

RECEIVED
Sep 26 2022
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Florence County

Honorable D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAMES CHARLIE HAWKINS,

APPELLANT

APPELLATE CASE NO. 2021-001233

RECORD ON APPEAL

TAYLOR D. GILLIAM
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

WILLIAM M. BLITCH, JR.
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201
(803) 734-3372

ATTORNEY FOR APPELLANT

DAVID RICHARDSON
Assistant Solicitor, Twelfth Judicial Circuit
180 North Irby Street #1101
Florence, SC 29501
(843) 665-3091

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRANSCRIPT OF COMPETENCY HEARING DATED MAY 12, 2021	1
OPENING STATEMENT BY MR. RICHARDSON	4
TESTIMONY	
DR. KAUSTUBH JOSHI	
Direct Examination by Mr. Richardson	5
Direct Examination by the Court	8
COURT’S RULING ON CRIMINAL RESPONSIBILITY AND CAPACITY	12
<i>PRO SE</i> MOTION FOR NEW COUNSEL	14
COURT DEFERS RULING	19
TRIAL TRANSCRIPT DATED OCTOBER 11-14, 2021	24
DEFENSE MOTION TO SEQUESTER BY MS. HENDERSON	58
COURT’S RULING GRANTING MOTION	59
<i>PRO SE</i> MOTION FOR THE APPOINTMENT OF NEW COUNSEL	59
RULE 5 MOTION BY MS. HENDERSON.....	60
COLLOQUY WITH DEFENDANT	61
DEFENSE MOTION ON TRIAL CUSTODY BY MS. HENDERSON.....	63
COLLOQUY WITH DEFENDANT REGARDING CUSTODY AND COUNSEL	64
COURT DENIES <i>PRO SE</i> MOTION TO RELIEVE MS. HENDERSON.....	67
CONTINUED COLLOQUY WITH DEFENDANT	67
COURT DEFERS RULING ON MOTION TO RELIEVE MS. HENDERSON	67
COLLOQUY WITH DEFENDANT	68
COURT’S RULING ORDERING DEFENDANT REMOVED FROM COURTROOM	71

PROSECUTION MOTION ON CONFRONTATION RIGHTS BY MR. RICHARDSON	72
REBUTTAL BY MS. HENDERSON	72
COURT’S RULING PURSUANT TO <i>STATE V. CARTER</i>	73
DEFENSE NOTATION ON DEFENDANT ATTIRE AND <i>PRO SE</i> MOTIONS FOR NEW COUNSEL BY MS. HENDERSON	75
COLLOQUY WITH DEFENDANT REGARDING ADVERSE INFERENCES	75
COURT’S DECISION TO GIVE CURATIVE INSTRUCTION	78
DEFENSE NOTATION OF MARKINGS ON DEFENDANT ATTIRE	79
COLLOQUY WITH DEFENDANT	79
COURT’S RULING DENYING MOTION FOR SUBSTITUTION OF COUNSEL	83
DEFENSE MOTION RENEWING RULE 5 MOTION BY MS. HENDERSON	83
DEFENSE PRESENTATION OF STIPULATIONS BY MS. HENDERSON	86
PROSECUTION CONFIRMATION OF STIPULATIONS BY MR. RICHARDSON	88
<i>PRO SE</i> MOTION TO BE REMOVED FROM COURTROOM	88
COLLOQUY WITH DEFENDANT REGARDING ADVERSE INFERENCES	89
COURT’S FINDING DEFENDANT HAS CONSENTED TO REMOVAL	90
COURT’S RULING TO TRY DEFENDANT <i>IN ABSENTIA</i>	91
DEFENSE MOTION FOR CURATIVE INSTRUCTION ON CHOICE AND RIGHT TO BE TRIED <i>IN ABSENTIA</i> AND ADVERSE INFERENCES BY MS. HENDERSON	93
COURT’S RULING GRANTING MOTION	93
PROSECUTION MOTION FOR LEAVE TO ALLOW MINOR 5 TO TESTIFY WITH GUARDIAN PRESENT BY MR. RICHARDSON	93
COURT’S RULING GRANTING MOTION	93
COURT GIVES CURATIVE INSTRUCTION ON ADVERSE INFERENCES	94
OPENING STATEMENT BY MS. LEFTRIDGE	103

OPENING STATEMENT BY MS. HENDERSON.....	105
COLLOQUY WITH DEFENDANT	108
COURT ORDERS DEFENDANT’S CONDITIONAL PRESENCE	110
CONTINUED COLLOQUY WITH DEFENDANT.....	111
<i>PRO SE</i> MOTION TO REMAIN RESTRAINED	112
DEFENSE MOTION FOR DEFENDANT TO REMAIN RESTRAINED	112
COURT’S RULING ALLOWING DEFENDANT TO REMAIN RESTRAINED.....	113
DEFENSE MOTION FOR CURATIVE INSTRUCTION ON DEFENDANT PRESENCE AND ADVERSE INFERENCES BY MS. HENDERSON	114
COURT’S RULING GRANTING MOTION	114
COURT GIVES CURATIVE INSTRUCTION ON ADVERSE INFERENCES.....	115
TESTIMONY	
TYRONE WILLIAMS	
Direct Examination by Ms. Leftridge.....	116
MICA GRIGGS	
Direct Examination by Ms. Leftridge.....	121
DEFENSE OBJECTION TO STATE’S EXHIBITS #14, #18, #16, AND #15 BY MS. HENDERSON	130
REBUTTAL BY MR. RICHARDSON.....	130
REPLY BY MS. HENDERSON	131
COURT’S RULING DENYING DEFENSE OBJECTION TO STATE’S EXHIBITS	133
TESTIMONY	
MICA GRIGGS	
Continued Direct Examination by Ms. Leftridge	134
JIMMY CANTEY	
Direct Examination by Ms. Leftridge	136

MINOR 5	
Direct Examination by Mr. Richardson	144
<i>PRO SE</i> OBJECTION.....	150
COLLOQUY WITH DEFENDANT	150
TESTIMONY	
MINOR 5	
Continued Direct Examination by Mr. Richardson	156
Cross-Examination by Ms. Henderson	158
IDA GREGG	
Direct Examination by Mr. Richardson	160
Cross-Examination by Ms. Henderson	171
<i>PRO SE</i> MOTION TO BE REMOVED AND TRIED <i>IN ABSENTIA</i>	175
COURT’S DECISION GRANTING MOTION.....	176
COURT RENEWS CURATIVE INSTRUCTION ON ADVERSE INFERENCES	176
TESTIMONY	
DEVANTE WILSON	
Direct Examination by Mr. Richardson	177
MONIKA WILSON	
Direct Examination by Mr. Richardson	185
Cross-Examination by Ms. Henderson	195
Redirect Examination by Mr. Richardson	197
COLLOQUY WITH DEFENDANT	199
COURT RENEWS CURATIVE INSTRUCTION ON ADVERSE INFERENCES	200
TESTIMONY	
TIM MATTHEWS	
Direct Examination by Ms. Leftridge	202
FRANK MIZELL	
Direct Examination by Ms. Leftridge	205
STATEMENT FROM COURT NOTING DEFENDANT CHOICE TO BE ABSENT.....	211

DEFENSE MOTION ON DEFENDANT RIGHT TO TESTIFY AND ADVISEMENT OF RIGHTS BY MS. HENDERSON	212
COURT DENIES MOTION.....	213
TESTIMONY	
MATT MATUSIEWICZ	
Direct Examination by the Court	214
COURT’S RULING TO CONTINUE TRIAL <i>IN ABSENTIA</i>	216
COURT RENEWS CURATIVE INSTRUCTION ON ADVERSE INFERENCES	237
TESTIMONY	
DOCTOR LAURA HASH	
Direct Examination by Mr. Richardson	218
DOCTOR MICHAEL FOXWORTH	
Direct Examination by Mr. Richardson	229
Cross-Examination by Ms. Henderson	241
STATE RESTS	242
DEFENSE MOTION FOR DIRECTED VERDICT BY MS. HENDERSON.....	242
REBUTTAL BY MR. RICHARDSON.....	243
COURT’S DECISION DENYING MOTION.....	244
DEFENSE RESTS	247
COURT RENEWS PRIOR RULINGS TO DEFENSE MOTIONS AND OBJECTIONS...	247
CLOSING ARGUMENT BY MR. RICHARDSON.....	263
CLOSING ARGUMENT BY MS. HENDERSON	271
VERDICT	280
DEFENSE MOTION FOR A NEW TRIAL, TO POLL JURY, AND TO RENEW PRIOR MOTIONS BY MS. HENDERSON.....	282
COURT GRANTS MOTION TO POLL JURY.....	282

COURT’S RULING DENYING MOTION FOR A NEW TRIAL.....	285
COURT ORDERS PRESENCE OF DEFENDANT FOR SENTENCING.....	286
SENTENCING	287
STATEMENT FROM THE COURT NOTING DEFENDANT’S ABSENCE.....	287
SENTENCING RECOMMENDATION BY MR. RICHARDSON	289
REMARKS	
ELIZABETH MCKITHEN	291
IDA GREGG.....	294
COURT DEFERS SENTENCING	297
STATEMENT FROM COURT NOTING DEFENDANT’S PHYSICAL ABSENCE FROM SENTENCING AND REMOTE APPEARANCE	298
CONTINUED SENTENCING RECOMMENDATION BY MR. RICHARDSON.....	299
MITIGATION PRESENTATION BY MS. HENDERSON	301
SENTENCING COLLOQUY	302
SENTENCE OF THE COURT.....	310
STATEMENT FROM THE COURT NOTING DEFENDANT RIGHT TO TESTIFY AND INABILITY TO PERFORM COLLOQUY <i>IN ABSENTIA</i>	312
INDICTMENTS	315
SENTENCE SHEETS	320
[STATE’S EXHIBITS #14, #15, #16, AND #18 ARE ON FILE WITH THIS COURT]	
CERTIFICATE OF COUNSEL	332

State of South Carolina	)	Court of General Sessions
	)	Twelfth Judicial Circuit
County of Florence	)	Case No. 2019-GS-21-00088
	)	
	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Transcript of Record
	)	
	)	
James Charlie Hawkins,	)	
	)	
Defendant.	)	
	)	

May 12, 2021
Florence, South Carolina

B E F O R E:

The Honorable D. Craig Brown, Judge

A P P E A R A N C E S:

David Richardson, Esquire
Attorney for the State

Christie Henderson, Esquire
Attorney for the Defendant

Krystal J. Smith
Official Circuit Court Reporter

I N D E X

WITNESS/DESCRIPTION	PAGE NUMBER
Competency Hearing.....	4
Dr. Kaustubh Joshi	
Direct by Mr. Richardson.....	5
Direct by the Court.....	8
Findings/Ruling.....	12
Motion to Relieve Counsel.....	14
Ruling.....	15
Court Reporter Certification.....	23

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>

(No Exhibits Presented)

COURT REPORTER LEGEND

dashes	--	intentional or purposeful interruption
		or change in thought
ellipses	. . .	trailing off
[ph]		phonetically written
[sic]		written as said

1 MAY 12, 2021

2 (WHEREUPON, the proceedings began at 11:08 a.m. The
3 defendant was present with his counsel.)

4 MR. RICHARDSON: May it please the Court, Your Honor.

5 THE COURT: Hold on just a second.

6 All right. Yes, sir.

7 MR. RICHARDSON: Thank you, Your Honor.

8 Before you is James Charlie Hawkins. This is true-
9 billed Indictment 2019-GS-21-88. Mr. Hawkins is present,
10 represented by Christie Henderson.

11 We are before the Court today pursuant to an order for
12 evaluation by the Department of Mental Health. Dr. Joshi
13 from the Department of Neuropsychiatry and Behavioral Science
14 from USC School of Medicine is present here this morning and
15 has conducted -- or has met with the defendant and conducted
16 an evaluation, and we are ready to proceed with brief
17 testimony about his findings and to answer any questions of
18 defense counsel or the Court.

19 THE COURT: All right.

20 MR. RICHARDSON: So we would call Dr. Kaustubh Joshi. I
21 probably still mispronounced that.

22 THE CLERK: Sir, if you will please place your left hand
23 on the Bible and raise your right hand. Do you swear the
24 testimony you give in this case to be the truth, the whole
25 truth, and nothing but the truth, so help you God?

26

DR. KAUSTUBH JOSHI - DIRECT BY MR. RICHARDSON

1 THE WITNESS: I so affirm.

2 THE CLERK: Please be seated and state your full name
3 for the record.

4 THE WITNESS: My first name is Kaustubh, spelled K-a-u-
5 s-t-u-b-h, and my last name is Joshi, J-o-s-h-i.

6 MR. RICHARDSON: All right.

7 DR. KAUSTUBH JOSHI, being first
8 duly sworn or affirmed, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. RICHARDSON:

11 Q: Dr. Joshi, where are you employed?

12 A: At the University of South Carolina School of Medicine.

13 Q: And what is your role there?

14 A: I am the assistant program director for the Forensic
15 Psychiatry Fellowship training program.

16 Q: As a -- what sort of training did you have to have for
17 that job?

18 A: I did four -- did undergraduate at New Jersey Institute
19 of Technology, graduating with a Bachelor of Science in
20 engineering science. Then I went to the University of
21 Medicine and Dentistry of New Jersey, did four years of med
22 school there. After graduating med school, I did four years
23 of general psychiatry residency training at the University of
24 Texas Health Science Center in San Antonio, and then a one-
25 year forensic psychiatry fellowship training here at USC

1 School of Medicine.

2 Q: And what relationship do you have with the Department of
3 Mental Health?

4 A: So the University of South Carolina School of Medicine
5 contracts me to the South Carolina Department of Mental
6 Health to conduct court-ordered criminal forensic
7 evaluations.

8 Q: All right. Is that in the field of forensic psychiatry
9 or clinical psychiatry?

10 A: Forensic psychiatry.

11 Q: All right.

12 MR. RICHARDSON: Your Honor, I'd ask that Dr. Joshi be
13 -- Joshi be considered as an expert in forensic psychiatry.

14 THE COURT: Any voir dire or any objection?

15 MS. HENDERSON: No objections, Judge.

16 THE COURT: All right. Without objection, so qualified.

17 BY MR. RICHARDSON:

18 Q: Dr. Joshi, did you have an opportunity through your
19 contract role with DMH to meet with Mr. James Hawkins in this
20 case?

21 A: Yes.

22 Q: All right. And when did you meet with him?

23 A: I first met with Mr. Hawkins back on January 15th, 2019,
24 for the initial court order to conduct these evaluations.

25 And then as a subsequent court order issued in 2020 to re-

DR. KAUSTUBH JOSHI - DIRECT BY MR. RICHARDSON

1 evaluate his ability to stand trial, I attempted to evaluate
2 him in October and November of 2020. And then this morning I
3 was able to meet with Mr. Hawkins with his attorney present.

4 Q: All right. In your first meeting with him back in 2019,
5 were you able to develop an opinion with respect to his
6 competency?

7 A: Yes. I opined that he has the capacity to stand trial.

8 Q: All right. Subsequently, another order was filed
9 approximately a year later?

10 A: Yes.

11 Q: And you attempted to meet with him?

12 A: Yes.

13 Q: And that did not go well?

14 A: Well, Mr. Hawkins wanted his then attorney physically
15 present for those evaluations. So she was not able to be
16 physically present at those times. Thus, we were not able to
17 conduct the evaluation then.

18 Q: So it was conducted this morning here at the courthouse?

19 A: Yes.

20 Q: Did you have sufficient opportunity to meet with him
21 this morning?

22 A: I did.

23 Q: Were you able to gather enough information to generate
24 an opinion within a reasonable degree of psychiatric
25 certainty as to his capacity to stand trial?

1 A: Yes.

2 Q: What is that opinion?

3 A: I opined that he still has the capacity to stand trial.

4 Q: All right.

5 MR. RICHARDSON: I think that's all I have for you. If
6 you can answer any questions of defense counsel or the Court.

7 THE COURT: Ms. Henderson?

8 MS. HENDERSON: Judge, I have no questions for Dr.
9 Joshi.

10 THE COURT: All right.

11 Hold on just a minute, Doctor. Okay?

12 THE WITNESS: Yes, Your Honor.

13 DIRECT EXAMINATION BY THE COURT

14 THE COURT: How much time, Doctor, did you have to spend
15 with Mr. Hawkins this morning?

16 THE WITNESS: About an hour and a half.

17 THE COURT: And your typical evaluations that are
18 performed in Columbia, so to speak, how much time do you
19 typically spend with that?

20 THE WITNESS: A lot of that depends, obviously, on the
21 defendant and, you know, the nature of the case and how much
22 information we have to go over, but approximately these
23 evaluations average about two -- two-and-a-half hours.

24 THE COURT: And you're telling me today that you spent
25 an hour and a half with him?

26

DR. KAUSTUBH JOSHI - DIRECT BY THE COURT

1 THE WITNESS: Yes. And I also spent about two hours
2 with him in January of 2019.

3 THE COURT: And you believe based upon the time you
4 spent with him in 2019, as well as the time that you spent
5 with him today, was sufficient time for you to determine
6 whether or not he was competent to stand trial?

7 THE WITNESS: I believe I was able to gather all the
8 necessary information to render an opinion.

9 THE COURT: Okay. And you're certainly familiar with
10 the legal standards of competency to stand trial, obviously?

11 THE WITNESS: Yes, Your Honor.

12 THE COURT: What did you do this morning to determine --
13 to make your determination?

14 THE WITNESS: I interviewed Mr. Hawkins, asked him about
15 his general well-being currently at the detention center,
16 then inquiring into his awareness of the charges against him,
17 the alleged acts that led to the charges against him, the
18 potential sentences he could be facing if convicted of the
19 charges against him.

20 His aware -- he was aware of the roles of the -- his
21 public defender, the solicitor, and the judge in the case.
22 He was aware of the pleas available to him, as well as the
23 plea bargain that was offered to him. He was aware that, you
24 know, if he didn't accept the plea bargain, he'd be going to
25 a jury trial to prove his guilt or innocence. He was aware

DR. KAUSTUBH JOSHI - DIRECT BY THE COURT

1 of the roles of the jury and the potential outcomes that
2 could result from a jury trial. He was aware of, you know,
3 what his hope was for his case and the evidence that could be
4 used potentially against him and in his favor.

5 THE COURT: Okay. Was it your opinion based upon your
6 evaluation of him during your meeting that he was able to aid
7 and assist his attorney?

8 THE WITNESS: He has the capacity to aid and assist his
9 attorney.

10 THE COURT: Okay. Was he aware of the relevant facts --

11 THE WITNESS: He was aware.

12 THE COURT: -- in the case?

13 THE WITNESS: He was aware.

14 THE COURT: Okay. Was there any evidence through your
15 evaluation of any mental retardation or mental illness?

16 THE WITNESS: I did not see evidence of what we used to
17 previously call mental retardation, which is now called
18 intellectual disability. There was no evidence of that, and
19 there's no evidence of a severe and persistent mental
20 illness.

21 THE COURT: Okay. And the opinion that you've given
22 this Court here today, is that opinion to a reasonable degree
23 of medical certainty?

24 THE WITNESS: Yes, Your Honor.

25 THE COURT: Was he examined for criminal responsibility

DR. KAUSTUBH JOSHI - DIRECT BY THE COURT

1 and capacity as well?

