now, how do you know Brian Williams?

7 A. I was contacted by his attorney, Mr. David Wolfe, to

8 set up a psycho-sexual evaluation due to his current legal

9 situation.

10 Q. Okay. And you did the initial testing, correct?

11 A. Yes.

12 Q. And you got the scores?

13 A. Correct.

14 Q. And then is my understanding correct that after I gave

15 you the discovery to review, you amended the report but to

16 include the information that you saw?

17 A. That's correct, yes. The amendment to the report

18 basically just helped me to flush out the reason for the

19 referral. But it didn't change any of the substantive

20 components of the report.

21 Q. Okay. And with regard to Brian's information, you did

22 read the -- I sent you the discovery in the case, and you read

23 the reports and the information that was included -- given me

24 by the State?

25 A. Yes, that's correct.

1 Q. Now, you also went through his history, his childhood,
2 and those sorts of things?

3 A. Yes, that's correct.

4 Q. And in your report it reflects that he -- at the time
5 he took the testing back in September, I think of --

6 A. June.

7 Q. -- June of 2017 --

8 A. 2017, yes.

9 Q. -- that he did not -- he had never been abused before?

10 A. That was his report to me at the time, that's correct.

11 Q. And you just heard Dr. Powell testify that it's after
12 their sessions and their counseling that there are -- he has a
13 belief now that he may in fact have been abused when he was a
14 child just because of what he knew about sexual things when he
15 was at a very, very young age; is that correct?

16 A. That's my understanding.

17 Q. Is that an unusual thing to see where somebody will
18 recall or have a memory of something that may have happened
19 when they didn't remember it before, after counseling begins?

20 A. So I think one of the things that Dr. Powell
21 explained, and I agree, is that oftentimes if you have a child
22 who experiences abuse prior to the age of three, we have what's
23 called infantile amnesia. So generally a child is not going to
24 have any sort of verbal recollection of that, even though it
25 may have happened.

1 What's also true is that when individuals experience a
2 traumatic event, one of the things that happens is sometimes
3 they have difficulty later recalling all aspects of the event.
4 It may be fuzzy or not entirely clear to them.

5 So it is possible that an individual can experience
6 abuse and not remember it at all, particularly if they were
7 quite young, or have difficult remembering aspects of it later.

8 Q. Okay. And so with regard to the testing of Brian, you
9 interviewed him and you said that he also took tests, correct?

10 A. Correct.

11 Q. And in those testing procedures, I think you mentioned
12 a moment ago that there is a mechanism in the test to help
13 determine whether or not somebody is being truthful or trying
14 to fool the test?

15 A. Correct.

16 Q. Okay. And what do you call that?

17 A. So basically they are just validity indicators to let
18 us know if the person is being forthcoming in their responding.

19 Q. Is my understanding correct that you believe that
20 Brian was?

21 A. Yes. Based on his test results, he was actually found
22 to be very honest disclosing on both the Multiphasic Sex
23 Inventory and the Sexual Adjustment Inventory.

24 Q. And so with regard to the Multiphasic Sex Inventory
25 Test, what is the purpose of that test?

1 A. So that test helps to identify potentially deviant
2 sexual interests, fantasies, behaviors that an individual has
3 engaged in. It also helps to identify emotional and behavioral
4 characteristics of the individual that can underlie a sexually
5 offending behaviors and can help to increase risks. So those
6 are the major goals of that test.

7 Q. Okay. And as we use the word deviance in your
8 discussion of the testing and the test results and those sorts
9 of things, deviance isn't analogous to demonic; is it?

10 A. No. No.

11 Q. What is it?

12 A. When we talk about sexual deviance, what we are
13 talking about are things that are outside of social norms, but
14 not just outside social norms, but things that violate other
15 people's rights. So engaging in sexual behavioral with
16 non-consenting individuals or individuals who are unable to
17 consent.

18 Q. Okay. And with regard to the multiphasic sex
19 inventory testing done on Brian, what were your findings?

20 A. So again the testing showed that he was honest
21 disclosing his responses. And the major findings are that he
22 did acknowledge on testing that he's committed a sexual
23 offense. The test does not assess for if the person committed
24 the specific behavior for which they have been charged. But he
25 did acknowledge on testing that he's committed an offense.

1 There were indications on testing of what we call
2 rationalizations or justification. Basically all of us, when
3 we do something that we know is wrong or we feel guilty for, we
4 have ways of thinking about our behaviors, it helps us feel
5 better about it.

6 Very common in all of us, very common in individuals
7 who have committed a sexual offense and have not had treatment.
8 So there were indications of some rationalizations and
9 justifications.

10 Q. But he did admit offending, correct?

11 A. Yes, he did admit it. He was basically using some
12 ways of thinking to perhaps make himself feel better about what
13 he knew he had done.

14 Q. But he acknowledged it was wrong?

15 A. Right.

16 Q. And he said that he -- the results showed that he felt
17 guilt -- empathy for Jade?

18 A. Correct.

19 Q. But it also showed that there were no emotional or
20 behavioral issues, correct?

21 A. That's correct.

22 Q. And no sexual problems or preoccupations?

23 A. Correct.

24 Q. And those aren't my words. Those are the conclusions
25 you drew as a result of the tests?

1 A. Yes, that's correct.

2 Q. So the findings offer the SAI --

3 A. Yes.

4 Q. -- were what?

5 A. So, again, he was open, honest disclosing on that
6 measure. And the sexual adjustment inventory had what was call
7 sex-related scales and non-sexual-related scales. So the
8 sex-related scales are child molest, exhibitionism, sexual
9 assault and sexual adjustment.

10 On those scales, there would have been elevation on
11 the sexual adjustment scales. Basically what that indicates is
12 some dissatisfaction with his sex life, his sexual functioning,
13 which was consistent with his interview information.

14 On the non-sex scales, it assesses for violence,
15 antisocial, alcohol, drugs, emotional distress and impulsivity.
16 And on those scales the only one that was elevated was the
17 distressed scale, which in his current situation is consistent
18 with that information.

19 Q. So the evaluation of distress could have to do with
20 the circumstance he found himself in, in coming to see you?

21 A. Correct.

22 Q. And of the items that you discussed there, that he was
23 on the low risk scale, sexual assault, exhibitionism, violence,
24 antisocial, impulsiveness, alcohol and drugs, correct?