2 THE WITNESS: In 2019.

3 THE COURT: And your finding in 2019?

4 THE WITNESS: Is that he has -- he would have been
5 criminally responsible for the alleged acts and he would have
6 had the capacity to conform his behavior to the requirements
7 of the law for the alleged acts.

8 THE COURT: Was there anything that you saw today that
9 would have changed that opinion?

10 THE WITNESS: No, Your Honor.

11 THE COURT: Okay. And he responded appropriately to
12 your questions in your evaluation this morning?

13 THE WITNESS: He responded to my questions. He -- you
14 know, sometimes he may disagree with what I'm saying, which
15 is an appropriate disagreement, but he responded to my
16 questions.

17 THE COURT: And again, it's your opinion that he
18 certainly has sufficient capacity to cooperate with his
19 counsel?

20 THE WITNESS: He has the capacity to cooperate with
21 counsel.

22 THE COURT: In your opinion he understands right from
23 wrong?

24 THE WITNESS: There was no evidence of a severe
25 persistent mental illness that would interfere with his

DR. KAUSTUBH JOSHI - DIRECT BY THE COURT

1 knowledge of wrongfulness.

2 THE COURT: Okay. Bear with me just a minute.

3 THE WITNESS: No problem, Your Honor.

4 THE COURT: All right. Pursuant to the Court's
5 questioning, does the State have any additional questions?

6 MR. RICHARDSON: No, sir.

7 THE COURT: Defense counsel?

8 MS. HENDERSON: No, Your Honor.

9 THE COURT: All right. Doctor, thank you for being
10 here. I appreciate you coming down here today. Thank you
11 for your time. You may step down.

12 THE WITNESS: Thank you, Your Honor.

13 MR. RICHARDSON: The State has nothing further as far as
14 witnesses.

15 THE COURT: All right.

16 All right. Based upon the testimony of Dr. Joshi this
17 morning, the Court finds that the defendant understands the
18 charges against him, as well as the possible penalties.

19 The Court further finds that the defendant is able to
20 assist his counsel with his defense. The Court finds that
21 the defendant understands the role and various roles of
22 courtroom officers and officials. The defendant has the
23 ability -- has the ability or sufficient capacity to
24 cooperate with his counsel.

25 More specifically, pursuant to the testimony of Dr.

1 Joshi, the defendant understands the proceedings. The
2 defendant knows and can understand -- and can define the charges
3 against him, knows the possible penalties if he is found
4 guilty, again knows the duties of the judge, the solicitor,
5 and his attorney. That he knows the difference between pleas
6 of guilty and not guilty. That he appreciates the
7 seriousness of the charges.

8 I note for the record that the defendant is in the
9 courtroom here today and has been here throughout the
10 proceedings of this case. That he's been sufficiently under
11 control, so to speak, of his own behavior here in court.
12 That he has the capacity to assist his defense.

13 I would note that pursuant to *State v. Torrence*, 317
14 S.C. 45, the test is not whether the defendant, in fact,
15 cooperates with counsel, but whether he has sufficient
16 capacity to do so, which Dr. Joshi certainly testified that
17 he has the capacity to do so. Whether or not he chooses to
18 do so is up to him.

19 There's no evidence of mental retardation or
20 insufficient intellectual capacity, I think as was defined by
21 Dr. Joshi. No evidence of that. There's no evidence of
22 mental illness.

23 That the defendant was examined for criminal
24 responsibility and capacity in January of 2019. There's
25 nothing that affects the findings of criminal responsibility

1 and capacity from 2019.

2 That all of Dr. Joshi's opinions were to a reasonable
3 degree of medical certainty regarding competency, and Dr.
4 Joshi testified that while he only met with the defendant for
5 about an hour and a half, an hour to an hour and a half this
6 morning, and that typical evaluations sometimes last between
7 two and two-and-a-half hours, that the times that he has met
8 with this defendant, Mr. Hawkins, back in 2019, as well as
9 2020, plus the time that he met with the defendant here this
10 morning was sufficient time for him to meet with Dr. -- with
11 -- excuse me -- with the defendant, Mr. Hawkins, to render
12 his opinions to a reasonably degree of medical certainty and,
13 therefore, the Court does find that the defendant is
14 competent.

15 All right. Anything further, Mr. Richardson?

16 MR. RICHARDSON: No, sir.

17 THE COURT: Ms. Henderson?

18 MS. HENDERSON: Nothing, Judge, regarding the competency
19 issue. I believe Mr. Hawkins might have issues with my
20 representation that he would like to address the Court with.

21 THE COURT: All right.

22 All right. Mr. Hawkins, I'll be happy to hear from you,
23 sir. Is there anything you want to tell me?

24 THE DEFENDANT: Not at this moment, Your Honor. I would
25 just like to let you know that between the visitation room,

1 they'll come to visit me at Florence County. My
2 representation isn't up to par, not for my -- not for my case
3 in --

4 THE COURT: Okay.

5 THE DEFENDANT: -- particular. I'm willing to give her
6 an opportunity, but I'd like for the Court -- for the judge
7 to be aware that I've not been comfortable. I'd rather have
8 Ms. Tamara Greer because she was -- she started. I put 100
9 percent confidence in her. I understand that she's no longer
10 in this state, but it's kind of -- I understand that. She
11 did more work and I'd prefer for her to keep on working.

12 THE COURT: All right. Well, as you are aptly aware by
13 just conveying to me, Ms. Greer is no longer in this public
14 defender's office here. She is working out of state now, and
15 she is no longer your attorney.

16 Ms. Henderson is your attorney, and Ms. Henderson has
17 been with this office for quite some time. She has appeared
18 in front of me on numerous occasions --

19 THE DEFENDANT: Yes, sir.

20 THE COURT: -- representing a number of defendants and
21 does an excellent job for her clients.

22 Now, it's up to you, Mr. Hawkins, as to whether or not
23 you decide to cooperate with her and assist her in the
24 defense of your case. If you choose not to do so, that will
25 be to your own detriment -- to your own detriment, but I have

1 heard nothing here today that would warrant this Court
2 relieving Ms. Henderson as your lawyer.

3 Now, if you want to have other counsel, you certainly
4 have the right. If your family -- you or your family has the
5 financial means to hire a lawyer, you certainly may hire a
6 lawyer. Otherwise, Ms. Henderson is going to continue to
7 represent you as it relates to these charges.

8 Now, I'm not sure what -- I really don't know anything
9 about your case. Okay? I don't know. What is he even
10 charged with, Mr. Richardson?

11 MR. RICHARDSON: Your Honor, he was arrested for five
12 counts of child neglect and one count of inflicting great
13 bodily injury upon a child.

14 THE COURT: And the offers in this case have been what?

15 MR. RICHARDSON: Judge, I think the last thing Ms.
16 Henderson and I discussed was essentially a time-served
17 sentence. He's been in jail on a -- he's got Darlington
18 County charges as well that are of similar nature and he was
19 incarcerated longer on those and they're still pending, and
20 he's actually, I think, technically a Darlington County
21 inmate still, but last year his prior counsel --

22 THE COURT: I remember Ms. Greer having him brought to
23 Florence County to deal with -- to try to deal with these
24 cases and charges over here.

25 MR. RICHARDSON: Right. And his date of arrest over

1 here was in September of 2018. He's been continuously
2 incarcerated since that time. So he's basically maxed out.
3 If he got the maximum sentence on child neglect, he's pretty
4 much maxed that out already with parole eligibility as it is.
5 So I've offered him a time-served sentence.

6 THE COURT: All right. Mr. Hawkins, you know, based
7 upon what --

8 Anything you want to add, Ms. Henderson?

9 MS. HENDERSON: Judge, I've attempted to discuss this
10 with Mr. Hawkins in detail multiple times. I've attempted to
11 discuss even a potential Alford plea.

12 THE COURT: Okay.

13 MS. HENDERSON: Since I've been counsel.

14 THE COURT: Well, Mr. Hawkins, based upon what I've
15 heard here today, you know, the -- excuse me. The Darlington
16 County charges are still pending, but your Florence County
17 charges, you would, in essence, be given a time-served
18 sentence. In other words, the charges would go away if you
19 decided to plead guilty.

20 Now, you don't have to plead guilty. That's up to you,
21 but the other alternative is for you to go to trial. Now, if
22 you were to go to trial and --

23 How many counts of -- tell me -- tell me the charges
24 again?

25 THE COURT: Well, it's five counts of unlawful conduct

1 towards a child, which is zero to 10 years each, and then
2 inflicting great bodily injury upon a child, which I believe
3 is up to 20 years, if I recall correctly, and that's a
4 violent, most serious offense, I believe.

5 THE COURT: Okay. So four counts of neglect?

6 MR. RICHARDSON: Five.

7 THE COURT: Five? I guess, you know, in reality, if you
8 went to charge [sic] and all of these charges were -- if you
9 got convicted and they were run consecutive, then you could
10 certainly be in jail a lot longer, but the State has, in
11 essence, offered you a time-served sentence on these charges.
12 So I don't think any lawyer as far as plea negotiations go
13 could work any better deal for you than what's been worked
14 over here, but you have a right to go to trial if you want
15 to.

16 And so I've made my findings as to your competency.
17 It's your choice as to whether or not you plead guilty or go
18 to trial. You certainly have the right to go to trial.

19 Other than what's been conveyed to me here, it seems
20 like I vaguely remember some of the facts of this case. And
21 when you've been in front of me before, if I remember
22 correctly -- and Mr. Richardson can and Ms. Henderson can
23 correct me if I'm wrong, but there was some pretty -- fairly
24 egregious facts in this case.

25 MR. RICHARDSON: Yes, sir.

1 THE COURT: Alleged facts. Okay? Pretty bad alleged
2 facts. But again, I don't -- I mean that's a vague
3 recollection on my part, but you certainly have a right to go
4 to trial. Nobody -- it's up to you whether or not you go to
5 trial or plead guilty, but the other alternative certainly is
6 if you decide to go to trial, you know, you'll get -- get a
7 trial.

8 The State has certainly offered you a plea bargain
9 that's, in essence, a time-served sentence, and you don't
10 have to take that certainly, but that's just a -- what's out
11 there and what's been offered to you. Okay? Do you
12 understand that? Do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Okay. When do you expect to maybe try this
15 case, Mr. Richardson?

16 MR. RICHARDSON: Well, Judge, the only hold-up I think
17 was the competency evaluation. So I mean I think we could
18 get it ready whenever you want to put it on the calendar.

19 THE COURT: Well, it seems to me like it's a fairly old
20 case. So I mean do you want to shoot for August?

21 MR. RICHARDSON: That would be fine. Yes, sir.

22 MS. HENDERSON: That's good, Judge.

23 THE COURT: Okay. Well, you've got a little bit of time
24 to think about it, I guess, Mr. Hawkins, as to whether or not
25 you want to go to trial and take the chance of being

1 convicted and being sent to jail on some consecutive
2 sentences if you are convicted or disposing of these charges
3 by virtue of a plea and allowing you to go back to Darlington
4 County and deal with whatever you need to deal with over
5 there. So that'll be up to you. Okay?

6 MS. HENDERSON: Thank you, Judge.

7 THE COURT: Do you have any questions, Mr. Hawkins?

8 THE DEFENDANT: If I accept it, essentially --

9 THE COURT: Sir? If you accept?

10 THE DEFENDANT: Yeah. What would -- what would that
11 have -- I mean how would that affect me? Well, me and my
12 children, my four children -- well, my five children?

13 THE COURT: Well, Ms. Henderson can talk to you about
14 that. Okay? You know, I don't know what may be going on
15 through Family Court. That's a whole different court and
16 what you may have to deal with there. Okay?

17 But I'm assuming based upon what's been kind of conveyed
18 to me here today those children may be in foster care at this
19 point. I don't -- I don't know what's going on there. There
20 may be a TPR done. I don't know.

21 MR. RICHARDSON: Judge, I think this all would be
22 handled through Darlington County Family Court, and I mean
23 just from my prior experience as a DSS attorney, you know, it
24 didn't matter in Family Court in the DSS case what happened
25 in General Sessions Court. You know, Family Court and DSS

1 actions are their own ball of wax.

2 THE COURT: Yeah.

3 MR. RICHARDSON: That have their own findings. So this
4 would really have no impact as far as I know.

5 THE COURT: Well, and I would assume based upon my
6 experience when I practiced law -- and I didn't do a whole
7 lot of Family Court stuff other than what I was appointed on,
8 but in every situation, Mr. Hawkins, that I was aware of,
9 there was some kind of treatment plan implemented.

10 And when parents failed to comply with the treatment
11 plan, it was at that point that a termination of parental
12 rights proceeded. Is that right?

13 MR. RICHARDSON: DSS has various options as to what they
14 offer, but ultimately, it would be up to the Court, if the
15 Family Court would order a particular set of whatever the
16 options are.

17 THE COURT: Yeah.

18 MR. RICHARDSON: It all depends on what the findings are
19 in that court.

20 THE COURT: Yeah. But maybe Ms. Henderson can -- can
21 talk to you about that.

22 MS. HENDERSON: Certainly, Judge.

23 THE COURT: All right. Do you have any other questions,
24 Mr. Hawkins? Mr. Hawkins, do you have any other questions?

25 THE DEFENDANT: No, sir.

1 THE COURT: Sir?

2 THE DEFENDANT: No.

3 THE COURT: Okay. That'll conclude this matter. Thank
4 you.

5 MS. HENDERSON: Thank you, Judge.

6 (WHEREUPON, the proceedings ended at 11:38 a.m.)

7

8 --- END REQUESTED TRANSCRIPT ---

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

I do further certify that I am neither of kin, counsel,
nor interest to any party hereto.

Court Reporter

January 3, 2022

State of South Carolina	)	Court of General Sessions
	)	Twelfth Judicial Circuit
County of Florence	)	Case No. 2019-GS-21-00088
	)	
	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Transcript of Record
	)	
	)	
James Charlie Hawkins,	)	
	)	
Defendant.	)	
	)	

October 11-14, 2021
Florence, South Carolina

B E F O R E:

The Honorable D. Craig Brown, Judge

A P P E A R A N C E S:

David Richardson, Esquire
Danielle Leftridge, Esquire
Attorneys for the State

Christie Henderson, Esquire
Emily Crayton, Esquire
Attorneys for the Defendant

Proceedings taken down electronically

Transcribed by:
Krystal J. Smith
Official Circuit Court Reporter

	<u>I N D E X</u>	
	<u>WITNESS/DESCRIPTION</u>	<u>PAGE NUMBER</u>
1		
2		
3	(OCTOBER 11, 2021)	
4	Case Called.....	8
5	Jury Voir Dire.....	12
6	Jury Drawn.....	26
7	Defense Motion to Sequester.....	35
8	(OCTOBER 12, 2021)	
9	Rule 5 Motion by the Defense.....	60
10	Jury Sworn.....	71
11	Jury Instructions.....	72
12	Opening Statements	
13	Ms. Leftridge.....	80
14	Ms. Henderson.....	82
15	Tyrone Williams	
16	Direct by Ms. Leftridge.....	93
17	Mica Griggs	
18	Direct by Ms. Leftridge.....	98
19	Jimmy Cantey	
20	Direct by Ms. Leftridge.....	113
21	MINOR 5	
22	Direct by Mr. Richardson.....	121
23	Cross by Ms. Henderson.....	135
24		
25	(CONTINUED ON THE NEXT PAGE)	

	<u>I N D E X</u>	
	<u>WITNESS/DESCRIPTION</u>	<u>PAGE NUMBER</u>
1		
2		
3	Ida Gregg	
4	Direct by Mr. Richardson.....	137
5	Cross by Ms. Henderson.....	148
6	Devante Wilson	
7	Direct by Mr. Richardson.....	154
8	Monika Wilson	
9	Direct by Mr. Richardson.....	163
10	Cross by Ms. Henderson.....	172
11	Redirect by Mr. Richardson.....	174
12	Tim Matthews	
13	Direct by Ms. Leftridge.....	178
14	Frank Mizell	
15	Direct by Ms. Leftridge.....	182
16	(OCTOBER 13, 2021)	
17	Matt Matusiewicz	
18	Direct by the Court.....	191
19	Laura Hash	
20	Direct by Mr. Richardson.....	195
21	Michael Foxworth	
22	Direct by Mr. Richardson.....	206
23	Cross by Ms. Henderson.....	218
24	State Rests.....	219
25	Defense Motion for Directed Verdict.....	219

1	<u>I N D E X</u>	
2	<u>WITNESS/DESCRIPTION</u>	<u>PAGE NUMBER</u>
3	Charge Conference.....	222
4	Defense Rests/Renews Motion and Objections.....	224
5	Charge on the Law.....	225
6	Closing Arguments	
7	Mr. Richardson.....	240
8	Ms. Henderson.....	248
9	Verdict.....	257
10	Defense Motions.....	259
11	Jury Polled.....	259
12	(OCTOBER 14, 2021)	
13	Sentencing Hearing.....	264
14	Sentence.....	287
15	Court Reporter Certification.....	291
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1	<u>STATE'S EXHIBITS</u>			
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
3	1	Photograph		119
4	2	Photograph		119
5	3	Photograph		119
6	4	Photograph		110
7	5	Photograph		110
8	6	Photograph		110
9	7	Photograph		110
10	8	Photograph		110
11	9	Photograph		110
12	10	Photograph		110
13	11	Photograph		110
14	12	Photograph		110
15	13	Photograph		110
16	14	Photograph		110
17	15	Photograph		110
18	16	Photograph		110
19	17	Photograph		110
20	18	Photograph		110
21	19	Photograph		110
22	20	Photograph		110
23	21	Photograph		110
24	22	Photograph		110
25	23	Photograph		110

1	24	Photograph		110
2	25	Photograph		110
3	26	Photograph		110
4	27	Photograph		110
5	28	Photograph		110
6	29	Photograph		110
7	30	Photograph		110
8	31	Photograph		110
9	32	Photograph		110
10	33	Photograph		110
11	34	Photograph		110
12	35	Photograph		110
13	36	Photograph		110
14	37	Photograph		110
15	38	Photograph		110
16	39	Photograph		110
17	40	Photograph		110
18	41	Photograph		110
19	42	Map		116
20	43	Wooden Board		117
21	44	Chain of Custody		201
22	45	DNA Khadijah Hawkins	180	204
23	46	DNA Tameeka Hawkins	180	204
24	47	DNA Zamarion Commander	180	204
25	48	DNA Nabu Hawkins	180	204

1	49	DNA	MINOR 5	180	204
2	50	DNA	Ida Gregg	180	204
3	51	Swabs	from Board	180	204

4

5

6

7

COURT'S EXHIBITS

8

NO.DESCRIPTIONID.EV.

9

1

Jury Foreman Note

(unknown)

10

11

12

13

14

15

16

17

18

19

COURT REPORTER LEGEND

20

dashes --

intentional or purposeful interruption

21

or change in thought

22

ellipses . . .

trailing off

23

[ph]

phonetically written

24

[sic]

written as said

25

1 OCTOBER 11, 2021

2 (WHEREUPON, the proceedings began at 2:12 p.m.)

3 THE COURT: All right. Is the State ready to proceed?

4 MR. RICHARDSON: Yes, Your Honor.

5 THE COURT: Defense counsel?

6 MS. HENDERSON: We are, Your Honor.

7 THE COURT: All right. If you'd call your first case,
8 please, Mr. Richardson.

9 MR. RICHARDSON: Thank you, Your Honor. If it please
10 the Court, the State calls Indictment 2019-GS-21-00088, State
11 of South Carolina versus James Charlie Hawkins.

12 THE COURT: All right. All right. Have you got -- have
13 you got the indictments?

14 All right. Ladies and gentlemen, the State has called
15 the case of the State of South Carolina versus James Charlie
16 Hawkins. Mr. Hawkins is charged by indictment with five
17 counts of unlawful conduct towards a child and one count of
18 inflicting great bodily injury upon a child.

19 Before I read these charges in the indictment, ladies
20 and gentlemen, please understand that Mr. Hawkins has pled
21 not guilty to these charges. Therefore, the State of South
22 Carolina bears the burden of proving his guilt beyond a
23 reasonable doubt. The indictment is simply the charging
24 document which brings this case -- this case into this court,
25 and it is not in any way evidence of the charges that it

1 contains.

2 The first count of unlawful conduct towards a child
3 reads that James Charlie Hawkins did in Florence County
4 between the dates of July 10, 2017, and July 21, 2017, while
5 having charge or custody or being the parent or guardian or
6 being responsible for the welfare of a minor child, being
7 **MINOR 1**-- is that correct pronunciation?

8 MR. RICHARDSON: Yes, sir.

9 THE COURT: **MINOR 1**, aged 4 years, placed the child
10 at unreasonable risk of harm affecting the child's life,
11 physical or mental health or safety or did unlawfully or
12 maliciously cause or cause to be done bodily harm to the
13 child so that the life or health of the child was endangered
14 or was likely to be endangered or did willfully abandon the
15 child in violation of Section 63-5-70 of the South Carolina
16 Code of Laws.

17 The next count in the indictment reads, which is also
18 unlawful conduct towards a child, that James Charlie Hawkins
19 did in Florence County between the dates of July 10, 2017,
20 and July 21, 2017, while having charge or custody or being
21 the parent or guardian or being responsible for the welfare
22 of a minor child, aged 11 years, placed the child at
23 unreasonable risk of harm affecting the child's life,
24 physical or mental health or safety or did unlawfully or
25 maliciously cause or cause to be done bodily harm to the

1 child so that the life or health of the child was endangered
2 or was likely to be in endangered or did willfully abandon
3 the child in violation of Section 16 -- excuse me -- Section
4 63-5-70 of the South Carolina Code of Laws.

5 The next charge of unlawful conduct towards a child
6 reads that James Charlie Hawkins did in Florence County
7 between the dates of July 10, 2017, and July 21, 2017, while
8 having charge or custody or being the parent or guardian or
9 being responsible for the welfare of a minor child -- is that
10 MINOR 2 ?

11 MR. RICHARDSON: Yes, sir.

12 THE COURT: The minor child being MINOR 2,
13 aged 4 years, placed the child at unreasonable risk of harm
14 affecting the child's life, physical or mental health or
15 safety or did unlawfully or maliciously cause or cause to be
16 done bodily harm to the child so that the life or health of
17 the child was endangered or was likely to be in endangered or
18 did willfully abandon the child in violation of Section
19 63-5-70 of the South Carolina Code of Laws.

20 The next count in the indictment charging unlawful
21 conduct towards a child reads that James Charles -- Charlie
22 Hawkins -- James Charlie Hawkins did in Florence County
23 between the dates of July 10, 2017, and July 21, 2017, while
24 having charge or custody or being the parent or guardian or
25 being responsible for the welfare of a minor child, MINOR 3

1 [REDACTED], aged 5 years, placed the child at unreasonable risk
2 of harm affecting the child's life, physical or mental health
3 or safety or did unlawfully or maliciously cause or cause to
4 be done bodily harm to the child so that the life or health
5 of the child was endangered or was likely to be endangered or
6 did willfully abandon the child in violation of Section
7 63-5-70.

8 The next charge in the indictment of unlawful conduct
9 towards a child alleges that James Charlie Hawkins did in
10 Florence County between the dates of July 10, 2017, and July
11 21, 2017, while having charge or custody or being the parent
12 or guardian or being responsible for the welfare of a minor
13 child, being [REDACTED] MINOR 4 [REDACTED], aged 5 years, placed the child
14 at unreasonable risk of harm affecting the child's life,
15 physical or mental health or safety or did unlawfully or
16 maliciously cause or cause to be done bodily harm to the
17 child so that the life or health of the child was endangered
18 or was likely to be endangered or did willfully abandon the
19 child in violation of Section 63-5-70 of the South Carolina
20 Code of Laws.

21 And finally, the charge that alleges that the defendant
22 Jamie -- James Charlie Hawkins -- it is a charge of
23 inflicting great bodily injury upon a child, and that charge
24 of the indictment reads that James Charlie Hawkins did in
25 Florence County between the dates of July 10, 2017, and July

1 21, 2017, inflict great bodily -- bodily injury upon a child,
2 aged 11 years, which created a substantial risk of death
3 and/or caused serious or permanent disfigurement and/or
4 protracted loss or impairment of the function of any bodily
5 member or organ in violation of Section 16-3-95 of the South
6 Carolina Code of Laws.

7 Now, as I told you all a minute ago, the indictment and
8 the charges contained in the indictment that I just read to
9 you all is not evidence in this case. It is simply the
10 charging document which brings this case into this court.
11 The defendant, Mr. James Charlie Hawkins, has pled not guilty
12 to these charges and, therefore, the State of South Carolina
13 bears the burden of proving his guilt beyond a reasonable
14 doubt.

15 Now, before we go any further, can the lawyers approach
16 just a minute, please?

17 (WHEREUPON, a bench conference was held off the record,
18 after which the proceedings resumed as follows.)

19 THE COURT: All right. Now, ladies and gentlemen,
20 there's certain questions I must ask of you to determine
21 whether or not you're qualified to serve as a juror in this
22 particular case.

23 The first question, is there any member of the jury
24 panel that has ever been related by blood, connected by
25 marriage, had a close personal, business or social

1 relationship with James Charlie Hawkins? If so, please
2 stand.

3 All right. No one is standing in Courtroom A. What
4 about Courtroom B?

5 THE CLERK: No, sir.

6 THE COURT: All right. All right. The following,
7 ladies and gentlemen, is a list of potential witnesses in
8 this case. They include:

9 Jimmy Cantey, Florence Police Department.

10 Tim Matthews, Florence Police Department.

11 Frank Mizell, Florence Police Department.

12 Glenda Oliver, Florence Police Department.

13 Mica Griggs, Darlington County Sheriff's Office.

14 Tyrone Williams, Darlington Police Department.

15 Alysha Andrews Breland, formerly with SLED, South
16 Carolina Law Enforcement Division.

17 Laura Hash, SLED.

18 Dr. Robert A. Barefoot, Carolina Pines Medical Center.

19 Dr. Sarah Erickson, Carolina Pines Medical Center.

20 Dr. Michael Foxworth, HopeHealth.

21 Latonya McFadden, Pee Dee Mental Health.

22 Now, is there any member of the jury panel that's ever
23 been related by blood, connected by marriage, had a close
24 personal, business or social relationship with any of those
25 potential witnesses? If so, please stand.

1 Yes, ma'am? Your name and number, please?

2 JUROR NUMBER 173: Brandy Yarborough. My number is 173.

3 THE COURT: Pull your mask down, please.

4 JUROR NUMBER 173: My number is 173.

5 THE COURT: And who off of that list?

6 JUROR NUMBER 173: The doctor you talked about, Dr.

7 Barefoot.

8 THE COURT: Yes, ma'am. Carolina Pines.

9 JUROR NUMBER 173: My maiden name is Barefoot also.

10 THE COURT: Ma'am?

11 JUROR NUMBER 173: My maiden name is Barefoot. I don't

12 know if he's some sort of family or not.

13 THE COURT: What was her number again?

14 THE CLERK: 173.

15 THE COURT: 170 what?

16 THE CLERK: Three.

17 JUROR NUMBER 173: Three.

18 THE COURT: Well, do you have a family member that's a

19 doctor that you know of?

20 JUROR NUMBER 173: No.

21 THE COURT: Okay.

22 JUROR NUMBER 173: No.

23 THE COURT: If you were selected as a juror in this

24 case, could you be fair and impartial to both the State and

25 the defense?

1 JUROR NUMBER 173: Yes, sir.

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

3 Any other people standing in Courtroom B?

4 THE CLERK: No, sir.

5 THE COURT: All right. All right. These additional
6 names are potential witnesses in this case. They include:

7 MINOR 2 .

8 Ida Gregg.

9 MINOR 5

10 MINOR 4 .

11 MINOR 3 .

12 MINOR 1 .

13 Monika Wilson.

14 Ashley Anderson, Florence Police Department.

15 Carla Benton, South Carolina Department of Social
16 Services.

17 Angela Cato, Carolina Pines Regional Medical Center.

18 Megan Fletcher, South Carolina Law Enforcement Division
19 or SLED.

20 Inv. Freeman with the Darlington County Sheriff's
21 Office.

22 Is there any member of the jury panel that's ever been
23 related by blood, connected by marriage, had a close
24 personal, business or social relationship with any of those
25 potential witnesses? If so, please stand.

1 MR. RICHARDSON: Judge, there's one more on the State's
2 list that was on the revised list, Number 20.

3 THE COURT: Gotcha. All right. No one is standing in
4 Courtroom A. What about Courtroom B?

5 THE CLERK: No, sir.

6 THE COURT: All right. In addition, the continuation of
7 the potential witnesses include:

8 Davante Wilson.

9 Robin Griggs with the Durant Children's Center.

10 Mark Hayes, Darlington County Sheriff's Office.

11 Jennifer Hooks, South Carolina Department of Social
12 Services.

13 Dr. Marian Japitana.

14 Sheneka Mitchell, South Carolina Department of Social
15 Services.

16 Dr. Elizabeth Morphis.

17 Christopher Taylor, Darlington County Sheriff's Office.

18 And Clarissa Zimmerman.

19 Is there any member of the jury panel that's ever been
20 related by blood, connected by marriage, had a close
21 personal, business or social relationship with any of those
22 potential witnesses? If so, please stand.

23 Tell me your name, please, ma'am, and number.

24 JUROR NUMBER 12: Heather Bell, Number 12.

25 THE COURT: All right. Yes, ma'am?

1 JUROR NUMBER 12: Well, I do work at Carolina Pines. I
2 know several people there, and I also see patients for Dr.
3 Morphis. I'm a speech pathologist.

4 THE COURT: All right. If you were selected as a juror
5 in this case, could you be fair and impartial to both the
6 State and the defense?

7 JUROR NUMBER 12: Yes.

8 THE COURT: Ma'am?

9 JUROR NUMBER 12: Yes.

10 THE COURT: All right. Thank you. You may be seated.
11 Anyone standing in Courtroom B?

12 THE CLERK: No, sir.

13 THE COURT: All right. Thank you, ma'am.

14 All right. If at this time the attorneys would
15 introduce themselves, the State followed by defense counsel,
16 please.

17 MR. RICHARDSON: Thank you, Your Honor.

18 Good afternoon, folks. My name is David Richardson.
19 I'm a prosecutor here in the Twelfth Circuit, which covers
20 Florence and Marion County. Trying this case with me will be
21 another prosecutor in our office, Danielle Leftridge, who is
22 to my left. We both work for the elected solicitor, Ed
23 Clements.

24 THE COURT: Ms. Henderson?

25 MS. HENDERSON: Thank you, Judge.

1 I'm Christie Henderson. I'm an attorney with the Public
2 Defender's Office here in Florence.

3 THE COURT: Hold on a minute.

4 THE CLERK: Because they're not talking in a microphone.

5 THE COURT: Yeah. They can't hear you next door. You
6 need to be talking into those microphones, please.

7 Could they hear Mr. Richardson?

8 THE CLERK: No, sir.

9 THE COURT: Okay.

10 MS. HENDERSON: Could we introduce in each courtroom?

11 THE COURT: Ma'am?

12 MS. HENDERSON: Could we introduce in each courtroom?

13 THE COURT: You can.

14 MS. HENDERSON: In person?

15 THE COURT: You can do that.

16 MS. HENDERSON: Thank you.

17 Christie Henderson again. I'm an attorney with the
18 Public Defender's Office here in Florence. Also present with
19 me is Ms. Emily Crayton, another attorney from our office, as
20 well as Mr. Scott Floyd, Circuit Defender of the Twelfth
21 Judicial Circuit.

22 THE COURT: All right. You all go next door, please,
23 real quick.

24 (WHEREUPON, the attorneys complied.)

25 MR. RICHARDSON: Good afternoon, folks. My name is

1 David Richardson. I'm a prosecutor with the Twelfth Circuit
2 Solicitor's Office. We cover Florence and Marion Counties.
3 Trying the case with me in the other courtroom will be
4 Danielle Leftridge, another prosecutor in our office. We
5 both work for the elected solicitor, Ed Clements.

6 MS. HENDERSON: And I'm Christie Henderson. I'm an
7 attorney with the Public Defender's Office here in Florence.
8 I represent James Hawkins. Also present with me in the other
9 courtroom will be Emily Crayton, another attorney with our
10 office, and also Scott Floyd, the Twelfth Circuit Public
11 Defender.

12 (WHEREUPON, the attorneys returned to Courtroom A.)

13 THE COURT: All right. In addition to Mr. Richardson
14 and Ms. Leftridge working in the Twelfth Judicial Circuit
15 Solicitor's Office, other attorneys in that office include
16 Ryan White, Todd Tucker, the elected solicitor Mr. Ed
17 Clements, John Jepertinger, Rick Hoefer, Jamie Scruggs, Susan
18 McGill, and Jeremiah Freeam [ph] -- Freeman. Excuse me.

19 Has any member of the jury panel ever been related by
20 blood, connected by marriage, had a close personal, business
21 or social relationship with any of those potential -- or ever
22 been represented by any of those attorneys? If so, please
23 stand.

24 All right. No one is standing in Courtroom A. What
25 about Courtroom B?

1 THE CLERK: We have one.

2 THE COURT: All right. If they would come forward to
3 the front of the courtroom, please.

4 Tell me your name and number, please, sir.

5 JUROR NUMBER 129: Alan Poindexter.

6 THE CLERK: Poindexter. We can hear.

7 JUROR NUMBER 129: Alan Poindexter, 129. I grew up with
8 Mr. Ed Clements but have not known him for quite a number of
9 years personally.

10 THE COURT: What's his number again?

11 THE CLERK: 129.

12 JUROR NUMBER 129: 129.

13 THE COURT: 125?

14 THE CLERK: 129.

15 JUROR NUMBER 129: 129.

16 THE COURT: Mr. Poindexter? Is that right?

17 JUROR NUMBER 129: Yes, sir.

18 THE COURT: All right. Sir, if you were selected as a
19 juror in this case, could you be fair and impartial to both
20 the State and the defense?

21 JUROR NUMBER 129: Yes, sir.

22 THE COURT: Thank you, sir. You may be seated.

23 All right. Is there any member of the jury panel or
24 their immediate family or close personal friend that's
25 previously or currently works in law enforcement, whether it

1 be state, federal or local? If so, please stand.

2 All right. No one in Courtroom A. What about Courtroom
3 B?

4 THE CLERK: No, sir.

5 THE COURT: All right. All right. Is there any member
6 of the jury panel that currently or previously worked with
7 the South Carolina Department of Social Services? If so,
8 please stand.

9 All right. I have two standing in Courtroom A. Any
10 standing in Courtroom B?

11 THE CLERK: No, sir.

12 THE COURT: All right. Tell me your name and number,
13 please, ma'am?

14 JUROR NUMBER 70: Yes. My name is Tabitha Hanna. I'm
15 Juror Number 70.

16 THE COURT: And was it you that worked with the
17 Department of Social Services currently?

18 JUROR NUMBER 70: Previously within the past two years.
19 I worked for the Department of Social Services for 20 years.

20 THE COURT: All right. Here in Florence County?

21 JUROR NUMBER 70: Yes.

22 THE COURT: First of all, anything -- other than what
23 I've told you about this case, do you have any knowledge
24 about this case whatsoever?

25 JUROR NUMBER 70: No. No, Your Honor.

1 THE COURT: All right. If you were selected as a juror
2 in this case, could you be fair and impartial to both the
3 State and the defense?

4 JUROR NUMBER 70: Yes, sir.

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

6 Tell me your name and number, please, ma'am?

7 JUROR NUMBER 53: Kimberly Evans, Number 53.

8 THE COURT: 63?

9 JUROR NUMBER 53: 53.

10 THE COURT: 53. And you currently work with the
11 Department of Social Services?

12 JUROR NUMBER 53: Correct.

13 THE COURT: Other than that what I've told you all in
14 the courtroom today, do you have any knowledge whatsoever
15 about this case?

16 JUROR NUMBER 53: No, sir.

17 THE COURT: All right. If you were selected as a juror
18 in this case, could you be fair and impartial to both the
19 State and the defense?

20 JUROR NUMBER 53: Yes.

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

22 All right. Is any member of the jury panel or their
23 immediate family currently or previously employed with any
24 child advocacy center, such as the Care House of the Pee Dee
25 or the Durant Children's Center? If so, please stand.

1 Tell me your name and number again, please.

2 JUROR NUMBER 70: Yes. My name is Tabitha Hanna. I'm
3 Juror Number 70. And my cousin, Michelle Bruton, she works
4 with the Children's Durant Center.

5 THE COURT: All right. Once again, if you were selected
6 as a juror in this case, could you be fair and impartial to
7 both the State and the defense?

8 JUROR NUMBER 70: Yes.

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

10 All right. Is there any member of the jury panel that
11 is a member of or contributor to any group which has as its
12 primary concern the promotion of law enforcement or victims'
13 rights? Those groups might include but certainly are not
14 limited to MADD, SADD, or CAVE, Citizens Against Violent
15 Crime. If so, please stand.

16 All right. No one is standing in Courtroom A. What
17 about Courtroom B?

18 THE CLERK: No, sir.

19 THE COURT: All right. Has any member of the jury panel
20 or their immediate family or close personal friend ever been
21 the victim of a child abuse related offense? If so, please
22 stand.

23 All right. No one is standing in Courtroom A. What
24 about Courtroom B?

25 THE CLERK: No, sir.

1 THE COURT: All right. Has any member of the jury panel
2 formed or expressed an opinion about any issue or matter
3 involved in this case? If so, please stand.

4 All right. No one is standing in Courtroom A. What
5 about Courtroom B?

6 THE CLERK: No, sir.

7 THE COURT: All right. Is any member of the jury panel
8 aware of any bias or prejudice toward either the State or the
9 defendant in this case? If so, please stand.

10 All right. No one is standing in Courtroom A. What
11 about Courtroom B?

12 THE CLERK: No, sir.

13 THE COURT: All right. Does any member of the jury
14 panel know of any reason, any reason whatsoever, why he or
15 she should not serve as a juror in this case with particular
16 emphasis being placed upon your ability to be fair and
17 impartial to both the State and the defense? If so, please
18 stand.