25 A. Yes. Everything else was in the low range.

1 Suggesting those was not areas of concern.

2 Q. Those things were?

3 A. Correct.

4 Q. But also child molestation was one of those?

5 A. Correct.

6 Q. Now, what is the PCLR?

7 A. So the PCLR is the psychopathy checklist revised. And
8 it has 20 factors that are seen in individuals who have
9 psychopathic characteristics or who are full-blown sociopaths.
10 And what you do on that measure is you rate the individual on
11 each of those characteristics on a scale of zero to one or two.

12 So I did that in Mr. Williams case. And he received a
13 scale on one on the PCLR.

14 Q. A score of one? But how many questions where you
15 could get between one and two are there?

16 A. There are 20. So the highest score you could get
17 would be a 40. And generally we consider scores in the range
18 of 25 to 30 to be suggestive of some level of psychopathy.

19 Q. And Brian's was one?

20 A. Correct.

21 Q. Now, how important is having an antisocial personality
22 orientation? Is that one of the major predictors of sexual
23 violence or recidivism?

24 A. Yes. Actually there have been some rather large
25 analytic studies recently. The most recent one looked at close

1 to 30,000 offenders. And what they did is they pulled together
2 over 80 studies and looked at what are the factors that are
3 popping out at us as very high predictors of sexual offense
4 recidivism. And the two that really showed up as being
5 strongly predictive of sexual re-offending were antisocial
6 personality orientation and sexual deviance interests.

7 So, and also antisocial personality orientation, in
8 addition to being highly predictive of future sexually
9 offending, it also tends to be a mediator between someone who
10 has sexual deviant interests and actually engaging in that
11 behavior.

12 So, for example, someone may have sexual deviant
13 interests, but if they don't have that antisocial personality
14 orientation, they are less likely to act on them.

15 Q. And in that regard, how important was Brian's score of
16 one on the scale?

17 A. It's a very important finding because if he was higher
18 on psychopathy, that would suggest that he might be an
19 individual who would be more likely to engage in offending
20 behavior.

21 Q. And what is the purpose of the SVR-20?

22 A. So the SVR-20, the sexual violence, is 20, lays out 20
23 different factors that we know were associated with an
24 increased risk for future sexually offending behavior.

25 Again, you rate those as either definitely present,

1 unsure, or absent for the individual. And then you can look at
2 the totality of the factors and make determinations about an
3 individual's risk level.

4 Q. And what were the findings with regard to Mr. Williams
5 on the SVR-20 test?

6 A. So out of the 20 factors on the SVR-20, there was one
7 that I rated as definitely present. And that was past
8 nonviolent offenses. When he was 17 he had a job, working in a
9 grocery store. And he and some of his coworkers who were also
10 teenagers started stealing some things from the store. He was
11 caught. He was not charged or arrested. But did disclose
12 that. So I rated that as definitely present.

13 One other factor on the SVR-20 I rated as unsure, and
14 that was sexual deviation. The reason I rated it unsure is
15 because when we look at the factor of sexually deviant
16 interests, what we are generally look for is relatively stable
17 pattern of that interest. And in his case we have what appears
18 to be a time limited interest in inappropriate system lie.
19 There was no other indication prior to this time of any sexual
20 deviant interest or behaviors. There was nothing in the
21 testing that would suggest the presence of sexually deviant
22 interests or behaviors. So because of that, I rated the factor
23 as unsure.

24 Q. Okay. And would it be fair for me to understand that
25 there are 20 points that could be included in that testing?

1 A. There are 20 factors, yes. And it doesn't give you a
2 numerical score like some of the others do. But there are 20
3 factors.

4 Q. Sure. But of the 20 factors, two were present. One
5 was stealing from the grocery store, so that was past criminal
6 behavior?

7 A. Correct.

8 Q. And the other was what you just shared with us about
9 your concerns?

10 A. Correct.

11 Q. Were you able to form an opinion as to whether or not
12 Mr. Williams presents a recidivism risk for future violent
13 sexual behavior?

14 A. Yes.

15 Q. And what did you conclude about Mr. Williams?

16 A. My conclusion is that in his case there are obviously
17 very few factors present that would suggest an increased risk.
18 He is an individual who would fall into a low risk category for
19 future sexually-offending.

20 Q. And you spoke with Dr. Powell prior to your testimony
21 here today, correct?

22 A. Yes, that's correct.

23 Q. And based upon your professional experience and what
24 you discussed with Dr. Powell, does it appear as though Mr.
25 Williams had made progress in dealing with the issues you made

1 in your evaluation?

2 A. Yes. Based on my conversation with Dr. Powell and
3 reading his letter, it appears that they were working
4 specifically on the issues that were identified in the
5 evaluation such as the cognitive distortions and being able to
6 accept responsibility for the offense. So they appear to be
7 working exactly on those issues.

8 Q. And, in fact, your recommendation after doing the
9 initial assessment with the psycho-sexual evaluation was for
10 him to do what he's doing now with Dr. Powell and have
11 counseling with regard to those very issues?

12 A. That is correct.

13 Q. Now, you have had an opportunity to review the
14 photographs of Jade at the time they were taken of him
15 clandestinely in the bathroom, correct?

16 A. Yes, that's correct.

17 Q. Can you share with the Judge how a fully developed
18 male, regardless of his age, 16, 17, can be perceived by
19 somebody like Mr. Williams?

20 A. Sure. So there's a difference between individuals who
21 offend against postpubescent children. It's illegal. But
22 individuals who are postpubescent as opposed to individuals who
23 have been against prepubescent children. Certainly someone who
24 has sexual arousal to a prepubescent child is -- that
25 definitely is a deviant sexual interest.

1 Finding a fully sexually developed adolescent to be
2 sexually attractive does not necessarily indicate deviant
3 sexual interest. That does not excuse the behavior if the
4 person is not of the age to consent. But someone who is fully
5 sexually developed, finding them physically attractive is not
6 indicative necessarily of sexually deviant interest.

7 Q. And how would you assess the discussions with regard
8 to sexual activity with Josh at the time by Mr. Williams, the
9 conduct, masturbation, and that sorts of things?