19 All right. No one is standing in Courtroom A. What
20 about Courtroom B?

21 THE CLERK: No, sir.

22 THE COURT: All right. Does the State have any
23 additional voir dire -- voir dire?

24 MR. RICHARDSON: No, Your Honor.

25 THE COURT: Defense counsel?

1 MS. HENDERSON: Not at this time, Judge. No, sir.

2 THE COURT: All right. It appears to be five and five
3 on the strikes. One or two alternates?

4 MR. RICHARDSON: I'd say two.

5 THE COURT: All right. We'll go with two alternates,
6 one and two as to each alternate.

7 MS. HENDERSON: Judge, may we approach one moment?

8 THE COURT: Yes.

9 MS. HENDERSON: Thank you.

10 (WHEREUPON, a bench conference was held off the record,
11 after which the proceedings resumed as follows.)

12 THE COURT: All right. Is the State ready to proceed
13 with jury selection?

14 MR. RICHARDSON: Yes, sir.

15 THE COURT: Defense counsel?

16 MS. HENDERSON: Yes, Your Honor.

17 THE COURT: All right.

18 (WHEREUPON, there was a pause in the proceedings, after
19 which the proceedings resumed as follows.)

20 THE CLERK: When I call your name, if you'll just bring
21 your belongings and come up to the podium in the front of the
22 courtroom. For the people in Courtroom B, if you will also
23 grab your belongings and just go up to the podium in
24 Courtroom B, and we'll tell -- we'll instruct everybody what
25 to do from there.

1 129, Alan Poindexter.

2 (WHEREUPON, a white male came forward.)

3 THE CLERK: What say the State?

4 MR. RICHARDSON: Please present Mr. Poindexter.

5 THE CLERK: What say the defendant?

6 MS. HENDERSON: Please excuse this juror.

7 THE CLERK: You've been excused from this trial only,
8 sir. You may return to your seat.

9 46, Willard Eaddy.

10 (WHEREUPON, a white male came forward.)

11 THE CLERK: And just face that way. Thank you.

12 What say the State?

13 MR. RICHARDSON: Please present Mr. Eaddy.

14 THE CLERK: What say the defendant?

15 MS. HENDERSON: Please seat Mr. Eaddy.

16 THE CLERK: Sir, if you'll please come over here and
17 have a seat in the jury box.

18 68, Chanice Grimmage.

19 (WHEREUPON, a black female came forward.)

20 THE CLERK: What say the State?

21 MR. RICHARDSON: Please present Ms. Grimmage.

22 THE CLERK: What say the defendant?

23 MS. HENDERSON: Please excuse Ms. Grimmage.

24 THE CLERK: You've been excused from this trial only,
25 ma'am. You may return to your seat.

1 22, Shaquasha Burch.

2 (WHEREUPON, a black female came forward.)

3 THE CLERK: What say the State?

4 MR. RICHARDSON: Please present Ms. Burch.

5 THE CLERK: What say the defendant?

6 MS. HENDERSON: Please seat Ms. Burch.

7 THE CLERK: Please have a seat in the jury box, ma'am.

8 In the jury box. Thank you.

9 74, Walter Hendrix.

10 (WHEREUPON, a black male came forward.)

11 THE CLERK: What say the State?

12 MR. RICHARDSON: Please present Mr. Hendrix.

13 THE CLERK: What say the defendant?

14 MS. HENDERSON: Please seat this juror.

15 THE CLERK: Sir, if you'll please come over to this
16 courtroom.

17 15, Richard Bird.

18 (WHEREUPON, a white male came forward.)

19 THE CLERK: What say the State?

20 MR. RICHARDSON: Please present Mr. Bird.

21 THE CLERK: What say the defendant?

22 MS. HENDERSON: Please seat Mr. Bird.

23 THE CLERK: Sir, if you'll please come over to this
24 courtroom.

25 154, Kristine Tellis.

1 (WHEREUPON, a white female came forward.)

2 THE CLERK: What say the State?

3 MR. RICHARDSON: Please present Ms. Tellis.

4 THE CLERK: What say the defendant?

5 MS. HENDERSON: Please excuse Ms. Tellis.

6 THE CLERK: You've been excused from this trial only,
7 ma'am. You may return to your seat.

8 70, Tabitha Hanna.

9 (WHEREUPON, a black female came forward.)

10 THE CLERK: What say the State?

11 MR. RICHARDSON: Please present Ms. Hanna.

12 THE CLERK: What say the defendant?

13 MS. HENDERSON: Please excuse Ms. Hanna.

14 THE CLERK: You've been excused from this trial only,
15 ma'am. You may return to your seat.

16 10, Joshua Barr.

17 (WHEREUPON, a white male came forward.)

18 THE CLERK: What say the State?

19 MR. RICHARDSON: Please present Mr. Barr.

20 THE CLERK: What say the defendant?

21 MS. HENDERSON: Please seat Mr. Barr.

22 THE CLERK: Sir, if you'll please come around to this
23 courtroom.

24 72, Lawrence Hatchell.

25 (WHEREUPON, a white male came forward.)

1 THE CLERK: What say the State?

2 MR. RICHARDSON: Please present Mr. Hatchell.

3 THE CLERK: What say the defendant?

4 MS. HENDERSON: Please seat Mr. Hatchell.

5 THE CLERK: Sir, if you'll please have a seat in the
6 jury box.

7 127, Cheyenne Phillips.

8 (WHEREUPON, a white female came forward.)

9 THE CLERK: What say the State?

10 MR. RICHARDSON: Please present Ms. Phillips.

11 THE CLERK: What say the defendant?

12 MS. HENDERSON: Please seat Ms. Phillips.

13 THE CLERK: Please have a seat in the jury box, ma'am.

14 Number 8, Jennifer Barker.

15 Is she over there, Elaine?

16 THE CLERK IN COURTROOM B: Yes.

17 THE CLERK: Okay.

18 (WHEREUPON, a white female came forward.)

19 THE CLERK: What say the State?

20 MR. RICHARDSON: Please present Ms. Barker.

21 THE CLERK: What say the defendant?

22 MS. HENDERSON: Please seat Ms. Barker.

23 THE CLERK: Ma'am, if you'll please come around to this
24 courtroom.

25 12, Heather Bell.

1 (WHEREUPON, a white female came forward.)
2 THE CLERK: What say the State?
3 MR. RICHARDSON: Please present Ms. Bell.
4 THE CLERK: What say the defendant?
5 MS. HENDERSON: Please seat Ms. Bell.
6 THE CLERK: Please have a seat in the jury box, ma'am.
7 Number 5, Valerie Anderson.
8 (WHEREUPON, a black female came forward.)
9 THE CLERK: What say the State?
10 MR. RICHARDSON: Please present Ms. Anderson.
11 THE CLERK: What say the defendant?
12 MS. HENDERSON: Please seat Ms. Anderson.
13 THE CLERK: Please have a seat in the jury box, ma'am.
14 106, Mary McClam.
15 (WHEREUPON, a white female came forward.)
16 THE CLERK: What say the State?
17 MR. RICHARDSON: Please present Ms. McClam.
18 THE CLERK: What say the defendant?
19 MS. HENDERSON: Please seat Ms. McClam.
20 THE CLERK: Ma'am, if you'll please come around to this
21 courtroom.
22 97, Elizabeth Lawrentz.
23 (WHEREUPON, a white female came forward.)
24 THE CLERK: What say the State?
25 MR. RICHARDSON: Please present Ms. Lawrentz.

1 THE CLERK: What say the defendant?

2 MS. HENDERSON: Please seat Ms. Lawrentz.

3 THE CLERK: Ma'am, if you'll please have a seat in the
4 jury box.

5 Alternate? Two?

6 THE COURT: Two of them.

7 THE CLERK: 122, Jarius Nesmith.

8 (WHEREUPON, a black male came forward.)

9 THE CLERK: What say the State?

10 MR. RICHARDSON: Please present Mr. Nesmith.

11 THE DEFENDANT: No.

12 THE CLERK: What say the defendant?

13 THE DEFENDANT: No.

14 MS. HENDERSON: Please seat Mr. Nesmith.

15 THE CLERK: Please have a --

16 THE DEFENDANT: Do not seat him.

17 THE CLERK: -- seat in the jury box, sir.

18 THE COURT: Sir, I don't want to hear anything out of
19 you. That's what your lawyers are for.

20 THE DEFENDANT: Well, I just have to tell them no. They
21 ain't even listening. So you're telling me --

22 THE COURT: They're your lawyers. Be quiet, please.

23 THE DEFENDANT: Yeah. You know what I'm talking about.

24 THE COURT: All right. Call the next juror, please.

25 THE CLERK: 49, Evetta Edwards.

1 THE DEFENDANT: (Unintelligible.)

2 (WHEREUPON, a white female came forward.)

3 THE CLERK: What say the State?

4 MR. RICHARDSON: Please present Ms. Edwards.

5 THE CLERK: What say the defendant?

6 MS. HENDERSON: Please seat Ms. Edwards.

7 THE CLERK: Please have a seat in the jury box, ma'am.

8 THE DEFENDANT: (Unintelligible.)

9 THE COURT: All right. Ladies and gentlemen, those of
10 you that are seated in the jury box, you all have been
11 selected as fair and impartial jurors in this case.

12 What I'm getting ready to do is I'm going to excuse you
13 all for the balance of the day. I'm going to ask you to be
14 back here tomorrow morning at 9:30. Okay? When you get off
15 the elevator, there will be a bailiff waiting on you and
16 they'll tell you exactly where you need to go.

17 During your overnight break, do not discuss this case at
18 all with anyone. Do not discuss the case at all with anyone.
19 Do not do any independent investigation about this case.
20 You're to decide this case based solely upon the evidence and
21 testimony that's presented in this courtroom and nowhere
22 else. Okay?

23 Just for planning purposes, ladies and gentlemen, we
24 typically start court around 9 or 9:30. Tomorrow we're going
25 to start at 9:30. We'll typically run for about an hour and

1 a half, take a midmorning break, then go for about an hour
2 and a half and break somewhere between 12 and 1. Okay?

3 I don't sit up here and look at the clock and when it
4 strikes 12, we take lunch. It just depends on where we are
5 with regards to witnesses. Okay? We'll take about an hour
6 and a half lunch break, resume somewhere between 1:30 and 2.
7 It just depends on when we break for lunch. We'll typically
8 go for about an hour and a half and break for lunch -- excuse
9 me -- break for -- have an afternoon break, and then go for
10 about an hour and a half and then go home for the evening.

11 The same with regards to the evening. I don't sit up
12 here and look at the clock and as soon as it strikes 5 say
13 we're going home for the day. If there's a witness on that
14 witness stand, it will be my intention to finish that witness
15 for the day. Okay?

16 Under very rare -- very rare circumstances will you stay
17 here beyond 6 o'clock at night. It's a possibility, but it's
18 very rare. Okay? I mean on the other side of that coin, so
19 to speak, if it's, say, 4:15 or 4:30 in the afternoon and the
20 lawyers tell me the next witness might be lengthy, rather
21 than take a chance of being here beyond 6 o'clock, I may let
22 you go ahead and go home for the day at that point. Okay?

23 As you serve in here, you'll be in Courtroom A here with
24 me this week. As you serve in here with me, I want you to be
25 comfortable while you serve. If you're hot-natured, you'll

1 probably be okay. If you're cold-natured, you might need to
2 bring a sweater. It's warm in here to me right now. Okay?

3 And I'm hot-natured, and when y'all leave here today,
4 I'm going to make sure those thermostats are turned way down.
5 Okay? I like it -- it's kind of an ongoing back and forth
6 between me and the clerk's office here about how cool I like
7 it in the courtroom, but I sit up here with an undershirt on,
8 a dress shirt, a tie, and then this robe that's part of my
9 uniform, and I'm hot-natured. Okay?

10 And so if I have anything to do with the thermostat
11 tomorrow, it's going to be cool in here. So I want you to be
12 comfortable. So if you're cold-natured, please bring a
13 sweater or a jacket that you can wear while you're in the
14 courtroom. Okay?

15 Any -- any matters of law? I don't know that I asked is
16 there any matters of law with regards to jury selection from
17 the State?

18 MR. RICHARDSON: No, sir, Your Honor.

19 THE COURT: Defense counsel?

20 MS. HENDERSON: No, Your Honor.

21 THE COURT: All right. Anything further from the State
22 before I release this jury for the balance of the day?

23 MR. RICHARDSON: Nothing, Your Honor.

24 THE COURT: Defense counsel?

25 MS. HENDERSON: No, sir, Judge.

1 THE COURT: All right. You all have a nice evening.
2 I'll see you tomorrow morning at 9:30. Thank you.

3 (WHEREUPON, the jury exited the courtroom at 2:55 p.m.)

4 THE COURT: All right. While they're exiting the
5 courtroom, those of you that are seated out in the audience
6 still, you all were not selected as jurors in this particular
7 case.

8 What I'm going to do is I'm going to give you all about
9 a 10-minute break. I'm going to ask that you step out of the
10 courtroom, take a break. I'll ask you to be back in here at
11 -- I'm going to give you a 15-minute break. That clock is a
12 little fast. According to my watch, it's about five 'til 3.
13 I'm going to ask you be back in here at ten after 3. Be back
14 in here at ten after 3, and then we'll move forward with
15 qualifying the rest of you all in the audience and selecting
16 another jury. All right?

17 You all please exit the courtroom.

18 (WHEREUPON, the jury panel exited the courtroom at 2:57
19 p.m.)

20 THE COURT: All right. The jurors that were in this
21 courtroom have exited. I know that defense counsel filed a
22 motion to sequester witnesses.

23 MR. RICHARDSON: I have no objection.

24 THE COURT: All right. I will leave it up to you all to
25 police that. As I always say, I don't know who your

1 witnesses are. I mean I don't know them. I mean I know a
2 few of them just from seeing them in prior cases and what not
3 but have no idea who they -- who they may be. So I'll allow
4 you all to police that. I'll grant defense counsel's request
5 for that. Okay?

6 All right. Ms. Henderson?

7 MS. HENDERSON: Judge, can we have one moment, please?

8 THE COURT: Yeah.

9 (WHEREUPON, there was a pause in the proceedings, after
10 which the proceedings resumed as follows.)

11 MS. HENDERSON: Judge, I believe Mr. Hawkins would like
12 to address this Court regarding my representation of him.

13 THE COURT: You can take your mask off while you talk to
14 me.

15 THE DEFENDANT: Excuse me. Your Honor, I can't involve
16 her in what I'm about to say.

17 THE COURT: I can't hear you or understand you.

18 THE DEFENDANT: I cannot involve her in what I'm about
19 to say as far as Ms. Henderson. She hasn't done her job nor
20 her investigation thoroughly in my situation, in particular
21 in my trial. She hasn't come to me not once to let me know
22 anything about the investigation of my job, what they said as
23 the witness proof in other cases I have former.

24 And which she told me she had gotten the information and
25 everything I had written and gave to Ms. Tamara Greer, and

1 she still hasn't advised me none of this. And this ledger
2 that I still have, I haven't had time to prepare for my own
3 case.

4 So therefore, I would like to request that she be
5 removed as being my lawyer, and I would like to have Jamie
6 Scruggs as my lawyer for he is my lawyer in Darlington County
7 for the same charges.

8 THE COURT: Mr. Scruggs?

9 THE DEFENDANT: Jamie Scruggs.

10 THE COURT: He's a prosecutor in the office in this
11 county now.

12 THE DEFENDANT: Uh-huh.

13 THE COURT: He's not going to represent you.

14 THE DEFENDANT: He's still the lawyer for me in
15 Darlington County.

16 THE COURT: No, he's not. He's in Florence County now.

17 THE DEFENDANT: He's still a lawyer for me.

18 THE COURT: Sir, I'm sorry to inform you, but he's not.

19 THE DEFENDANT: Well, I paid him out of my pocket. Yes,
20 he is.

21 THE COURT: He's not your lawyer. Okay?

22 THE DEFENDANT: Yes, he is.

23 THE COURT: All right. Ms. Henderson, let me hear from
24 you, please.

25 MS. HENDERSON: Judge, I respectfully --

1 THE DEFENDANT: He's my lawyer all day long.

2 MS. HENDERSON: -- disagree with what Mr. Hawkins
3 asserts to this --

4 THE DEFENDANT: And he told me --

5 THE COURT: Mr. Hawkins, I've given you an opportunity
6 to talk and I'm going to listen to Ms. Henderson. Okay?

7 THE DEFENDANT: You haven't given an opportunity to
8 talk, but you've got to rule telling who is and who ain't.

9 THE COURT: I'm just being honest with you about who he
10 is.

11 THE DEFENDANT: Well, I'm being honest with you as well.

12 THE COURT: Sir?

13 THE DEFENDANT: I'm being honest with you as well.

14 THE COURT: Well --

15 THE DEFENDANT: Your job -- your job is to judge.

16 THE COURT: How long --

17 THE DEFENDANT: Do your job for once.

18 THE COURT: How long have you been in jail?

19 THE DEFENDANT: For once. I've been in jail for a long
20 period of time, since 2017.

21 THE COURT: All right. Mr. Scruggs now works -- Jamie
22 Scruggs -- there is a Jamie Scruggs.

23 THE DEFENDANT: I know. I know exactly where he work
24 at.

25 THE COURT: Well --

1 THE DEFENDANT: I know where every last one of y'all
2 work at.

3 THE COURT: Where does he work?

4 THE DEFENDANT: It don't work like that. I know.

5 THE COURT: I'm asking you a question.

6 THE DEFENDANT: You don't need to ask that. I know.

7 THE COURT: Well, then why won't you tell me?

8 THE DEFENDANT: I know that also that's what y'all going
9 to hear. It's in-political [verbatim] correct, inaccurate.

10 THE COURT: Okay. All right. Ms. Henderson, let me
11 hear from you.

12 THE DEFENDANT: What I mean by that --

13 THE COURT: Thank you, Mr. Hawkins. I'm going to hear
14 from her now.

15 Yes, ma'am?

16 MS. HENDERSON: Judge --

17 THE DEFENDANT: You will not hear that all.

18 MS. HENDERSON: Mr. Hawkins' representations to this
19 Court regarding my representation of him are false. I have
20 met -- I have attempted -- excuse me -- to meet with him at
21 the detention center numerous times over the course of my
22 representation of him. I received this file from Ms. Greer
23 after she left our office in late 2020, early 2021.

24 Your Honor, almost every visit that I've had with Mr.
25 Hawkins at the detention center has been difficult at best.

1 I met with him Thursday before last trying to speak with him
2 in detail about this trial, my work on this trial, his
3 defense. He refused to speak with me. He said everything
4 that I needed to know regarding his defense was in the file
5 and that the conversation was ended.

6 Your Honor, I certainly believe that I have represented
7 him and will continue to represent him to the best of my
8 abilities. I have investigated everything that I believe to
9 be appropriate, and I have worked this case to the best of my
10 abilities.

11 THE COURT: Okay.

12 MS. HENDERSON: And, Judge, one other thing. They're in
13 -- while the jury was in the courtroom, he did express a
14 desire to be taken back to Effingham, I believe to remain in
15 the detention center rather than be present.

16 THE DEFENDANT: I say go back to Darlington County. I'd
17 rather go be in the jail.

18 THE COURT: Okay.

19 MS. HENDERSON: Your Honor, just if we could address his
20 presence in the courtroom during the course of this trial.

21 THE DEFENDANT: No. I'll stay in Darlington County.

22 THE COURT: All right.

23 THE DEFENDANT: I've been sexually harassed by the
24 officers and inmates, which I also told to Tamara Greer and
25 her investigator, constantly always repeating

1 (unintelligible).

2 THE COURT: Let's --

3 THE DEFENDANT: Even on -- even on the case file to
4 y'all.

5 MS. HENDERSON: And --

6 THE COURT: Mr. Hawkins?

7 THE DEFENDANT: And I request to go back to the
8 Darlington County Detention Center.

9 THE COURT: Mr. Hawkins?

10 THE DEFENDANT: Darlington County Detention Center, even
11 at the federal court where you was there as well.

12 MS. HENDERSON: And, Judge, I apologize. One other
13 issue. I believe this Court is aware of the prior mental
14 health history of evaluations through the Department of
15 Mental Health that Mr. --

16 THE DEFENDANT: And on top of that --

17 THE COURT: Mr. Hawkins?

18 THE DEFENDANT: They cleared the state standards.

19 THE COURT: Mr. Hawkins?

20 THE DEFENDANT: My mental capability is 100 percent.

21 THE COURT: Mr. Hawkins?

22 THE DEFENDANT: They even said that at the federal court
23 office in the courtroom.

24 THE COURT: Mr. Hawkins, are you ready to let me talk
25 now?

1 THE DEFENDANT: For one, I don't mind. Two, I'm just
2 correcting. Three, when I see injustice, I have to speak up
3 for myself. I don't really trust my life to nobody else here
4 except for myself, period.

5 THE COURT: Do you want to represent yourself?

6 THE DEFENDANT: I already told you who I have for my
7 lawyer.

8 THE COURT: Well, I'm telling you he is not representing
9 you.

10 THE DEFENDANT: Well, you can't. You can't tell me who
11 I can hire with my own money.

12 THE COURT: Well, you've had plenty of time to hire
13 another lawyer.

14 THE DEFENDANT: And she had plenty of time to go
15 investigate, period.

16 THE COURT: Well --

17 THE DEFENDANT: My original lawyer is Tamara Greer,
18 period. She -- she's supposed to have -- the same way she's
19 standing in front of the courtroom in front of you and
20 telling you what I want, you could hear the same thing. And
21 if that was her boss man right there, the head public
22 defender, he could've came at the same time when she came to
23 Darlington County. They transferred me back to Florence
24 County when it was said strictly I was not supposed to go
25 back there ever since December 7 when I got raped. And my

1 children got raped there as well. I can't believe this --
2 this -- this --

3 THE COURT: Sir?

4 THE DEFENDANT: Me continued raping, documenting
5 [sic].

6 THE COURT: Okay. Anything else?

7 THE DEFENDANT: No.

8 THE COURT: Okay. All right. With respect to your
9 motion to relieve Ms. Henderson after we have selected a jury
10 in this case which has been impaneled --

11 THE DEFENDANT: I told her -- I hate to be rude and
12 disrespectful. I told her then not to go forward with that
13 because, one, when I came in I asked her about the
14 investigation. She's also --

15 THE COURT: Mr. Hawkins?

16 THE DEFENDANT: -- stated herself --

17 THE COURT: Mr. Hawkins?

18 THE DEFENDANT: -- she ain't do it.

19 THE COURT: I'm talking now. I didn't interrupt you,
20 and I'm not going to allow you to interrupt me. Okay?

21 THE DEFENDANT: That's -- that's it right there, Your
22 Honor.

23 THE COURT: All right. Now, your request that Ms.
24 Henderson be relieved is based upon your belief or your
25 allegation or your assertion that she has not properly

1 investigated your case. If that is, in fact, the case, that

2 --

3 THE DEFENDANT: That's the truth.

4 THE COURT: -- would be something that would be
5 appropriately brought under a post-conviction relief action,
6 not in here.

7 THE DEFENDANT: It's -- that's the truth.

8 THE COURT: Well --

9 THE DEFENDANT: You're not understanding.

10 THE COURT: I am not --

11 THE DEFENDANT: That's the truth.

12 THE COURT: I am not granting --

13 THE DEFENDANT: She's standing right there. Ask her.

14 THE COURT: I am not going to grant your request --

15 THE DEFENDANT: You're trying to get me to say it.

16 THE COURT: -- that she be relieved.

17 THE DEFENDANT: It's not -- it's not working.

18 THE COURT: And therefore, that motion is hereby denied.

19 THE DEFENDANT: Ha, ha, ha, ha, ha. Respectfully

20 (unintelligible).

21 THE COURT: Now, Mr. Hawkins?

22 THE DEFENDANT: (Unintelligible.)

23 THE COURT: Let me -- let me tell you --

24 THE DEFENDANT: (Unintelligible.)

25 THE COURT: Mr. Hawkins? Okay. I will consider -- he

1 can stand over there or sit over there and I don't understand
2 what he's saying, but I want you to understand this, Mr.
3 Hawkins.

4 THE DEFENDANT: (Unintelligible.)

5 THE COURT: That you have a right to be in here during
6 the trial of your case, but I will not -- I will not permit
7 you to --

8 THE DEFENDANT: I'm not coming. I'm not coming to this
9 case, this trial.

10 THE COURT: That will be your choice.

11 THE DEFENDANT: I want to get a new judge.

12 THE COURT: That will be your choice. You're not
13 getting a new judge right now. All right?

14 THE DEFENDANT: I'll just sit and wait.

15 THE COURT: But you have a right to --

16 THE DEFENDANT: I can be patient.

17 THE COURT: -- be in here.

18 THE DEFENDANT: I can be patient, my nigger.

19 THE COURT: Sir?

20 THE DEFENDANT: I can be patient.

21 THE COURT: You need --

22 THE DEFENDANT: Very patient.

23 THE COURT: You need to be patient.

24 THE DEFENDANT: I have a (unintelligible).

25 THE COURT: So -- but I'm denying your request that she

1 be relieved and you have a right --

2 THE DEFENDANT: But you said -- what you said to me is
3 irrelevant. If you can't go speak about the law book and
4 your education and stand up for right and the Constitution,
5 what you say to me going through one ear and out the other.
6 If you try to get me upset and angry, that's not working.

7 THE COURT: I'm not. I'm being as patient --

8 THE DEFENDANT: I'm just telling you. I'm letting you
9 know.

10 THE COURT: Well --

11 THE DEFENDANT: I'm letting you know.

12 THE COURT: Well --

13 THE DEFENDANT: You cannot be literal.

14 THE COURT: And I'm being patient with you.

15 THE DEFENDANT: Well, I'm finished with you.

16 THE COURT: Well --

17 THE DEFENDANT: Me and you finished the conversation.

18 THE COURT: You're going to -- I listened to what you
19 had to say. You're going to listen to what I have to say.

20 THE DEFENDANT: It's not working, Your Honor.

21 THE COURT: Okay. Well, you have a right to be in here
22 for the trial of your case. However, I will not permit any
23 outbursts from you during the trial. If such occurs --

24 THE DEFENDANT: I will lose at trial.

25 THE COURT: If such occurs, you will be removed.

1 THE DEFENDANT: I know the rules of engagement of a
2 trial.

3 THE COURT: Sir?

4 THE DEFENDANT: I know the rules of engagement.

5 THE COURT: Well, I'm glad you do.

6 THE DEFENDANT: Not only for General Sessions, but
7 Family Court, everything else.

8 THE COURT: You'll be removed --

9 THE DEFENDANT: That's it.

10 THE COURT: You'll be removed from this courtroom if you
11 can't keep your emotions in check and any outbursts.

12 THE DEFENDANT: Outbursts is when -- when you make an
13 outburst, it's not saying because you're upset or angry or
14 laughing. It's not none of that. For when you have been
15 wrongly accused or when you treat another individual wrong
16 because you think because you sit behind that desk and have
17 on a robe and you do what you want to, no.

18 THE COURT: I'm not doing what I want to. I'm following
19 the law. Anyway --

20 THE DEFENDANT: If you was following the law, you'd know
21 for a fact. She told you. You'd know she has not did her
22 job to the fullest.

23 THE COURT: Well, she told me she has.

24 THE DEFENDANT: Man, she --

25 THE COURT: And we're going to see during the trial of

1 your case.

2 THE DEFENDANT: She told you --

3 THE COURT: Thank you. You can take him out of the
4 courtroom now.

5 THE DEFENDANT: Ha, ha, ha.

6 (WHEREUPON, the defendant was removed from the
7 courtroom.)

8 THE COURT: Now, what we will do with this matter, I'll
9 allow him to come back in here to start the trial tomorrow.
10 If there are any verbal outbursts or verbally speaking during
11 the course of this trial, I will have the jury exit the
12 courtroom, I'll put on the record what I believe needs to be
13 put on the record, and he'll be taken out of this courtroom,
14 and I will instruct the jury as to such and we'll move
15 forward with his trial. Okay?

16 But I think I've been -- tried to hear him out today.
17 His motion to relieve counsel was directed at Ms. Henderson.
18 He said nothing about Ms. Crayton. But he has -- he has two
19 lawyers in here representing him, two very, very fine
20 lawyers, very experienced lawyers, and there's no question in
21 my mind that Ms. Henderson and Ms. Crayton have done
22 everything they can for him.

23 I do note and Ms. Henderson brought this up about his
24 prior mental health issues, of which is clearly evident to
25 me, but evidently the state doctors have determined that he's

1 competent -- that he's competent and so we're going to move
2 forward with the trial of this case, and he can choose to be
3 in here or he can choose not to be in here.

4 And if we move forward with the trial of his case and if
5 I do have to remove him, there will be points in time where
6 I'll bring him back in to see if he can maintain his
7 composure and maintain proper order and dignity in the
8 courtroom. And if he can't, then he'll be removed again and
9 we'll continue on with this case.

10 MR. RICHARDSON: Judge, I'll just add that a few of my
11 witnesses tomorrow will be somewhat sensitive when it comes
12 to Mr. Hawkins being in the courtroom. One of -- one of the
13 witnesses is a child, who is 15 years of age now, but she's
14 one of the victims in the case. And other witnesses are
15 people who -- one was a co-defendant of his and the other two
16 lived with him for a brief period of time.

17 All of them are somewhat fearful and intimidated by him,
18 and I would just ask that particularly for those witnesses
19 and most particularly for the child witness that if he utters
20 a word, I would just ask for a very short leash with respect
21 to any sort of outbursts of any sort just to protect those
22 witnesses.

23 THE COURT: Ms. Henderson?

24 MS. HENDERSON: Judge, I would respectfully request that
25 Mr. Hawkins' confrontation rights be upheld as much as

1 possible. The defense is certainly amenable though to the
2 State's position and we certainly don't want there to be a
3 position where any witnesses --

4 THE COURT: Well --

5 MS. HENDERSON: -- are threatened or harmed or feel that
6 threat.

7 THE COURT: I am going to do my best to allow him to
8 remain in the courtroom. However, as I previously said, I'm
9 not going to allow him to have any outbursts or what I
10 perceive to be potential witness intimidation.

11 I know there's been a recent case, a Court of Appeals
12 case, which was *State v. Carter, State v. Carter*, which is
13 433 S.C. 352, which was a case appealed out of Horry County,
14 I believe -- excuse me -- Lancaster County Judge John and
15 Brian Gibbons -- Judge Gibbons presided over. I guess they
16 were seated together, maybe right after Judge Gibbons came on
17 the bench. Wherein the victim was not in the courtroom
18 during the testimony; so y'all might want to take a look at
19 that case as well.

20 MR. RICHARDSON: Okay.

21 THE COURT: Okay.

22 MR. RICHARDSON: And just kind of thinking ahead, he
23 mentioned at some point that he didn't want anything to do
24 with this trial, he wasn't coming, whatever. In the event
25 that he's down at the jail in the morning and they go to get

1 him to bring him up here and he just refuses to cooperate and
2 refuses to come, I don't know if there's some instruction
3 that we should provide to the jail in that regard.

4 THE COURT: Well, he is to be brought up here tomorrow.

5 MR. RICHARDSON: Okay.

6 THE COURT: All right. And I'll address it if he
7 decides not to be in the courtroom and he may be back there,
8 but the jail is instructed to bring him up here tomorrow.

9 MR. RICHARDSON: Yes, sir.

10 THE COURT: Okay. All right. Anything else on this
11 case?

12 MS. HENDERSON: No, sir, Judge. Thank you.

13 THE COURT: All right. Thank you.

14 (WHEREUPON, the proceedings adjourned for the day at
15 3:13 p.m.)

16 OCTOBER 12, 2021

17 (WHEREUPON, the proceedings resumed at 9:34 a.m.)

18 THE COURT: You know, if he -- if it's his choice not to
19 dress out, then I'm going to let him stay in here in his jail
20 clothes and I'll advise the jury that they're not to have any
21 adverse inferences against him for --

22 MS. HENDERSON: Okay.

23 THE COURT: -- such a choice.

24 MS. HENDERSON: Sure.

25 THE COURT: Okay. Or draw any adverse conclusions as

1 such.

2 (WHEREUPON, there was a pause in the proceedings, after
3 which the proceedings resumed as follows.)

4 THE COURT: Ms. Henderson?

5 MS. HENDERSON: Thank you, Judge.

6 Mr. Hawkins has just been brought into the courtroom.
7 As you can see, he is not in the clothes that our office has
8 provided for him to dress out of out of his jail attire. I
9 would request that this Court address his refusal to dress
10 out of his jail jumpsuit.

11 Additionally, Judge, Mr. Hawkins has just informed Ms.
12 Crayton and I that he has hired a new attorney that should be
13 here any minute.

14 THE COURT: Did he say who it was?

15 MS. HENDERSON: He would not tell me, Judge.

16 THE COURT: Okay. Mr. Hawkins? Mr. Hawkins? Can you
17 stand up, please, sir? I notice that you're in the courtroom
18 here today in your orange jumpsuit from the jail.

19 THE DEFENDANT: I'm comfortable.

20 THE COURT: Sir?

21 THE DEFENDANT: I'm comfortable.

22 THE COURT: You're comfortable?

23 THE DEFENDANT: Uh-huh.

24 THE COURT: Now, I know that yesterday you were in
25 civilian clothes. You were in some --

1 THE DEFENDANT: I was in somebody else's clothes. They
2 was not my clothes.

3 THE COURT: Okay. Well, I didn't say they were your
4 clothes. I said they were --

5 THE DEFENDANT: Well, she stated saying it was mine, and
6 I assert that they was not my clothes.

7 THE COURT: Well --

8 THE DEFENDANT: Like I told him yesterday, I still --

9 THE COURT: Well, they --

10 THE DEFENDANT: I didn't feel comfortable when I had
11 them on then.

12 THE COURT: Well --

13 THE DEFENDANT: I didn't feel comfortable when I had
14 them on then.

15 THE COURT: I'm sorry?

16 THE DEFENDANT: I did not feel comfortable wearing those
17 clothes yesterday.

18 THE COURT: Okay.

19 THE DEFENDANT: And he asked me again and I stated the
20 same thing. I didn't want to wear them.

21 THE COURT: Okay.

22 THE DEFENDANT: I'm comfortable in these.

23 THE COURT: Well, one of the reasons that defendants are
24 given clothes --

25 THE DEFENDANT: I know.

1 THE COURT: -- regular clothes to wear --

2 THE DEFENDANT: I understand.

3 THE COURT: -- is because I don't want a jury to have
4 any --

5 THE DEFENDANT: I understand.

6 THE COURT: -- adverse inferences about -- about you in
7 your case.

8 THE DEFENDANT: I understand that.

9 THE COURT: And I'm asking you to put on those clothes.

10 THE DEFENDANT: I'm not putting on those clothes.

11 THE COURT: Okay. You want to --

12 THE DEFENDANT: I had clothes delivered here and he
13 won't give me my clothes. So I'm not putting on them
14 clothes.

15 THE COURT: Okay. Well, you'd rather wear that jail --

16 THE DEFENDANT: Yes.

17 THE COURT: -- orange jumpsuit? Sir? Mr. Hawkins,
18 you'd rather wear that jail jumpsuit than put on clothes that
19 have been provided to you?

20 Your non-response to me, the Court has no alternative
21 but to take that as a yes.

22 THE DEFENDANT: No. You can take that as a no. To
23 imply saying yes, you're making an oops on yourself.

24 THE COURT: Well, you're not being --

25 THE DEFENDANT: I just --

1 THE COURT: You sat down when I asked you to stand up to
2 talk to me.

3 THE DEFENDANT: I asked -- I answered your question. I
4 said I'll only be comfortable in these. I already see what
5 you're trying to do. So can you please stop?

6 THE COURT: I'm just asking you --

7 THE DEFENDANT: All I -- all I said -- all I said is I'm
8 going to keep these on.

9 THE COURT: You want to keep those?

10 THE DEFENDANT: That's the end of the conversation.

11 THE COURT: You want to keep those on?

12 THE DEFENDANT: Yes.

13 THE COURT: Okay. All right. Well, since that is your
14 choice, I'll allow you to keep that on.

15 THE DEFENDANT: (Unintelligible.)

16 THE COURT: And what I will do is I will advise the jury
17 that they are not to draw any adverse inferences from that
18 decision. That it's the defendant's decision and that he was
19 -- and that'll be it. Okay?

20 You know, I don't think it's the right decision on Mr.
21 Hawkins' part, but that's -- that's his decision. So I would
22 ask that he -- that restraints be taken off of him while he's
23 in here. I don't want the jury to see him in any restraints.
24 Okay?

25 MS. CRAYTON: Thank you, Your Honor.

1 MS. HENDERSON: And, Judge, I would just like to note
2 for the record it looks like there is some handwritten
3 material on the back of his jumpsuit. I just want to make
4 the Court aware of that in the event that the jury sees what
5 is written.

6 THE COURT: I mean I don't -- what is this? I don't
7 even know. What does it say?

8 MS. HENDERSON: It says something about being crazy. I
9 just want to make sure that --

10 THE COURT: Okay.

11 MS. HENDERSON: -- that's explicated for the record.

12 THE COURT: All right. Now, Mr. Hawkins, we are getting
13 ready to begin the trial of your case. I'll note for the
14 record that yesterday during jury selection that you made
15 some comments out loud, in essence voicing your displeasure
16 about a particular juror being seated, if I recall correctly.

17 I will tell you that you will not -- it's not
18 permissible or allowed for you to make any outbursts or speak
19 out of line during the course of your trial. Do you
20 understand me?

21 THE DEFENDANT: Now.

22 THE COURT: Sir?

23 THE DEFENDANT: Now. Yes, sir.

24 THE COURT: I mean I want you to be in here during --
25 during your trial, but I'm not going to allow you to disrupt

1 the proceedings. Do you understand me?

2 THE DEFENDANT: I'll try to hold my -- my tongue to slow
3 down.

4 THE COURT: Well, I want you to. However, if you -- if
5 you fail to conduct yourself properly, then you will give me
6 no alternative but to have you removed, and that's the last
7 thing I want to do. Do you understand me? I mean I see you
8 shaking your head yes. Does that mean you understand me?