10 A. So the conversations obviously were inappropriate.
11 And I think that they reflect some level of social emotional
12 immaturity on Mr. Williams' part. I think -- and I think Dr.
13 Powell alluded to this, as well. Trying to perhaps explore
14 some areas of his sexuality or his prior sexual experiences
15 that he hadn't fully dealt with. So I think that that may have
16 been what triggered some of those conversations.

17 Q. Is it significant to you that at the age of 55, 56,
18 57, that this is the only known allegation of misconduct like
19 this by Mr. Williams?

20 A. Yes. That is very significant. Because, again, that
21 goes into the whole idea of the sexually deviant interest and
22 whether it's a stable pattern that the person is exhibiting, or
23 if this is a moment in time. In his case, it does appear to be
24 a moment in time as opposed to a stable pattern of this type of
25 interest.

1 Q. And do you have an opinion as to the risk with regard
2 to Mr. Williams, with regard to recidivism?

3 A. I think that he is an individual who would be low risk
4 for sexual offense recidivism.

5 Q. What are the ranges? Is it low risk?

6 A. Sure. It can depend somewhat on the measure that you
7 use. With the SVR-20, it looks at low, moderate and high. If
8 you use the static and stable combination, it's very low, low,
9 moderate, high, and very high.

10 So he would be an individual who would I would
11 classify, using the SVR-20, as being low risk.

12 Q. The low end of that spectrum?

13 A. He would be quite low, yes.

14 Q. Because other than the one point on the -- well, two
15 points on the 20 scale, the theft and the other you discussed
16 for us, every other result that you had on your report was that
17 he was a low risk, a low risk, a low risk, correct?

18 A. Correct. Those factors were not present in his case.

19 MR. WOLFE: Thank you, Doctor.

20 THE COURT: Mr. Healy, do you have questions for this
21 witness?

22 ASSISTANT D.A. HEALY: Yes, sir.

23 THE COURT: Yes, sir.

24 CROSS-EXAMINATION

25 BY ASSISTANT D.A. HEALY:

1 Q. So let's just get some timing down. You talked to the
2 defendant on June 19th of 2017?

3 A. That's correct.

4 Q. Okay. And you made your initial report on August 7th
5 of 2017?

6 A. That's correct.

7 Q. Okay. And at that point you didn't have any police
8 reports?

9 A. Correct.

10 Q. You didn't have any interviews?

11 A. Correct.

12 Q. Or anything like that? And you just got that, I think
13 you said, outside a few days ago or last week, maybe?

14 A. It was around the week of August 20th because I
15 amended my report within two or three days of receiving that.

16 Q. So just in your practice, what percentage -- how many
17 -- what percentage of people do you find to be over low risk
18 for recidivism?

19 A. What percentage of people do I find to be over --

20 Q. Yeah.

21 A. To be moderate or high risk?

22 Q. Yeah.

23 A. It's a lower percentage. Generally I would say
24 between five to 10 percent if you combine moderate and high.

25 Q. Okay. So 90 to 95 percent of people that you

1 interview --

2 A. Low to.

3 Q. -- would be low --

4 A. Low to moderate.

5 Q. Okay. Now, just talking about some things that he

6 told you? You talked about his history with alcohol, right?

7 A. Correct.

8 Q. And he told you that for a long time he had been in

9 what he called not drinking mode?

10 A. Correct.

11 Q. And he said that if the opportunity is there that he

12 will, but he normally doesn't?

13 A. Right. What he told me was that he had had periods as

14 long as five years when he wouldn't have an alcoholic drink at

15 all. That was what he told me, correct.

16 Q. But he expressed to you that he knew that the drinking

17 could be a problem and so he stopped it?

18 A. Yes. He stopped it because he realized that he was

19 drinking too much at a particular point in his life.

20 Q. And do you know in this case the evidence in the

21 police report is that he drank around a child, correct?

22 A. Yes.

23 Q. And he even gave that child alcohol?

24 A. Yes, correct.

25 Q. Starting when the child was 14 years old?

1 A. Those were the allegations, correct.

2 Q. And that had happened more than once?

3 A. Correct.

4 Q. And that he even asked the child to come over to drink
5 with him and an adult friend?

6 A. Yes. I recall reading that allegation.

7 Q. Okay. And when the child turned him down, he told the
8 child, well, I can't stay here all day?

9 A. I saw that allegation, correct.

10 Q. Now, you talked about the child molestation part of
11 the scale.

12 A. Yes.

13 Q. Would certain things like showing a child pornography,
14 would that register anything on the child molestation scale?
15 Intentionally?

16 A. I have to think about it because there are so many
17 different items and they each load on different scales. So I'm
18 trying to think about which items load specifically on that
19 scale.

20 Q. Sure. Would it be a factor?

21 A. It could be. It could be.

22 Q. Okay. And what about offering to perform oral sex on
23 a child?

24 A. Yes. Yes.

25 Q. And what about showing that child a picture of his

1 penis on his phone?

2 A. Yes. That should register on that scale, correct.

3 Q. And from the police reports that you got after you did
4 all of this, all of those things were reported?

5 A. Allegations, yes; that's correct.

6 Q. The defendant talked to you about masturbation and
7 told you that he understood that it was something private?

8 A. Yes.

9 Q. Okay. And you know that in the police report and it's
10 reported that he asked the child to talk about masturbation,
11 right?

12 A. Yes.

13 Q. And he asked him how he did it and tried to get
14 details about that?

15 A. Correct.

16 Q. Mr. Wolfe talked about how he denied sexual abuse.
17 And you talked about kind of the difference of memory and
18 things like that?

19 A. Uh-huh.

20 Q. He remembered it after he talked to you with Dr.
21 Powell?

22 A. That's correct.

23 Q. And I know it can -- you can't speak in extremes and
24 you can't speak in always. But would that be consistent with
25 him telling the child about his own sexual abuse before you had

1 even talked to him?