9 THE DEFENDANT: Now.

10 THE COURT: Sir?

11 THE DEFENDANT: Now.

12 THE COURT: What was that?

13 THE DEFENDANT: Yes.

14 THE COURT: Okay. All right. Anything else before I
15 bring the jury out from defense counsel?

16 MS. HENDERSON: Judge, I would like --

17 THE COURT: All right. You can be seated, Mr. Hawkins.
18 Thank you.

19 MS. HENDERSON: I would like this Court to address his
20 assertion that he's hired a private attorney, and I also have
21 a few other issues that I would like to place on the record
22 --

23 THE COURT: Okay.

24 MS. HENDERSON: -- prior to the jury being in here.

25 THE COURT: Well, Mr. Hawkins, Ms. Henderson advised me

1 that you indicated you had hired another attorney?

2 THE DEFENDANT: Yeah.

3 Can you can sit over that way?

4 MS. CRAYTON: You want me to --

5 THE DEFENDANT: Can she stand over that way?

6 MS. CRAYTON: You'd like me to stand over here?

7 THE DEFENDANT: Yeah.

8 MS. CRAYTON: Okay.

9 THE COURT: Mr. Hawkins, you've indicated that you've
10 hired another lawyer?

11 THE DEFENDANT: Yeah.

12 THE COURT: Can you tell me who that attorney is?

13 THE DEFENDANT: Mavis Brown.

14 THE COURT: Mavis Brown?

15 THE DEFENDANT: Yeah. And Ashley Matthews Brown.

16 THE COURT: Okay.

17 THE DEFENDANT: They're taking some time to get here.

18 THE COURT: All right.

19 THE DEFENDANT: And asked me to do notes.

20 THE COURT: Mr. Richardson, have you heard from either
21 one of those attorneys?

22 MR. RICHARDSON: I've never heard from them or of them.

23 THE COURT: Okay.

24 THE DEFENDANT: They're from out of state.

25 THE COURT: Sir?

1 THE DEFENDANT: They're from out of state.

2 THE COURT: Okay.

3 THE DEFENDANT: I done gave them all the information
4 they need.

5 THE COURT: Sir?

6 THE DEFENDANT: I said I gave them all the information
7 they needed.

8 THE COURT: Okay.

9 THE DEFENDANT: They're just taking some time to get
10 here.

11 THE COURT: Well, as of right now, no attorneys have
12 made any written appearances in this -- no other attorneys
13 have made any written appearances indicating their
14 representation of you.

15 Mr. Richardson, Ms. Henderson, Ms. Crayton, have you all
16 received any type of correspondence by phone, email or
17 otherwise indicating that an attorney has been retained to
18 represent Mr. Hawkins? Mr. Richardson?

19 MR. RICHARDSON: The State has not received anything or
20 heard anything.

21 THE COURT: Ms. Henderson?

22 MS. HENDERSON: No, sir, I have not.

23 THE COURT: Ms. Crayton?

24 MS. CRAYTON: No, Your Honor.

25 THE COURT: Okay. All right. The Court -- I was

1 looking, pulling up my email to see if there was anything
2 from any attorney indicating that they have been retained to
3 represent Mr. Hawkins in this matter, and I do not see any
4 correspondence in my email indicating such. Therefore, Ms.
5 Henderson and Ms. Crayton will be representing Mr. Hawkins in
6 the trial of this case. All right?

7 All right. Ms. Henderson?

8 MS. HENDERSON: Thank you, Judge. Just before the jury
9 comes in, I would like to renew the defendant's previous Rule
10 5 motion.

11 Additionally, Judge, I just want to make clear for the
12 record Mr. Hawkins' history with the Department of Mental
13 Health. As I said yesterday, I've only represented Mr.
14 Hawkins since roughly December of last year, January of this
15 year. He previously was assigned to Ms. Tamara Greer out of
16 our office. She left our office late last year 2020, early
17 2021. I apologize I don't have the exact date.

18 During the course of her representation of Mr. Hawkins,
19 Ms. Greer moved to have Mr. Hawkins evaluated. He was
20 ordered to be evaluated. He had his first evaluation on
21 January 22nd of 2019. He was evaluated by Dr. Kaustubh Joshi
22 -- and I apologize if I mispronounced Dr. Joshi's first name
23 -- with the South Carolina Department of Mental Health.

24 At this time, Dr. Joshi opined that Mr. Hawkins had the
25 capacity to stand trial and was able to assist his attorney

1 in his case if he so chose to do so. He also opined that Mr.
2 Hawkins was criminally responsible in July of 2017 and had
3 the capacity to conform his behavior to the requirements of
4 the law at this time.

5 Ms. Greer subsequently moved for a second evaluation of
6 Mr. Hawkins. This evaluation was scheduled for October 22nd
7 of 2020. Mr. Hawkins was transported to Columbia, per Ms.
8 Greer's notes, where he refused to cooperate with the
9 evaluation without Ms. Greer's presence. That evaluation was
10 rescheduled for November the 3rd of 2020.

11 Per the notes in the file, Ms. Greer advised the
12 Department of Mental Health that she would be attending Mr.
13 Hawkins' evaluation by telephone. At this evaluation, Mr.
14 Hawkins again refused to cooperate. I believe he had
15 concerns with Ms. Greer's representation of himself, as well
16 as proceeding with the evaluation.

17 Judge, as I said earlier, I was subsequently reassigned
18 this case in May of this past year. I believe that date was
19 May the 12th, 2021.

20 This Court ordered Dr. Joshi to appear in person to
21 evaluate Mr. Hawkins. I was present for that evaluation. We
22 were in the interview room beside this courtroom. This
23 evaluation lasted for approximately an hour to an hour and a
24 half, and I apologize I don't have the exact details of the
25 evaluation in front of me.

1 To my recollection though and per my notes, Dr. Joshi
2 did once again opine that Mr. Hawkins had the capacity to
3 stand trial. He can assist in his defense if he so chooses.
4 That was placed on the record. Dr. Joshi testified to such.

5 Your Honor, for what it's worth for me during the course
6 of my representation of Mr. Hawkins, I certainly believe that
7 there are mental health issues. He's clearly exhibited
8 mental health issues during my time with him. Again, I'm not
9 a professional in the mental health field or a cognitive
10 field by any means, but through the course of my
11 representation with him, I do not believe that there are
12 competency or capacity to conform issues. I just believe
13 that Mr. Hawkins refuses to cooperate with me for whatever
14 reason, and I did just want to place this on the record.

15 I additionally wanted to place on the record that Mr.
16 Hawkins received a time-served offer that he refused earlier
17 this summer. I have attempted to explain and discuss this in
18 detail with him, but he has refused to speak with me.

19 I just want to reiterate that I certainly will represent
20 Mr. Hawkins to the best of my abilities. I have attempted to
21 represent Mr. Hawkins to the best of my abilities and,
22 unfortunately, he just will not speak with me regarding the
23 substance of this case or defense and repercussions of a
24 trial.

25 THE COURT: All right. All right. Anything else?

1 MS. HENDERSON: I would also just like to note for the
2 record that Mr. Richardson and I had previously discussed
3 potential evidentiary issues that might present during trial.

4 At this time -- and, Mr. Richardson, please correct me
5 if I misspeak.

6 We have consented that there will be no mention of Mr.
7 Hawkins' prior history with the Department of Social
8 Services. There will be no mention of Mr. Hawkins' prior
9 child neglect charges. There will be no mention of Mr.
10 Hawkins' pending Darlington County charges. There will be no
11 mention of Mr. Hawkins' co-defendant Ms. Ida Gregg's pending
12 charges in Darlington County. There will be no mention of
13 Mr. Hawkins' sex offender status, and there are potential
14 domestic abuse --

15 THE DEFENDANT: Stop right there.

16 MS. HENDERSON: -- allegations that might present
17 themselves.

18 THE DEFENDANT: That has been expunged --

19 THE COURT: Go ahead.

20 THE DEFENDANT: -- by the president hisself.

21 THE COURT: Hold on a minute. Mr. Hawkins? Mr.
22 Hawkins? That's what I'm talking about. I don't want you
23 interrupting. Do you understand?

24 THE DEFENDANT: I understand that. I understand that,
25 but that's what I want too.

1 THE COURT: Let Ms. -- let Ms. Henderson finish.

2 THE DEFENDANT: But she ain't doing her job. If she did
3 her job like she's supposed to --

4 THE COURT: Let Ms. --

5 THE DEFENDANT: If she did her investigation like she's
6 supposed to, she'll know the fact that it's expunged off my
7 record.

8 MS. HENDERSON: Judge, it's not expunged off his record.

9 THE DEFENDANT: Yes, it is.

10 MS. HENDERSON: He's a registered sex offender in
11 Darlington County.

12 THE DEFENDANT: It is.

13 THE COURT: Okay.

14 THE DEFENDANT: Guaranteed.

15 THE COURT: All right.

16 MS. HENDERSON: And, Judge --

17 THE DEFENDANT: It's guaranteed just like you need to do
18 your job.

19 THE COURT: Mr. Hawkins? Mr. Hawkins? Mr. Hawkins?
20 Mr. Hawkins?

21 All right. For the record, Mr. Hawkins will not look at
22 me. He is looking at me now. Well, he's still not looking
23 at me but is refusing to acknowledge me talking to him.

24 With regards to the sex offender status, was there
25 anything else after that, Ms. Henderson?

1 MS. HENDERSON: His sex offender status, and there are
2 allegations by his co-defendant of domestic abuse towards
3 her. Mr. Richardson and I have discussed this. Mr.
4 Richardson has indicated that he is going to try and make
5 sure that that does not come in, but in the event that any
6 mention of any alleged domestic abuse might present itself,
7 we will address that at the appropriate time.

8 THE COURT: All right. Mr. Richardson?

9 MR. RICHARDSON: Everything she said is correct. I've
10 --

11 THE DEFENDANT: It ain't.

12 MR. RICHARDSON: -- gone a step further and indicated
13 that the --

14 THE DEFENDANT: (Unintelligible.)

15 MR. RICHARDSON: -- domestic abuse issue cannot be
16 mentioned at all. I've addressed that with the witness.

17 THE DEFENDANT: (Unintelligible.)

18 MR. RICHARDSON: So we agree on all these matters.

19 THE DEFENDANT: Could I be removed from here, if you
20 don't mind, Your Honor? That's the best appropriate thing
21 for me.

22 THE COURT: Sir?

23 THE DEFENDANT: The best appropriate thing for me to do
24 is excuse myself out of this. Thank you.

25 THE COURT: I want you to be in here.

1 THE DEFENDANT: Laugh. I will not. Laugh. No. I will
2 not -- I will not continue this indignity, to scrutinize and
3 being lied on. I've been (unintelligible).

4 THE COURT: Well, I don't --

5 THE DEFENDANT: That's all right.

6 THE COURT: Mr. Hawkins? Mr. Hawkins? Mr. Hawkins?
7 Your attorneys have indicated that the State is not going to
8 mention any of -- any of those matters relating to I believe
9 DSS --

10 THE DEFENDANT: I don't care about none of that.

11 THE COURT: Sir? Sir? The State is not going to
12 address any matters relating to DSS pertaining to child
13 neglect.

14 THE DEFENDANT: I heard all that.

15 THE COURT: The Darlington County charges.

16 THE DEFENDANT: I heard all that. Just lies. You can't
17 continue telling me no. I asked you to put the restraints
18 back on me and take me back to Darlington. You're keeping me
19 from standing up, but, one, I'm standing up for the rights.
20 My religion tell me to speak out against injustice, even
21 though it's not allowed in Darlington, whether you're a
22 judge, a lawyer, or a cop. I don't care.

23 THE COURT: I'm not --

24 THE DEFENDANT: If I -- if I can walk up to -- if I can
25 sit there and call a police officer to my home and say that

1 me and my ex-wife getting in a dispute, for them to take me
2 to jail, you think I'm going to sit here and let somebody sit
3 here and lie on me when they is --

4 THE COURT: Mr. Hawkins?

5 THE DEFENDANT: That's the end of this conversation.

6 THE COURT: Mr. Hawkins? None of that is coming out.
7 None of that is going to be discussed.

8 THE DEFENDANT: And I'm not mad.

9 THE COURT: Sir?

10 THE DEFENDANT: And I'm not mad, nor angry.

11 THE COURT: I didn't say you were mad or angry.

12 THE DEFENDANT: I can hear the whispers.

13 THE COURT: But what I'm saying is none of that is going
14 to be brought up during your trial because I don't want it to
15 adversely and your lawyers don't want it to adversely affect
16 you.

17 THE DEFENDANT: I'm going to go. May I be excused?

18 THE COURT: I'd like for you to stay in here.

19 THE DEFENDANT: I will not be made a mockery of. I will
20 not have nobody trying to make me a fool or idiot. So I'd
21 rather go.

22 THE COURT: All right. You can take him back to the --
23 I find that that is defendant's choice to be removed from the
24 courtroom.

25 THE DEFENDANT: (Unintelligible.)

1 THE COURT: And I'll allow him to be removed and we will
2 try him in his absence.

3 THE DEFENDANT: (Unintelligible) and my handcuffs and
4 shackles.

5 (WHEREUPON, the defendant was removed from the
6 courtroom.)

7 THE COURT: What I will do during the course of the
8 trial is I'll revisit this issue. I'll revisit this issue to
9 see if he wants to return at some point in the future, but he
10 has clearly expressed his desire to me, to this Court, of his
11 wish not to be in here.

12 MR. RICHARDSON: Judge, can you give me some -- I know
13 it's spur of the moment, but at what interval you might
14 readdress it because that might affect the order in which I
15 call my witnesses because if I can ensure that he's not going
16 to be in here for at least a little bit, I'm going to go
17 ahead and call that child.

18 THE COURT: Well, I mean I may address it. I mean I
19 don't know how you intend to put up your case.

20 MR. RICHARDSON: I can tell you I have three police
21 witnesses first and then the child.

22 THE COURT: Okay.

23 MR. RICHARDSON: That was the order I anticipated
24 calling, but if I can put that child up without threat of him
25 blowing up in here in front of her, I will call her first.

1 THE COURT: Well, I mean I'm sure that you all read this
2 *Carter* case overnight. If he were to choose to -- you know,
3 if you put up police officers first, you know, I may revisit
4 that issue before you put the child up because that is, in
5 fact, his accuser.

6 MR. RICHARDSON: Right.

7 THE COURT: That is, in fact, his accuser. And at that
8 point I think it would be important to address that issue,
9 and then if he were to choose to be in here and I think that
10 the Court would have to go through and follow somewhat the
11 protocol established or discussed in the *State v. Carter*
12 case.

13 MR. RICHARDSON: Okay.

14 THE COURT: And that would be the putting up of an
15 expert testimony and possibly others that may shed some light
16 on the Court as to the effects it may have on the child.

17 MR. RICHARDSON: Okay.

18 THE COURT: Before I make an ultimate decision as to
19 whether he's in here at that point.

20 MR. RICHARDSON: Yes, sir.

21 THE COURT: But at this juncture, he's certainly chosen
22 not to be in here, but I think it would be error on the
23 Court's part not to at least revisit that at some stage
24 during the course of the trial.

25 MR. RICHARDSON: Yes, sir.

1 THE COURT: Okay. Ms. Henderson?

2 MS. HENDERSON: Judge, I have no issues with any of what
3 you've just said. I would just request that the jury be
4 instructed that they can't take into consideration the absent
5 chair.

6 THE COURT: I am. I am.

7 MS. HENDERSON: I'm sorry.

8 THE COURT: So -- and simply tell them that, you know,
9 that I've found that he voluntarily chose not to be in here.
10 Okay? The defendant has that right to do so.

11 MS. HENDERSON: Thank you.

12 THE COURT: All right. Anything else before I bring the
13 jury out, Mr. Richardson?

14 MR. RICHARDSON: I know we had the order to sequester
15 witnesses, but I have my chief investigator in here, Jimmy
16 Cantey, and there may be a point where the child's foster
17 mother may wish to -- to observe. They're not in here right
18 now, but those would be the only folks in here before they
19 testify anyway.

20 THE COURT: Okay.

21 MS. HENDERSON: No objection, Judge.

22 THE COURT: All right. Bring me the jury, please.

23 (WHEREUPON, the jury entered the courtroom at 10:00
24 a.m.)

25 THE COURT: All right. Ms. Edwards? Okay.

1 Mr. Nesmith? All right.

2 Ladies and gentlemen, before we begin, you'll notice
3 that Mr. Hawkins is not seated at defense counsel's table.
4 Before you all came out, Mr. Hawkins chose not to be in here.
5 That was a choice that he made. The defendant certainly has
6 a right to be present during their trial, but they also have
7 a right not to be present if they so choose, and he has
8 chosen not to be in here.

9 I will tell you all, ladies and gentlemen, that there
10 are to be no adverse inferences for or against Mr. Hawkins or
11 for or against the State during the trial of this case by him
12 choosing not to be here. The State, as I told you from the
13 outset, bears the burden of proving his guilt beyond a
14 reasonable doubt. Once again, Mr. Hawkins has chosen
15 voluntarily and freely not to be in here during these
16 proceedings, and there will be no adverse inferences, as I
17 told you, for or against Mr. Hawkins or the State as we
18 proceed with this trial.

19 Before we go any further, I'm going to ask that the
20 clerk swear the jury, please.

21 THE CLERK: If you will all please stand and raise your
22 right hand.

23 You shall well and truly try and a true deliverance make
24 between the State of South Carolina and the defendant at the
25 bar, whom you shall have in your charge, and a true verdict

1 render according to the law and evidence, so help you God.

2 Please be seated.

3 THE COURT: All right. Ladies and gentlemen, we're
4 about to try the case of the State of South Carolina versus
5 James Charles Hawkins, but before we begin the trial, I want
6 to tell you that this trial will probably be different from
7 what you might expect. Many people do not have the chance to
8 attend actual court sessions, as you're doing now, and may
9 think from watching television, reading books, or watching
10 movies that trials are always full of high drama, intense
11 action, and riveting circumstances.

12 Now, while all of these things may be true at times,
13 this trial, ladies and gentlemen, is not for entertainment.
14 It is a fundamental part of our democracy, an effort to make
15 sure that justice is done between the parties before the
16 Court.

17 Now, in making sure that justice is done between the
18 parties, the process is often slow, deliberate, and
19 repetitive, the opposite of what you may have seen on
20 television or in movies or read in books. This courtroom is
21 a place of honor dedicated to the protection and preservation
22 of citizens' rights through what many have called the
23 greatest justice system ever created.

24 The attorneys appearing before you are advocates for the
25 parties that they represent, but first and foremost, they are

1 officers of the Court sworn to uphold the integrity and
2 fairness of our judicial system. You should expect them to
3 be professional, competent, and ethical in the representation
4 of their clients' interest.

5 Now, what I will now say, ladies and gentlemen, is
6 intended to serve as an introduction to the trial of this
7 case. These remarks are not a charge on the law in this
8 case. I will instruct you on the law applicable to this case
9 at the end of the trial before you retire to consider your
10 verdict. This is merely an explanation of the proceedings
11 that we will follow in the trial of this case so that you may
12 better understand what may be happening.

13 Now, the defendant in this case, ladies and gentlemen,
14 is charged with the crimes of unlawful conduct towards a
15 child. In fact, he is charged with five counts of unlawful
16 conduct towards a child and one count of inflicting great
17 bodily injury upon a child. The elements of those offenses
18 will be explained to you later.

19 The indictment, as I told you from the outset, ladies
20 and gentlemen, is simply the charging document by which this
21 case is brought into this court, and it is not in any sense
22 evidence of the allegations that it contains. The defendant
23 has pled not guilty to this indictment. Therefore, as I told
24 you before, the State has the burden of proving each of the
25 elements of the indictment beyond a reasonable doubt, and it

1 will be your duty, ladies and gentlemen, to decide whether
2 the State has met that burden.

3 Your purpose as jurors is to find and determine the
4 facts. You are the sole judge of the facts. If at any time
5 I make any comment regarding the facts, you must disregard
6 it. You are to determine the facts, ladies and gentlemen,
7 from the testimony that you hear and other evidence
8 introduced in court during the process of this trial.

9 It is up to you to determine the inferences which you
10 feel may properly be drawn from the evidence. It is
11 especially important that you perform your duty of
12 determining the facts diligently and conscientiously because
13 ordinarily there is no way to correct an erroneous
14 determination of the facts by a jury.

15 Now, on the other hand and with equal emphasis, the same
16 law that makes you the judge of the facts makes me the judge
17 of the law. The law as given by the Court is the only law
18 that you may consider. You must accept and follow it, even
19 though you may disagree with it.

20 I cannot, ladies and gentlemen, tell you all what the
21 facts are and you cannot disagree with me about what the law
22 is or should be. Your job is to take the law as I give it to
23 you and apply it to the facts as you find them from the
24 testimony of the witnesses and any other evidence that is
25 introduced. After doing that, you will render your verdict

1 under the solemn oath that you just took as jurors.

2 Now, until I tell you to begin your deliberations,
3 ladies and gentlemen, you must not discuss this case with
4 anyone, including your fellow jurors, friends, family
5 members, and anyone involved in the case. The attorneys and
6 parties involved in the case have been advised that they are
7 not to talk to you at all outside of this courtroom. So if
8 you see anyone involved in the case and they do not speak to
9 you, they are not being unfriendly. They are simply
10 following the Court's instructions.

11 Now, during your deliberations, you may only discuss the
12 case in the jury room with your fellow jurors because they
13 have seen and heard the same evidence that you have. You
14 must not discuss the case, ladies and gentlemen, with anyone
15 other than your fellow jurors until you have returned a
16 verdict and the case is at an end.

17 I remind you that you must decide the case based solely
18 on evidence presented here in this courtroom. This means
19 that during the trial you must not conduct any independent
20 research about this case, the facts of the case, the evidence
21 presented in the case, or the people or organizations
22 involved in any way in the case.

23 Please do not try to find out information from any
24 source outside of this courtroom. In other words, you must
25 not look at dictionaries or other reference materials, search

1 the Internet, websites, or blogs, or use any other electronic
2 tools to get information about the case to help you decide
3 the case. You may not use computers, telephones, cell
4 phones, smart phones, smart watches, tablets, the Internet or
5 other tools of technology with communication capabilities at
6 any time while you are in the courtroom or during your
7 deliberations.

8 During your breaks for meals or overnight, if necessary,
9 you may use these devices. However, you must not use those
10 devices to communicate with anyone about the case until the
11 case is over. This means you must not use phone calls,
12 emails, text messages, instant messages, Twitter, or any
13 blog, chat room, or website, including Facebook, Google+,
14 MySpace, LinkedIn, YouTube, or any social media websites to
15 send or receive information about this case. This includes
16 information about a party, a witness, an attorney, or a court
17 officer, news accounts about the case, research on topics
18 raised, any topics you may think would be helpful in deciding
19 the case, or any testimony presented by any witness.

20 During the trial, do not read, listen to, or watch any
21 news reports about the case, if there are any. This includes
22 anything that may be in the newspapers or on the Internet,
23 radio, or television. You must not consider anything you may
24 have read or heard about the case outside of the courtroom,
25 whether before or during the trial. Information on

1 television, radio, the Internet, or from other sources might
2 be wrong or incomplete.

3 In our judicial system, it is important that you are not
4 influenced by anything or anyone outside of this courtroom.
5 If you become aware of another juror's violation of these
6 instructions, please inform the Court immediately.

7 It is important, ladies and gentlemen, that you keep an
8 open mind and not discuss or decide any issues in this case
9 until all of the evidence has been presented, the parties
10 have made their closing arguments, and I have instructed you
11 on the law in this case. It is your solemn responsibility to
12 determine whether the State has proven the defendant guilty
13 beyond a reasonable doubt, and your verdict must be based
14 solely on the evidence as it is presented to you in this
15 trial and on the law as I instruct you during and at the
16 close of the trial.

17 Now, in just a moment, ladies and gentlemen, the
18 solicitor or prosecutor will make what is called an opening
19 statement in which the solicitor will explain to you the
20 issues in the case or at least what he believes or thinks the
21 issues are in the case. The attorney for the defendant may
22 also make an opening statement, although they are not
23 required to do so.

24 What the attorneys tell you during their opening
25 statements is not evidence in the case. It is only their

1 contention as to what the issues are. Now, the evidence in
2 this case, ladies and gentlemen, will be -- will be presented
3 to you by the testimony of sworn witnesses from the witness
4 stand and/or by exhibits that may be introduced into evidence
5 during the course of the trial.

6 Now, ladies and gentlemen, from time to time during the
7 trial you may hear one of the attorneys say something like,
8 Your Honor, I believe that we have a matter of law or a
9 question of law to discuss with you or they may say or
10 request permission to approach the bench or sometimes I
11 myself might find it necessary to excuse you from the
12 courtroom for a short while so the attorneys and I can
13 discuss a matter of law.

14 The reason for this, ladies and gentlemen, is because
15 you are the judge of the facts in this case and sometimes
16 when I am discussing matters of law with the attorneys, it
17 may be necessary for me to make some comment as to the facts
18 in connection with ruling whether or not a particular law
19 applies. I am not supposed to tell you all what I think the
20 facts are; so I will excuse you all from the courtroom while
21 these discussions take place so that in no way will you be
22 influenced by anything that I might say or do in connection
23 with the facts.

24 Now, in determining what the facts are in the case,
25 ladies and gentlemen, you must decide whether or not the

1 testimony of the witnesses is believable. It will be my
2 responsibility to rule as a matter of law as to whether
3 certain testimony is admissible or not, but once the
4 testimony is admitted, whether or not you believe it is
5 solely for you to determine.

6 Now, in deciding whether to believe a witness, you have
7 the right to consider the interest of any witness, the bias
8 of any witness, the prejudice of any witness, the opportunity
9 for the witness to have seen the matters and things about
10 which the witness may testify, and the way the witness acts
11 on the witness stand. You have the right to consider
12 anything that is in the record that will help you evaluate
13 the testimony of the witnesses.

14 That means, ladies and gentlemen, that it is your duty
15 to pay close attention to these witnesses, to observe the
16 witnesses, to listen to the witnesses, and to pay close
17 attention to the attorneys and to the Court. Please don't
18 let your thoughts wander but give strict attention to the
19 testimony in this case so that at the end of all the
20 testimony, after the arguments of counsel and the charge on
21 the law by the Court, you will then be in a position to
22 determine what the facts are and to apply the law to those
23 facts and thus render a verdict.

24 Now, later in the case, ladies and gentlemen, a
25 foreperson will be selected to preside over deliberation in

1 the jury room. It will be the foreperson's added duty to be
2 the jury's spokesperson here in court. It will also be the
3 foreperson's duty to write the verdict, but I will give the
4 foreperson further instructions about that at the conclusion
5 of the case.

6 Now, in order to preserve everyone's rights, I will give
7 the attorneys an opportunity to object to anything that I
8 have said.

9 Any exceptions or objections to anything that I have
10 said to the jury from the State?

11 MR. RICHARDSON: No, Your Honor.

12 THE COURT: Defense counsel?

13 MS. HENDERSON: No, sir, Judge.

14 THE COURT: All right. Ladies and gentlemen, we will
15 now begin the trial of the case. The State is recognized for
16 opening statement.

17 OPENING STATEMENT ON BEHALF OF THE STATE

18 MS. LEFTRIDGE: There are no monsters, parents tell
19 their children, no vampires in the closet, no werewolves
20 under the bed, but for the children that are the victims in
21 this case, what they feared most did not have fangs or fur,
22 did not live in a creepy castle or a haunted house. What
23 they feared most lived under the same roof and was called
24 Dad.

25 For most people, being a parent is a privilege, it is a

1 pleasure, it is a passion, but for the defendant, James
2 Hawkins, being a parent was none of those things. You will
3 hear that in 2017, James Hawkins was the father of four
4 children: MINOR 3, aged 11 -- I apologize. MINOR 5, aged
5 11; MINOR 3, aged 5, and twins, MINOR1 and MINOR 4, ages 4.
6 You will hear that he resided at 613 South Church Street,
7 along with his girlfriend, Ida Gregg, and her son, MINOR 2,
8 aged 4.

9 You will hear that law enforcement received an anonymous
10 phone call in July of 2017 reporting that James Hawkins was
11 abusing and neglecting his children. That investigation
12 would lead to criminal charges.

13 You will hear that in addition to being neglected,
14 several of the children were physically abused. The oldest,
15 MINOR 5, suffered injury so severe she was unable to sit and
16 had blood-soaked bandages on her bottom. She was beaten with
17 a two-by-four that caused a laceration to the back of her
18 head that law enforcement noticed immediately.

19 You will hear from medical personnel as to the injuries
20 that all of the children suffered. You will hear from
21 experts in DNA that will testify that the blood recovered off
22 of that two-by-four was a match to MINOR 5.

23 You will also hear from law enforcement as to their
24 observations when they first made initial contact with the
25 children, but the most compelling piece of evidence will not

1 come from DNA experts, it will not come from law enforcement,
2 it will not come from medical personnel. It will come from
3 one of the victims, MINOR 5. She will summon all of the
4 courage she has and take the stand to testify as to the
5 horrors that her and her siblings faced at the hands of the
6 man that they call Daddy.

7 Now, there are no monsters is what parents tell their
8 children, but what these children feared the most lived in
9 the house with them and he was called Daddy. This is a case
10 about abuse, this is a case about neglect, but ultimately,
11 ladies and gentlemen, this is a case about torture.

12 THE COURT: Ms. Henderson?

13 MS. HENDERSON: Thank you, Judge. May it please the
14 Court.

15 Counsel.

16 OPENING STATEMENT ON BEHALF OF THE DEFENDANT

17 MS. HENDERSON: Ladies and gentlemen of the jury, good
18 morning. I know we introduced ourselves yesterday. Again,
19 my name is Christie Henderson. I'm an attorney with the
20 Public Defender's Office here in Florence. I'm here
21 alongside Ms. Emily Crayton, another attorney from our
22 office, and we represent Mr. James Hawkins.

23 We sincerely appreciate each and every one of you all
24 being here today and providing us with these invaluable
25 services. Thank you.

1 The fabulist Aesop once said every truth has two sides.
2 It is as well to look at both before we commit yourselves to
3 either.

4 Today, this is what I ask each of you all to do. Please
5 listen to the other side of this story. In listening to the
6 other side of this story, you must keep in consideration two
7 important things: the State's burden of proof and Mr.
8 Hawkins' presumption of innocence.

9 First, the State, by the Constitution, it has the burden
10 of proof. This burden never shifts to the defendant, and
11 what this means is that the State must prove each and every
12 element of the offenses of which Mr. Hawkins is charged
13 beyond a reasonable doubt. This means that we as the defense
14 do not have to prove a thing. You as the jury cannot convict
15 Mr. Hawkins unless you are satisfied beyond a reasonable
16 doubt of his guilt.

17 And what is reasonable doubt? Simply put, it is proof
18 that leaves you firmly convinced of guilt.

19 Second, Mr. Hawkins is presumed innocent. This means
20 you must presume that he has done nothing wrong. If you
21 think here right now in your heart, in your mind, in your
22 body and your soul that Mr. Hawkins has done anything wrong,
23 then you are violating that oath that you just took earlier
24 this morning where you held up your hand and promised to
25 uphold the law of this case. You must presume that Mr.

1 Hawkins is innocent.

2 In closing, ladies and gentlemen, this is a case about
3 the truth. Please look at the entire picture. Look at the
4 entire story. I'm confident that upon doing so you will
5 reach a verdict that is fair. Thank you.

6 THE COURT: Can the lawyers approach a minute, please?

7 (WHEREUPON, a bench conference was held off the record,
8 after which the proceedings resumed as follows.)

9 THE COURT: I'm going to ask you to step to the jury
10 room for just a minute. Do not discuss the case. I'm going
11 to -- there's something I need to do before we begin
12 testimony in the case, but do not discuss the case. I'll get
13 you back out here as quickly as possible.

14 Hold on just -- before you leave, let me ask you to do
15 this. I typically tell juries when they come in and out of
16 the courtroom that they can sit wherever they so desire.
17 Okay? You're not assigned a seat.

18 I will say right now that I want you to sit where you're
19 sitting now. Okay? Sit in the seat so there's no issues
20 about cross-contamination or anything such as that. I want
21 you to sit in your seats where you're seated now.

22 The other thing is when you all go to the jury room, I
23 want you all -- I want you all to select a foreperson. All
24 right? I'll tell you that your foreperson cannot be Mr.
25 Nesmith or Ms. Edwards. They've been selected as alternates

1 in this case.

2 Whoever you all select as your foreperson, they will sit
3 in this chair closest to me on the front where this young
4 lady in the white blouse and black sweater is seated. Okay?
5 That will be the foreperson's assigned seat throughout the
6 trial of the case as well.

7 Once you all select a foreperson, put it on -- write it
8 -- write it down on a piece of paper. Write the juror's
9 name, as well as the juror number, because I'm going to make
10 that a Court's exhibit. Okay?

11 You all step to the court -- to the jury room and do
12 that for me. Again, do not discuss the case. I'll get you
13 back out here in just a second.

14 (WHEREUPON, the jury exited the courtroom at 10:24 a.m.)

15 THE COURT: All right. If you would, bring Mr. Hawkins
16 back in here a minute, please.

17 (WHEREUPON, there was a pause in the proceedings until
18 the defendant entered the courtroom.)

19 THE COURT: All right. We have Mr. Hawkins back in the
20 courtroom now.

21 Mr. Hawkins, I want to go over a couple more things with
22 you. Okay? Now, at this juncture the lawyers have already
23 given opening statements in your case.

24 Let the record reflect that Mr. Hawkins is standing in
25 the courtroom and is standing with his back to the Court. He

1 will not look at the Court as the Court is addressing him.

2 Mr. Hawkins, I want you to understand that you have a
3 right to be present during your trial. Do you understand
4 that? Mr. Hawkins, do you understand that you have a right
5 to be present in this courtroom during your trial?

6 All right. Let the record reflect that the defendant is
7 refusing to answer the Court in its questioning of him.

8 Furthermore, I want you to understand, Mr. Hawkins,
9 since you're refusing to answer my question, I want you to
10 understand that you will be tried in your absence if you
11 choose to remain in your cell. Do you understand that?

12 All right. Let the record reflect that Mr. Hawkins is
13 refusing to answer any questions of the Court. The Court,
14 therefore, makes a finding that the defendant has been
15 advised of his right to be present in this courtroom during
16 his trial. That the defendant has been warned and told and
17 instructed that he will be tried in his absence if he chooses
18 to remain in his cell.

19 Mr. Hawkins, do you wish to remain in the courtroom or
20 do you wish to go back to your cell? It's a yes or no
21 question.

22 All right. Since he is refusing to answer me -- have a
23 seat, Mr. Hawkins. Do you wish to remain in here during your
24 trial, Mr. Hawkins? Sir?

25 All right. Well, since he's not answering, I'm going to

1 order that he remain in here unless he expresses otherwise at
2 this point. All right?

3 MS. CRAYTON: And, Your Honor, he still has his
4 restraints.

5 THE COURT: I would ask that the restraints be taken off
6 of him.

7 THE DEFENDANT: I'm good.

8 THE COURT: I've asked -- I'm ordering that the
9 restraints be taken off of his hands.

10 Hold on a minute, Mr. Harry. Before you take those off,
11 we're going to stand down for just a minute. We're going to
12 stand down for just a minute and then we'll come back and
13 resume. Okay? I think the lawyers wanted to pre-mark some
14 exhibits.

15 (WHEREUPON, there was a break in the proceedings from
16 10:29 a.m. until 10:50 a.m., after which the proceedings
17 resumed as follows.)

18 THE COURT: All right. Before we stood down, I advised
19 Mr. -- and Mr. Hawkins, for the record, is back in the
20 courtroom now. I advised Mr. Hawkins of his right to be
21 present during his trial and warned Mr. Hawkins that if he
22 chose not to remain in the courtroom that he would be tried
23 in his absence.

24 In asking him whether or not he understood that, he
25 refused to answer my questions. When I asked him whether or

1 not he wished to be present or not, he still refused to
2 answer my question.

3 Therefore, I instructed him to be seated. I will once
4 again before I bring the jury back out ask Mr. Hawkins
5 whether or not he wishes to be present in this courtroom
6 during his trial.

7 Do you wish to be present, Mr. Hawkins, during your
8 trial?

9 THE DEFENDANT: Yeah, I'll stay.

10 THE COURT: Sir?

11 THE DEFENDANT: I'll chill. I'll sit down.

12 THE COURT: Okay. Well, I want you to understand that
13 you certainly have a right to be in here and I want you to be
14 in here, but as I told you earlier, I will not allow you to
15 disrupt the proceedings of this court. Do you understand
16 that?

17 THE DEFENDANT: Uh-huh.

18 THE COURT: Sir, did you understand that?

19 THE DEFENDANT: Yeah.

20 THE COURT: Okay. The defendant has indicated, yes,
21 that he understands that.

22 And you understand that if you do not obey the Court's
23 orders that you can be removed from the courtroom and you'll
24 be tried in your absence? Do you understand that? Mr.
25 Hawkins, do you understand that?

1 Let the record reflect that he is shaking his head in
2 the affirmative.

3 All right. The other issue that has come up with
4 regards to -- I've already addressed the issue pertaining to
5 his refusal to change clothes, and he is in the courtroom in
6 his jumpsuit from the jail and he is also handcuffed at this
7 time. I had previous -- I had ordered that the handcuffs be
8 removed, and it was conveyed to the Court --

9 Well, let me ask you this. Mr. Hawkins, do you want
10 those handcuffs to remain on you or removed?

11 THE DEFENDANT: You can keep them on as a reminder.

12 THE COURT: Sir? Keep them on as a reminder?

13 THE DEFENDANT: Keep them on as a reminder. Uh-huh.

14 THE COURT: Well, anything from defense counsel with
15 regards to that issue?

16 MS. HENDERSON: Judge, I certainly do understand any
17 potential prejudicial value that the jury might infer from
18 seeing him cuffed. However, I also have safety concerns that
19 I think it's appropriate to leave him restrained.

20 THE COURT: Ms. Crayton, anything you want to add?

21 MS. CRAYTON: No, Your Honor. I think Ms. Henderson
22 covered it.

23 THE COURT: Well, Mr. Hawkins, I would ask -- well, let
24 me note this for the record also.

25 Mr. Hawkins, in looking at his prior criminal record, he

1 has a June 1, 1995 -- and I understand that's been a long
2 time ago. It looks like an arrest for disorderly conduct.
3 There's no disposition here.