2 A. I'm not sure if I'm following your question.

3 Q. Sure. I understand that people can remember some
4 details sometimes and other things. But the act or the actual
5 fact that he was actually sexually abused as a child --

6 A. Okay.

7 Q. -- he did not report it to you, correct?

8 A. Correct.

9 Q. He reported it to Dr. Powell after you, correct?

10 A. Correct.

11 Q. Right? If there was information that he reported to
12 the actual child before he even met with you --

13 A. Uh-huh.

14 Q. -- and not just details but the fact that it happened?

15 A. Uh-huh.

16 Q. It could have been he didn't remember it, right?

17 A. Correct.

18 Q. It could have been he didn't tell you intentionally,
19 correct?

20 A. Correct.

21 Q. Now, he denied ever watching pornography with underage
22 individuals.

23 A. That's correct.

24 Q. And you know the child reported being shown
25 pornography of males down to about 15 years of age or

1 young-looking, as well?

2 A. Yes. I recall that they were young-looking. I don't
3 know that there was ever any determination of the actual age.
4 But, yes, I do know they were young-looking, per the report.

5 Q. And per the reports, there were search terms on his
6 computer about prepubescent boys, correct?

7 A. Yes.

8 Q. And underage girls?

9 A. Yes.

10 Q. And you talked about attraction to prepubescent versus
11 postpubescent. But there is no dispute that the entire time he
12 was doing this, he knew the victim was 14 and 15?

13 A. Yes. I don't believe there's any dispute for that.

14 Q. What you are testifying today, would it be affected if
15 there had been physical contact? Let's say the child had not
16 said "no" to the offer of oral sex?

17 A. Uh-huh.

18 Q. That would affect your opinion here today, right?

19 A. It would have probably have affected my ratings on
20 some of the risk factors in the evaluation.

21 Q. All right. And you said that he reported to you guilt
22 and empathy and understanding of what he did was wrong?

23 A. Yes, on some level. But also there were at the same
24 time ways that he had of thinking about his behavior that
25 helped him to sort of alleviate I think some of the guilt.

1 Q. Sure. And that was before he had met with Dr. Powell?
2 A. Correct.
3 Q. And I want to finish up by talking about that evidence
4 of you said rationalization and justification?
5 A. Correct.
6 Q. Some of the things that registered that you put in
7 your report was that he said he made a mistake?
8 A. I'm going to refer to my report.
9 Q. Sure. It's Page 9, second paragraph down.
10 A. Yes, that's correct.
11 Q. He said he made a mistake --
12 A. Yes.
13 Q. -- that he's not perfect?
14 A. Correct.
15 Q. That the allegations were exaggerated?
16 A. Correct.
17 Q. That he was mixed up at the time?
18 A. Yes.
19 Q. That he was interested in the victim's sexual
20 development?
21 A. Yes.
22 Q. That he did not have a satisfying sexual relationship
23 with his wife?
24 A. Correct.
25 Q. That he used pornography?

1 A. Correct.

2 Q. And that he had victimized this child because he and
3 his spouse were not able to communicate?

4 A. Correct.

5 ASSISTANT D.A. HEALY: No further questions.

6 THE COURT: Thank you.

7 Anything else, Mr. Wolfe?

8 MR. WOLFE: Just briefly, Judge.

9 THE COURT: Yes, sir.

10 REDIRECT EXAMINATION

11 BY MR. WOLFE:

12 Q. With regard to allegations, Mr. Williams made
13 admissions to you as to the conduct he did engage in, correct?

14 A. Yes, he did.

15 Q. And you read the allegations that were made, correct?

16 A. Yes, that's correct.

17 Q. And did you see anything in those investigative
18 reports that were able to substantiate the allegations that Mr.
19 Williams denied?

20 A. I did not see anything to substantiate, no.

21 Q. That's right. And, for example, you keep hearing
22 about this -- these things occurring when the child was 14 and
23 15. But were you aware that we have got evidence that was
24 given to us today that he was engaging in this conduct when he
25 was 16 and 17?

1 A. Yes. I'm aware that there was some later conduct,
2 correct.

3 Q. Okay. And you had an opportunity to observe the
4 images that were taken by the camera in the bathroom?

5 A. Yes, that's correct.

6 Q. Mr. Williams admitted to those things to you?

7 A. Yes, he did.

8 Q. Did you feel as though he was being honest on the
9 tests?

10 ASSISTANT D.A. HEALY: Your Honor, that's an improper
11 question as far as the validity scale and what they
12 mean -- as far as her opinion about whether he's honest or
13 not, that's improper. But consistency and inconsistency,
14 that's okay.

15 Q. (By Mr. Wolfe) Did you believe he was telling you the
16 truth? You are allowed to give that opinion.

17 ASSISTANT D.A. HEALY: That's the same opinion,
18 Judge.

19 MR. WOLFE: I'm going have a follow-up question with
20 regard to it, Your Honor.

21 THE COURT: Yeah. Overruled. I will let her answer
22 that question.

23 Q. (By Mr. Wolfe) Do you believe he was being truthful
24 when he was answering the questions?

25 A. During the interview? He did appear to be forthcoming

1 with me during the interview.

2 Q. And with regard to the written testing that was
3 subject to the built-in safeguards, did the testing indicate to
4 you, based on your review of it, that he was being truthful in
5 answering his questions?

6 A. Yes, it did.

7 Q. And with regard to what may or may not have happened
8 when someone was three years old, didn't Dr. Powell's report
9 say he was likely abused when he was a child?

10 A. Correct.

11 Q. And there is a thing you talked about with regard to
12 repressed memories and things coming back and those sorts of
13 things? Did you see --

14 A. Yes. Yes. Yes.

15 Q. And is my understanding correct that if, in fact,
16 there was, those are things that should be explored in
17 counseling and it's what you wanted counseling to look into to
18 make sure it never happened again?

19 A. Correct. That would definitely be something that
20 would need to be addressed in counseling.

21 MR. WOLFE: Thank you.

22 THE COURT: Anything else, Mr. Healy?

23 ASSISTANT D.A. HEALY: Just one topic.

24 RECROSS-EXAMINATION

25 BY ASSISTANT D.A. HEALY:

1 Q. As far as, you know, the reports, you know,
2 substantiation and things like that?

3 A. Uh-huh.

4 Q. You have been through the ABSTAT training?

5 A. Yes, that's correct.

6 Q. And you've learned about grooming? Sexual grooming
7 behavior?

8 A. Yes, that's correct.

9 Q. So an adult starting small with a child and then
10 escalating behavior, that's consistent with grooming?

11 A. Correct.

12 Q. Making sexual comments and offhanded jokes at the
13 beginning, that's consistent with grooming behavior?

14 A. That's correct.

15 Q. Plotting a child with alcohol when the two are alone,
16 that's consistent with grooming behavior?

17 A. Yes, that's correct.

18 Q. And offering to do a sexual act on a child, that's
19 consistent with grooming behavior?

20 A. It could be if it started out as gradual low level
21 sexual behavior and then escalating, generally.

22 Q. Walking around naked in front of a child, that could
23 grooming behavior?

24 A. Correct.

25 Q. And, you know, there's no substantiation -- that's the

1 question you were asked. There's no evidence that you have
2 that this child had any motive to lie?

3 A. I don't think I saw anything that made me think that.

4 ASSISTANT D.A. HEALY: No further questions.

5 THE COURT: Thank you.

6 Mr. Wolfe, anything else?

7 MR. WOLFE: No. Thank you, Judge.

8 THE COURT: Thank you.

9 Thank you, ma'am. You may step down.

10 Is that your last witness?

11 MR. WOLFE: Yes.

12 THE COURT: The State has no more witnesses, as well?

13 ASSISTANT D.A. HEALY: No, Judge.

14 THE COURT: All right. I will hear any additional
15 argument that either side wants to make with respect to
16 sentencing. And then probably I will take another short
17 break. And then we will try to finish up.

18 ASSISTANT D.A. HEALY: We will waive first, Judge.

19 THE COURT: All right. Then you may begin, Mr.
20 Wolfe.

21 MR. WOLFE: I don't think there's a waiving of first.
22 It's not a motion that we are doing. And with regard to
23 sentencing, the State presents their aggravation and makes
24 their argument.

25 We have the right to respond and have allocution to

1 conclude the hearing. This isn't a motions hearing.

2 ASSISTANT D.A. HEALY: Judge, I don't have the case
3 law in hand. But I know the State has a right to open and
4 conclude.

5 THE COURT: In most sentencing hearings I have ever
6 done, I've allowed the State go first and last if they
7 wish to do so. So I will proceed in that fashion.

8 MR. WOLFE: He will be allowed to do allocution last,
9 correct?

10 THE COURT: Yes. And closing argument in support of
11 whatever the State is asking for. Both sides have already
12 told me what -- well, the State has told me what it was
13 going to ask for. I'm aware of that.

14 MR. WOLFE: Yes, sir.

15 As I indicated to you earlier, Judge, we were
16 entering our plea. These are never easy cases for the
17 Court to decide, a jury to decide, the State to deal with,
18 or a defendant or counsel to deal with.

19 I don't think that there is any question that the
20 photographs were taken. They were taken clandestinely.
21 And Mr. Williams has admitted to doing that. The question
22 here is, did he possess them on his computer? When his
23 computer was searched, they were there. And as I
24 indicated to you, they were there in an unallocated space,
25 but nonetheless he possessed them.

1 The conduct that led up to the taking of those
2 photographs is significant in several measures. But it
3 seems to me that as we hear what occurred and as we
4 discuss the information that was in the reports and
5 included in Dr. Dickson's report and Dr. Powell's
6 discussions with the court about the counseling that was
7 engaged in, and the photographs of him in the bathroom, it
8 appears as though Josh, at the time those pictures were
9 taken, were was over the age of 16 and over the age of
10 consent. The problem being that it's under the age of 18
11 with regard to the child pornography component of our Code
12 Section.

13 With regard to deviance and whether or not pedophilia
14 is an issue, Dr. Dickson made clear that being attracted
15 to a fully developed adult-looking male is not unusual for
16 someone. And taking his picture was something that
17 occurred. But at the end of the day it was something that
18 was done several months prior to it being discussed.
19 There was no force, as someone may have suggested.
20 There's nothing in the reports with regard to forcing
21 somebody to do something.

22 And with regard to the allegations of suggestions of
23 sexual conduct or contact between Brian and Josh, it seems
24 clear that when the overtures were rejected, there was no
25 attempt to make something happen or to force him into

1 doing it.

2 Why did he do these things? Some of the stuff we
3 heard came from Dr. Powell and Dr. Dickson. But the
4 question becomes, is there a likelihood that he will
5 repeat-offend? And it seems as though every calculation
6 that came back on the testing that has been verified and
7 that has been requested by State and defense attorneys
8 alike with regard to these types of cases, indicates "no."

9 Did he in the beginning say that he was making
10 excuses or he didn't -- you know, did he admit to what
11 happened? Yes. But did he try to make explanations and
12 excuses? Yes. He did that also. But after the
13 counseling, Judge, it seems to me from Dr. Powell's
14 testimony that his admissions and his recognitions all
15 offer sympathy and empathy to Josh -- Jade -- for what
16 happened.

17 His friends are all here. His friends came to
18 testify for him because they loved him. But one of the
19 reasons I brought them here is to show that over the years
20 from 1992 to 19- -- to 2017, there was never another
21 allegation of inappropriate conduct like this. So this is
22 a first known or first offense for Brian Williams. And
23 now that he's before this Court and has admitted to his
24 conduct, he's seeking care 70 times in 23 months. He's
25 doing the things that were suggested and recommended by

1 Dr. Dickson in the psycho-sexual evaluation.

2 That he has affected somebody's life is horrible.

3 And he will speak to you in a moment with regard to that.

4 And he regrets that deeply. And there is nothing that I
5 could cross-examine or ask questions about of the family
6 because I know how desperately hurt they are about what
7 happened to their child. And I know how Jade feels now as
8 a result of the conduct that occurred in the past.

9 So I just submit to the Court that with regard to the
10 punishment, it is our hope that the Court will allow -- I
11 know it is recommended in the special conditions of
12 probation, once he gets out, that he continue with his
13 counseling. And he has every intention to do that. But I
14 would submit to the Court that this unique circumstance is
15 unlikely to happen again. That Brian is sorry for what
16 was done. And he will tell you that himself in a moment.

17 And it seems as though, if there is going to be a
18 period of time in custody, I would ask the Court to
19 sentence Brian to a period of time perhaps in a probation
20 detention center where you serve every day of your time.
21 Or if, in fact, a prison term is appropriate, I would ask
22 the Court to sentence him to four years to serve.

23 When I look at the letter that Austin sent to you,
24 you know, questions about sexuality and those sorts of
25 things were addressed therein with him when Brian wasn't

1 even a party to the conversations, in conversations
2 between Austin and Josh when they went to the Afterglow
3 parties. I'm not condoning what Brian did. But I would
4 just ask the Court to consider that he wasn't the impetus
5 for everything that may have gone wrong in -- in Josh's
6 mind.

7 He has hurt Josh. He has violated the law. He has
8 violated the trust. But I would ask the Court to give him
9 the opportunity to get out of prison and do the right
10 thing with regard to his obligations to his family, the
11 community.

12 And we wish only good things for Jade as she
13 continues on with her life and her education that they
14 talked about in their letters.

15 THE COURT: Thank you.

16 MR. WOLFE: Thank you, Your Honor.

17 THE COURT: Mr. Healy?

18 ASSISTANT D.A. HEALY: So, Judge, in my mind, here's
19 the starting point. We have facts to support and a guilty
20 plea to support all the facts in a child pornography case
21 as well as facts to support acts of child molestation.
22 Things that would fall under the Georgia Statute of Child
23 Molestation. Both of those carry a minimum of 20 to serve
24 -- a five-year prison sentence with time on probation.

25 The idea that someone who sat in their basement and

1 downloaded pictures of children, pictures of children that
2 they didn't know, that they had never talked to, had never
3 done anything, and they view those and possess those and
4 they never go out and they never harm a child physically
5 and go and do those things are somehow more culpable than
6 this defendant does not comport with reason.

7 The word that was thrown around so many times today
8 was "inappropriate." What he did was inappropriate. It
9 was not only inappropriate. It was illegal. And it was
10 unacceptable.

11 And think of the defendant's acts. Now, I'm just
12 going to talk about right now what he has pled guilty to.
13 He would have to go out and buy a camera that looked like
14 a clock in order to take pictures without someone knowing.
15 He would have had to bring that home. Decide to take it
16 with him on a trip with this child. Knowing that the
17 child would be in the bathroom. Place that camera in
18 there. Let the child be photographed. Remove that. Take
19 it home. Put it on his computer. And view them. Along
20 -- anywhere along that process, he could have stopped.
21 And he didn't. And that is egregious.

22 But the other things that aggravate this case are
23 that it is a known victim and a known person to this
24 defendant.

25 Jade has exhibited -- and you've heard the testimony

1 of the mother -- all of the symptoms of being a victim of
2 sexual abuse and Post Traumatic Stress Disorder. Things
3 that we see so commonly in these cases.

4 I'm glad I was in here to watch the armed robbery
5 plea, to hear that statement from that victim about being
6 scared for her life and having a gun pointed at her? How
7 consistent was what you heard with that victim with what
8 Jake's mom talked about? Not wanting to leave the house.
9 Being distrustful of people. Not being able to feel
10 comfortable around people, even known people, people they
11 love? It was very consistent when I was listening to it
12 because this was a traumatic event of sexual violence.
13 These were acts repeated over a period of time.

14 And this idea that he didn't know it was wrong until
15 he started therapy is borderline outrageous. Look at the
16 timing of everything. He knew better. He goes in and he
17 talks to Jamie Dickson. And he says, I feel remorse, I
18 feel sorry. And then he goes in and Dr. Powell says, he
19 only became aware that this was wrong and there was
20 victimization after the fact. And that only through
21 therapy did he realize that.

22 He knew it was wrong because he deleted the pictures.
23 He knew it was wrong and could have stopped anywhere along
24 this process. And this idea that his childhood issues
25 that happened to him were the impetus does not jive with

1 them repeatedly saying he has had no other issues. If the
2 first were true, there would be much more of a chance that
3 this would happen to more people. But Jake was targeted.
4 He was targeted by this predator because of their access,
5 because of the things that were going on in Jake's life,
6 and because of the grooming process.

7 This defendant told everybody that he was able to
8 stop drinking when he realized there was a problem. But
9 he is coming in here and saying he didn't know it was okay
10 to say these things to this child, to act the way he did
11 toward this child, and to take pictures of this child.
12 That's not reasonable, Judge.

13 The amount of minimization in this case shows you the
14 danger in this particular defendant. In that same plea
15 you had a young man come before you and take full
16 responsibility for what he did. He took absolute full
17 responsibility. There was no minimization. There was no
18 justification. And what do we have in this case? He is
19 not perfect. He was mixed up. He was interested in the
20 victim's sexual development. He did not have a satisfying
21 sexual relationship with his wife. He blamed it on his
22 use of pornography. And that he and his wife were not
23 able to communicate. Those were the reasons that he gave
24 for his victimization of this child.

25 And when we talked to the doctors about, okay, we

1 have this opinion because there was no physical contact.
2 The only reason there was no physical contact was because
3 of the -- a 14-year-old, a 15-year-old child being
4 resolute and not giving into pressure. That's the only
5 reason.

6 And so someone else's decision should not be a
7 benefit to this defendant when you are considering his
8 dangerousness. Because if Jake had been okay with it or
9 Jade had been -- had felt coerced to do it, it would have
10 happened. It was the resolution of a 14-year-old,
11 15-year-old child that prevented this defendant from being
12 labeled a higher risk.

13 Things that were -- Dr. Dickson talked about the
14 child molestation scale and how there was nothing on the
15 child molestation scale. But when I asked her about
16 certain facts that happened in this case she said, yeah,
17 that would have affected that.

18 The entirety of this is based on self-reporting,
19 Judge, and I want you to look at all of the factors in
20 this -- in the defendant being forthcoming.

21 Mr. Wolfe said, well, he didn't -- he took the
22 pictures and that was it. And, you know, he took the
23 pictures, Judge, in a response to being turned down. His
24 response to being turned down when he had groomed this
25 child and tried to do physical acts with this child was to

1 circumvent and defend for his sexual arousal and take
2 pictures of this child without them knowing.

3 Jade had no reason to lie about all of these things
4 that happened. While, on the other hand, the defendant
5 said they were bored. They wanted to experiment. And
6 there was a last chance to do something sexually with
7 someone of the same sex.

8 The vast majority of this sentencing hearing has been
9 on this defendant's likelihood to re-offend. And while it
10 is a factor, it has been treated like the only one factor.
11 That's not the only factor in front of Your Honor.
12 Certainly something to be considered. But more
13 importantly, there is been irrevocable change to the life
14 of a child. We do not know the course of Jake's life
15 without this defendant. But we certainly know the damage
16 that has been done. You've heard about it.

17 And so there are a different -- there are many
18 different reasons and justifications for criminal
19 sentencing. And punishment is a significant one. The
20 damage or the changes that have been done to this child's
21 life cannot be understated. And it was through this
22 defendant's repeated actions, his choices. And it wasn't
23 just putting that surveillance camera in the room -- in
24 the bathroom with that child.

25 This defendant deserves to be accountable for what he

1 did. And he deserves to be sent a message that what he
2 did was not acceptable. And anything under the minimum
3 would not do that, Judge.

4 And so, like I said, we are asking for that sentence
5 of 20, do seven.

6 THE COURT: Is there anything else that needs to be
7 presented to the Court before I had a determination of
8 sentence?

9 MR. WOLFE: Mr. Williams wanted to address the Court.

10 THE COURT: Come around here, if you will, Mr.
11 Williams, to the seat closest to me. If you will place
12 your left hand on the Bible that's there and raise your
13 right hand.

14 BRIAN SCOTT WILLIAMS,
15 having been first duly sworn, was examined and testified as
16 follows:

17 THE DEFENDANT: I do.

18 THE COURT: Thank you, sir. You can be seated.

19 THE DEFENDANT: I deeply regret the actions which
20 bring us here today. Since all of this came to light over
21 two years ago, my -- the primary focus of my life has been
22 to understand what motivated me to engage in such conduct
23 and how to avoid this kind of behavior in the future.

24 Following my psycho-sexual examination with Dr.
25 Dickson, I had a good understanding of what my issues were

1 based on the results of the forensic testing. More
2 importantly I could see the areas of my thinking process
3 that needed to be worked on and resolved.

4 As to justify Dr. Dickson, I started counseling with
5 Dr. Powell shortly after receiving the test results. We
6 began examining my life experiences to identify the events
7 which led me to exercise the bad judgment I exhibited with
8 Jake.

9 The work I have done with Dr. Powell has had a
10 significant impact on me. Together, we have developed
11 strategies which allow me to cope with incidents I
12 experienced in my youth, while focusing on the cognitive
13 behavior techniques which have helped me to eliminate
14 inappropriate thinking.

15 I have also strengthened my relationship with my wife
16 and my family as I have made the changes, allowing me to
17 truly feel secure knowing I can now avoid those
18 inappropriate thoughts and actions. My wife Brenda and I
19 have also been working with a marriage counselor over this
20 entire time. We have learned a lot about each other by
21 identifying our strengths and our weak points, recognizing
22 how to support each other and how to communicate better.

23 While our marriage and personal relationship has
24 improved immensely, we still intend to continue counseling
25 and to be there for each other in the most difficult of

1 times. We are both committed to each other and our hope
2 is that at the appropriate time to move to a retirement
3 community to live out rest of our lives together.

4 To my family, my friends, I am ashamed of my actions.
5 I always tried to be the one that helped whenever there
6 was -- help was needed. I tried to support and encourage
7 my friends in everything they did. I tried to be
8 accepting of people from all walks of life. I tried to be
9 the guy people knew they could count on. That all ended
10 abruptly when I made the choices that brings us here.

11 From that pot on, I dedicated myself to working on my
12 mental health and preserving the goodness I had in my
13 marriage. I thank you all for your understanding and your
14 support during these last couple of years. It has
15 sustained me through my darkest hours.

16 To Jade, and family and friends, I never intended to
17 hurt you. I wanted to be your friend. I wanted you to
18 feel accepted. I sincerely care about you and your
19 happiness. Contrary to those feelings, I have acted in
20 ways that didn't support that. I made mistakes in
21 judgment. I made you feel violated. I invaded your
22 privacy. I undermined your parents. These things, I will
23 regret for the rest of my life.

24 I hope that nothing I have done will deter you from
25 attaining the successes that you deserve. And I am deeply

1 sorry. I just hope you can forgive me. Thank you.

2 THE COURT: Anything else?

3 MR. WOLFE: No. Thank you, Your Honor.

4 THE COURT: Thank you, sir.

5 Is there anything else from either side the Court
6 determines sentence?

7 ASSISTANT D.A. HEALY: No, Judge.

8 MR. WOLFE: No. Thank you, Judge.

9 THE COURT: I want to take a break for about 10
10 minutes. Then we will come back. I'm very aware that we
11 still have some people waiting on other pleas. But it
12 will give me time to complete this. And then we will get
13 to those. Thank you very much.

14 (Recess 3:47-4:01 p.m.)

15 THE COURT: Thank you, sir. You all can go to the
16 table, Counsel. Thank you, ladies and gentlemen. Again,
17 I appreciate everyone's patience today as we took care of
18 all of these important matters.

19 I want to start by saying to Jade, thank you for
20 being here. I cannot imagine how painful this is and how
21 difficult it is. But I must say how incredibly brave you
22 are to be here today to testify, to talk to us and tell us
23 what happened.

24 To relive to a certain extent the experience must be
25 incredibly painful. But I thank you because these things

1 -- unless someone is brave enough to speak up, they
2 continue to perpetuate and continue to go and they
3 continue to happen without any measure of justify,
4 whatsoever.

5 And while what I can do in a case like this cannot
6 change anything that's happened, my hope is that when
7 anybody walks away from a case like this, that at least
8 you have a sense of closure. That at least people can
9 move on with their lives.

10 And so I say to all of you who have been here today
11 to testify, that I thank you because while these decisions
12 are never easy for the Court, unless people come and they
13 paint a realistic picture for me as to what has happened
14 in these cases, I can't make a decision that is
15 appropriate for me to make in a circumstance like this.

16 Jake, the other thing I will say to you is it sounds
17 like you are an amazing and talented person. And that
18 doesn't change, regardless of the things that have
19 happened in this case. And it would be a real shame if
20 you didn't go on after this to share the gifts that you
21 have with the rest of the world and go on to pursue those
22 dreams and goals that you had before this, and continue to
23 live those on, that would be a real shame. That would be
24 the real strategy of this.

25 Because, you know, I have learned in this job that

1 evil things happen in the world. And I will say to your
2 parents, I know that you beat yourself up about what
3 happened in this case. You both said that from the
4 witness stand. But you cannot imagine or predict that
5 things will happen. And you should never fault yourselves
6 for believing in the goodness of people and believing that
7 people are going to do the right thing. That's not a fault.

8 And so, please, to the extent that you can, you guys
9 use this as a starting point to get some closure in some
10 awful things that have happened in a terrible chapter in
11 all of your lives, and move on.

12 I say to the other people who are here today, too,
13 Mr. Williams' family and friends and his wife and him, as
14 well. In every case that I see, no matter what the
15 offense is, when I sit up here I see that the ripple
16 effect in the things that we all do. The effect that it
17 has on the people that are around us. And it just goes to
18 show how inner-related we are as people. And how
19 important the decisions that we make are. And how much
20 they affect everybody's lives around us.

21 But I do thank everybody who came here to testify
22 today on both sides of this courtroom, for bringing me the
23 full picture in this case in order to make the
24 determination that I've made. So, with that, I will give
25 the sentence in this case.

1 Mr. Williams, having found that your plea is freely,
2 knowingly and voluntarily entered, I accept your plea in
3 this case.

4 On the charge in Count 1 of sexual exploitation of
5 children, I find you guilty on that count based upon your
6 plea. And on that count, I sentence you to 20 years, to
7 serve seven years in confinement.

8 Counts 2, 3, 4 and 5 all merge or are merged into
9 Count 1.

10 And Count 6 has been nolle prosecuted by the State.
11 And I accept the State's nolle prosequi on that count.

12 There are no fines on any of these counts. But you
13 will be responsible during the time of your probation for
14 the fees and surcharges associated with your probation and
15 with these proceedings.

16 You have you will have the following general
17 conditions of probation. First, do not violate the
18 criminal laws of any governmental unit; second, avoid
19 injurious and vicious habits; third, avoid persons or
20 places of disreputable or harmful character; fourth,
21 report to your community supervision officer as directed,
22 and permit that officer to visit you at your home or
23 elsewhere; fifth, work faithfully at suitable employment
24 insofar as that may be possible; sixth, do not change your
25 present place of abode or residence address or move

1 outside the jurisdiction of the Court or leave the state
2 of Georgia at any time for any reason without the prior
3 permission of your community supervision officer; and,
4 seven, support your legal dependents to the best of your
5 ability.

6 In addition, you will have the following special
7 conditions of probation. First, you are to sign a 4th
8 Amendment Waiver, which I believe you may have already
9 done.

10 Second, you are to be evaluated for substance abuse
11 and follow any recommended treatment or counseling as a
12 result of the evaluation. If you haven't done that while
13 you are in the prison system, which is available to you
14 free of charge while you are in there, then you are to get
15 that evaluation done within 30 days of your date of
16 release, and follow any recommended treatment or
17 counseling as a result of that evaluation. All of that
18 would at your own expense.

19 You are also to avoid all alcohol and drugs during
20 your time of your probation. You are not to consume any
21 alcoholic beverages, use any narcotics, or dangerous drugs
22 unless they are lawfully prescribed.

23 You are not to associate with anyone who uses or
24 possesses any illegal drugs. You are not to occupy any
25 residence or vehicle where illegal drugs are present. And

1 you are to submit to any random drug or alcohol screens as
2 may be requested. And those would be at your own expense.

3 You are not to have any contact whatsoever, either
4 direct or indirect, with the victim or with any of her
5 family members.

6 You are to abide by all of the sex offender
7 conditions which are part of the attachment to this
8 sentencing form. I will go over that in just a moment.
9 And you are to continue with any counseling that you are
10 currently receiving once you are released on probation.

11 Mr. Wolfe, did you have an opportunity to go over the
12 sex offender special conditions of probation with Mr.
13 Williams?

14 MR. WOLFE: I did, Judge. And when I spoke to Mr.
15 Healy, we are going to attempt to identify if there are
16 any specific people for Item Number 1.

17 THE COURT: Yes, sir.

18 MR. WOLFE: And with regard to, I believe, Items 11
19 and 12, Mr. Healy has agreed that the evaluation that he
20 has done with Dr. Dickson and Dr. Powell will satisfy
21 those requirements.

22 THE COURT: Certainly with respect to Requirement
23 Number 11, I think his evaluation will be satisfactory on
24 that, yes, sir.

25 All right. And the only other question is, Mr.

1 Williams, do you have any questions about the sexual
2 offender special conditions? Or is there anything in that
3 that you need for me to go over that you and your attorney
4 went over previously?

5 THE DEFENDANT: No.

6 THE COURT: Thank you.

7 And then finally, Mr. Wolfe, have his rights with
8 respect to habeas corpus been previously explained to him?

9 MR. WOLFE: Yes, they have, Your Honor.

10 THE COURT: Very good.

11 Well, I'm make that the sentence of this Court. I
12 will ask that counsel review the sentencing form that I am
13 signing right now and make sure that it reflects what I
14 have just said, and that it reflects any points that each
15 of you have previously agreed upon.

16 And then if you will both sign that and then we will
17 let Mr. Williams go over it and sign it, as well.

18 MR. WOLFE: Thank you. May I bring it over?

19 THE COURT: Yes, sir.

20 Is there anything that we need to take up from the
21 State's perspective in this case?

22 ASSISTANT D.A. HEALY: No, Your Honor.

23 THE COURT: Anything from the defense?

24 MR. WOLFE: No, Judge.

25 THE COURT: Counsel, this case is concluded at this

1 time. Thank you.

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CERTIFICATE

GEORGIA, COBB COUNTY

I hereby certify that the within and foregoing record is a true, complete and correct computer-aided TRANSCRIPT of the proceedings reported by me in the case herein stated.

This, the 6th day of October, 2019.

E. Staley Gilreath Robertson, CCR-B-1859
Certified Court Reporter