4 That in June of 1997, he does have a conviction for
5 criminal domestic violence.

6 In January of 1999, he has a disorderly conduct arrest,
7 as well as conviction.

8 And in May 2001, he does have a conviction for
9 committing a lewd act upon a child.

10 I will note for the record also that Mr. Hawkins has on
11 more than one occasion interrupted the Court while the Court
12 was speaking, as well as defense counsel while they were
13 trying to speak to the Court. There is some safety concerns
14 for defense counsel in moving forward with this trial, as
15 defendant exhibited his displeasure yesterday out loud in the
16 seating of one particular juror in his case.

17 So out of safety concerns for not only his attorneys but
18 for court personnel, the Court will allow the restraints to
19 remain on. Furthermore, the defendant has requested that
20 they remain on as a reminder. He's not objected to them.

21 I would ask you, Mr. Hawkins -- I see you seated at the
22 defense table with your hands in your lap. I can't see the
23 restraints from where I am but would ask that you -- your
24 hands remain in your lap during the course of your trial so
25 that the jury does not see those restraints. If, in fact,

1 the defendant fails to comply with the Court's order as it
2 relates to that, then I will give some type of curative
3 instruction at that point. All right?

4 All right. Anything further before I bring the jury
5 back out from the State?

6 MR. RICHARDSON: No, sir.

7 THE COURT: Defense counsel?

8 MS. HENDERSON: Judge, I would request another
9 instruction to the jury regarding his presence in the
10 courtroom now.

11 THE COURT: Okay. All right. I will.

12 MS. HENDERSON: Thank you.

13 THE COURT: All right. Bring me the jury, please.

14 (WHEREUPON, the jury entered the courtroom at 10:59
15 a.m.)

16 THE COURT: All right. Now we have all the jurors back
17 in the courtroom.

18 Ladies and gentlemen, let me -- before we move forward
19 with calling the witnesses, you will now notice that Mr.
20 Hawkins is in the courtroom. Mr. Hawkins has chosen to
21 remain in the courtroom at this point and he has chosen to
22 remain clothed in what you see him clothed in, which was
23 provided to him, his clothing provided by the Florence County
24 Detention Center.

25 I will tell you that you're not to draw any adverse

1 inferences for or against Mr. Hawkins based upon his
2 clothing. He has chosen to wear what he's wearing, and there
3 are no -- no adverse inferences that are to be drawn from
4 such choice. As I've said from the outset, the State bears
5 the burden of proving his guilt to you all, the jury, beyond
6 a reasonable doubt.

7 All right. Any exception or objection to anything I've
8 said to the jury from the State?

9 MR. RICHARDSON: No, sir.

10 THE COURT: Defense counsel?

11 MS. HENDERSON: No, Your Honor.

12 THE COURT: All right. We'll proceed with the trial.

13 Call your first witness, please.

14 MS. LEFTRIDGE: The State would call Tyrone Williams.

15 (WHEREUPON, there was a pause in the proceedings until
16 the witness entered the courtroom.)

17 THE CLERK: Sir, if you will please place your left hand
18 on the Bible and raise your right hand. Do you swear or
19 affirm the testimony you give in this case to be the truth,
20 the whole truth, and nothing but the truth, so help you God?

21 THE WITNESS: I do.

22 THE CLERK: Please be seated and state your full name
23 for the record.

24 THE WITNESS: Tyrone Williams.

25 THE COURT: Go ahead.

TYRONE WILLIAMS - DIRECT BY MS. LEFTRIDGE

1 MS. LEFTRIDGE: Thank you.

2 TYRONE WILLIAMS, being first
3 duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. LEFTRIDGE:

6 Q: Good morning, Sgt. Williams. Can you tell the Court
7 where you are currently employed?

8 A: With the City of Darlington Police Department.

9 Q: And were you employed there in 2017?

10 A: I was employed with Darlington County Sheriff's Office
11 in 2017.

12 Q: And how long have you been with the Sheriff's Office?

13 A: At that time, four years.

14 Q: Do you recall an incident that occurred July 21st, 2017?

15 A: I do.

16 Q: Were you --

17 MS. HENDERSON: Judge, I would just ask that Mr.
18 Williams remove his mask. I'm sorry.

19 THE COURT: Yes, sir. I'm sorry.

20 MS. HENDERSON: I apologize.

21 THE WITNESS: Thank you.

22 THE COURT: Would you remove your mask and pull those
23 microphones closer to you? You can bend them down. Yes,
24 sir. And speak into them. We've got two of them there for
25 you.

TYRONE WILLIAMS - DIRECT BY MS. LEFTRIDGE

1 THE WITNESS: All right.

2 MS. LEFTRIDGE: We're going to start over so the defense
3 can hear you.

4 THE WITNESS: Okay.

5 BY MS. LEFTRIDGE:

6 Q: So where are you currently employed?

7 A: I'm currently employed with the City of Darlington
8 Police Department.

9 Q: And were you employed there in 2017?

10 A: I was employed with Darlington County Sheriff's Office
11 in 2017.

12 Q: And in 2017 how long had you been with the Sheriff's
13 Office?

14 A: I had been there about four years.

15 Q: And were you employed there July 21st, 2017?

16 A: I was.

17 Q: And were you working in your capacity as law
18 enforcement?

19 A: Yes, ma'am.

20 Q: Do you recall responding to the -- a building on Camden
21 Street in Hartsville?

22 A: Yes, ma'am.

23 Q: And do you recall why you responded to that location?

24 A: We was called over there in reference to a child abuse
25 case by DSS.

TYRONE WILLIAMS - DIRECT BY MS. LEFTRIDGE

1 Q: Okay. And when you arrived, can you tell the jury what
2 happened?

3 A: When I arrived, I walked in and I saw children inside of
4 the building with -- they weren't very clean, smelled of
5 urine. One, the oldest being MINOR 5, had matted hair and
6 she had a big gash in the back of her head. They were
7 hungry. The youngest, MINOR 1, I thought he was one, but he was
8 actually four at the time. He was so small.

9 Q: So did you have any contact with the children when you
10 were at that building?

11 A: I did.

12 Q: Okay. What kind of contact did you have with the
13 children?

14 A: I asked them were they hungry. All of them said yes.
15 We ended up buying I think at least four hot and ready
16 pizzas, and they ate them in less than 10 or 15 minutes, all
17 four.

18 Q: Okay. And I believe you stated that when you walked in
19 you noticed a distinct smell?

20 A: Yes. It smelled of urine. All of them smelled of
21 urine.

22 Q: Okay. And you mentioned that MINOR 1 was very small?

23 A: Very small. I thought he was one, but he was actually
24 four.

25 Q: Do you recall any -- any significance about the

TYRONE WILLIAMS - DIRECT BY MS. LEFTRIDGE

1 appearance of any of the other children?

2 A: With MINOR1, I noticed some scarring on his back, bruising
3 on his thigh. One of his -- I think it was his left thigh
4 was swollen.

5 Q: And how many children do you remember? Do you recall?

6 A: I think, like, five.

7 Q: Five children?

8 A: I think.

9 Q: And can you tell the jury what you -- what all you did
10 while you were there?

11 A: When I was there, I was in the room with DSS as they
12 took pictures. With MINOR 5, I did see a bandage on her
13 buttocks with blood on it. I did see the gash in the back of
14 her head, and also on her wrist she had, like, bruising
15 consistent with me with my experience of duct tape.

16 Q: Okay.

17 MS. LEFTRIDGE: I beg the Court's indulgence a moment,
18 Your Honor.

19 BY MS. LEFTRIDGE:

20 Q: And you mentioned that there were five children?

21 A: I think it was five, yes.

22 Q: You saw MINOR1?

23 A: Uh-huh. I saw --

24 Q: And --

25 A: -- MINOR 5.

TYRONE WILLIAMS - DIRECT BY MS. LEFTRIDGE

1 Q: -- MINOR 5. Did you see anything with the other three
2 children?

3 A: No, not that I can recall.

4 Q: Not that you recall?

5 MS. LEFTRIDGE: Thank you. Please answer any questions
6 the defense might have.

7 THE WITNESS: Okay.

8 THE COURT: Defense counsel?

9 MS. HENDERSON: Inv. Williams, we have no questions for
10 you.

11 THE WITNESS: All right.

12 THE COURT: Sir, you may step down. Thank you.

13 THE WITNESS: Thank you.

14 MS. LEFTRIDGE: If there's no objection, we would ask
15 that Mr. -- or Sgt. Williams be excused from his subpoena.

16 THE COURT: Any objection?

17 MS. HENDERSON: No objection, Judge.

18 THE COURT: Sir, you're excused from your subpoena.
19 You're free to go. Have a nice day.

20 All right. Call your next witness, please.

21 MS. LEFTRIDGE: Thank you, Your Honor. The State would
22 call Mica Griggs.

23 (WHEREUPON, there was a pause in the proceedings until
24 the witness entered the courtroom.)

25 THE CLERK: Ma'am, if you will please place your left

MICA GRIGGS - DIRECT BY MS. LEFTRIDGE

1 hand on the Bible and raise your right hand. Raise your
2 right hand, please. Do you swear or affirm the testimony you
3 give in this case will be the truth, the whole truth, and
4 nothing but the truth, so help you God?

5 THE WITNESS: I do.

6 THE CLERK: Please be seated and state your full name
7 for the record.

8 THE WITNESS: My name is Mica Griggs.

9 THE COURT: You can take your mask down while you talk,
10 please, ma'am.

11 THE WITNESS: Oh, thank goodness. It's Mica Griggs,
12 M-i-c-a G-r-i-g-g-s.

13 THE COURT: Thank you.

14 Ms. Leftridge?

15 MS. LEFTRIDGE: Thank you.

16 MICA GRIGGS, being first duly
17 sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MS. LEFTRIDGE:

20 Q: Good morning, Sgt. Griggs. Can you please tell the jury
21 where you're currently employed?

22 A: Currently, I'm at Chesterfield County Sheriff's Office.

23 Q: And were you employed there in 2017?

24 A: No, ma'am. I was at Darlington County Sheriff's Office
25 then.

MICA GRIGGS - DIRECT BY MS. LEFTRIDGE

1 Q: And in 2017, approximately how long had you been with
2 the Sheriff's Office?

3 A: In '17, I had only been there for two years.

4 Q: Okay. All right. Do you -- were you employed with the
5 Sheriff's Office July 21st of 2017?

6 A: Yes, ma'am.

7 Q: And were you working at your capacity -- in your
8 capacity as law enforcement that day?

9 A: Yes, ma'am.

10 Q: Do you recall responding to an office in Hartsville on
11 Camden Street?

12 A: Yes, ma'am.

13 Q: Do you recall why you responded to that location?

14 A: Yes, ma'am.

15 Q: Can you tell the jury why you responded to that
16 location?

17 A: Yes, ma'am. I had been notified by Lt. Williams to --
18 that he was out -- well --

19 MS. HENDERSON: Objection, Judge. Hearsay.

20 THE WITNESS: Sorry.

21 BY MS. LEFTRIDGE:

22 A: I was notified to meet children at the DSS office.

23 Q: Okay. And can you tell the jury what you observed when
24 you did respond?

25 A: I observed five children at the DSS office. They were

MICA GRIGGS - DIRECT BY MS. LEFTRIDGE

1 eating pizza and running around. They smelled as they had
2 not bathed in a few days, and they smelled of urine. They
3 had white lips. To me it appeared that they were a little
4 dehydrated.

5 I went and spoke with the DSS workers and then I
6 requested to take photos of the children so I could see what
7 all the clothing was hiding because I couldn't see -- I could
8 observe bruising on some of the children's necks and arm
9 areas, and I wanted to see what was underneath the clothing.
10 I've been an investigator -- well, investigating child crimes
11 for many years, and I know clothing hides some bruising
12 patterns.

13 Q: Okay. And you said you were asked to take photographs?

14 A: I asked to take photographs.

15 Q: You asked to take photographs, and you did take
16 photographs?

17 A: Yes, ma'am.

18 Q: Okay. So I'm going to show you some photographs. I'll
19 start with what is marked as State's Exhibit 34. Do you
20 recognize that?

21 A: Yes, ma'am.

22 Q: How do you recognize that?

23 A: That is -- may I say the child's name?

24 Q: Yes.

25 A: That is MINOR 1. He is one of the children I took

1 photos of first.

2 Q: And I'm going to show you --

3 A: And these are at the DSS office.

4 Q: Okay. I'm going to show you State's Exhibit 35. Do you
5 recognize this?

6 A: Yes, ma'am.

7 Q: And what is that?

8 A: That is of his stomach area, and it shows a little red
9 mark on his stomach and the stomach swollen type areas that
10 he had on him.

11 Q: I'm going to show you State's Exhibit 36. Do you
12 recognize this?

13 A: Yes, ma'am. That is MINOR1's neck area, and it has
14 bruising on his neck area.

15 Q: And State's Exhibit 37?

16 A: That is the other side of MINOR1's neck.

17 Q: Okay.

18 A: Showing bruising.

19 Q: State's Exhibit 38?

20 A: That is MINOR1's -- MINOR1's back area. That shows bruising
21 patterns that were on his back at the time.

22 Q: Thank you. And State's Exhibit 39?

23 A: That is MINOR1's butt area, and that shows bruising
24 patterns that were on his butt area.

25 Q: State's Exhibit 40?

MICA GRIGGS - DIRECT BY MS. LEFTRIDGE

1 A: That is MINOR1's arm. His arm looked a little -- little
2 swollen compared to the other one. So I took photos.

3 Q: Thank you. And State's Exhibit 41?

4 A: Now, that one was taken at the hospital because we took
5 two of the children to the hospital. MINOR1 and MINOR 5 went
6 to the hospital to get checked out because, like I said,
7 MINOR1's little arm he said was hurting. So we took MINOR1 and
8 Akeelah to the hospital to get checked out, and that is a
9 little bit further down of his stomach area where there was
10 another red mark on him.

11 Q: Okay. And did you take this photo?

12 A: I took that photo as well.

13 Q: I'll show you some more photos.

14 A: That is --

15 Q: Exhibit 26?

16 A: MINOR 3. Right? Yeah, you took the sticky note off.

17 Q: Sorry.

18 A: It's hard to keep them straight. This was after they
19 got done eating the pizza. I tried to let them eat the
20 pizza, and they were still asking for more pizza because they
21 were still hungry. MINOR1 was also still eating at the
22 hospital because the nurses were still giving him more food
23 at the hospital because he was requesting more food.

24 Q: State's Exhibit 27?

25 A: That is MINOR 3's arm area. It had a little bit of --

MICA GRIGGS - DIRECT BY MS. LEFTRIDGE

1 the picture doesn't show it as good, but it had a little bit
2 of redness and bruising on it as well.

3 Q: Okay. State's Exhibit 28?

4 A: That is MINOR 3's back area.

5 Q: State's Exhibit 27?

6 A: MINOR 3's stomach.

7 Q: State's Exhibit 30?

8 A: MINOR 3's butt area, which has a little bit of bruising
9 on it.

10 Q: State's Exhibit 31?

11 A: Now, that is MINOR 2. He is Ida's son.

12 Q: Okay. And he was one of the five?

13 A: Five that were there. Yes, ma'am.

14 Q: State's Exhibit 32?

15 A: That is MINOR 2's stomach area.

16 Q: State's Exhibit 33?

17 A: His back area.

18 Q: State's Exhibit 4?

19 A: That is MINOR 5. That is her facial area with one of
20 the DSS workers in the back.

21 Q: State's Exhibit 5?

22 A: That is of her neck, the bruising and scarring patterns
23 on her neck area.

24 Q: State's Exhibit 6?

25 A: That is MINOR 5's other side of her neck area.

MICA GRIGGS - DIRECT BY MS. LEFTRIDGE

1 Q: State's Exhibit 7?

2 A: And those are the bruising patterns on her back.

3 Q: State's Exhibit 8?

4 A: That is of her arm. It appeared a little bit swollen
5 compared to the other one; so I took pictures of both arms.

6 Q: State's Exhibit 9?

7 A: That is MINOR 5's other arm, and it shows the marks on
8 her wrists that appeared to us to be bondage marks on her
9 wrists.

10 Q: State's Exhibit 10?

11 A: That is what appeared to be bruising patterns, maybe
12 whip marks, on her upper arm area.

13 Q: State's Exhibit 11?

14 A: That is MINOR 5's -- the back of MINOR 5's necks -- neck
15 showing marks from -- abusive marks.

16 Q: State's Exhibit 12?

17 A: That is a shave mark on the back of MINOR 5's head
18 showing a laceration on the back of her head.

19 Q: State's Exhibit 13?

20 A: That is MINOR 5's shoulder, the other shoulder with
21 lacerations. And this is --

22 Q: State's Exhibit 14?

23 A: That is MINOR 5's bandages that were on her butt area,
24 and they were the dirty bandages before we took her to the
25 hospital.

MICA GRIGGS - DIRECT BY MS. LEFTRIDGE

1 Q: State's Exhibit 15?

2 A: Those are MINOR 5's legs showing the whip-looking marks
3 that we -- we saw on her legs.

4 Q: Okay. State's Exhibit 16?

5 A: The front of MINOR 5's legs.

6 Q: State's Exhibit 12?

7 A: Those are MINOR 5's --

8 Q: I'm sorry. This is State's Exhibit 17.

9 A: Those are MINOR 5's wrist marks.

10 Q: State's Exhibit 18?

11 A: These are taken of MINOR 5 at the hospital after the
12 nurses took the bandages off of her where -- off of -- off of
13 her butt showing the marks that were done to her butt area
14 and the back of her legs.

15 Q: Okay. And then State's Exhibit 19?

16 A: That is MINOR 4. She is still eating her pizza. She
17 was still eating hers.

18 Q: State's Exhibit 20?

19 A: That is her -- MINOR 4's stomach area.

20 Q: State's Exhibit 21?

21 A: That is a mark on the back of MINOR 4's -- the back of
22 her neck area above her top shoulder.

23 Q: State's Exhibit 22?

24 A: That is MINOR 4's back area.

25 Q: State's Exhibit 23?

MICA GRIGGS - DIRECT BY MS. LEFTRIDGE

1 A: That is MINOR 4's butt area.

2 Q: State's Exhibit 24?

3 A: That is MINOR 4's side area. She had a darker mark on
4 her that it showed up a little bit more red in person than it
5 does on the photos.

6 Q: Okay. State's Exhibit 25?

7 A: And that is a scarring mark on MINOR 4's arm.

8 Q: Thank you. And I believe we went over this with a
9 couple of the pictures at the beginning. How do you
10 recognize those photos?

11 A: I recognize them because I took them, and I recognize
12 the DSS office because I spend a lot of time there. So --
13 now, whenever I first got there, like I said, the kids were
14 running around, but I also observed MINOR 5 was not running
15 around. MINOR 5 was laying down on the couch. She couldn't
16 sit down. She had to lay flat on her stomach area because
17 she was unable to sit down.

18 Q: Okay. And do those photographs fairly and accurately
19 depict the subject matter that are in those photos?

20 A: Yes.

21 Q: Have the photos been altered or any deletions made?

22 A: No.

23 Q: Thank you.

24 MS. LEFTRIDGE: Your Honor, the people would offer
25 State's Exhibit 4 through 41 for admission as evidence.

MICA GRIGGS - DIRECT BY MS. LEFTRIDGE

1 THE COURT: Any objection?

2 MS. HENDERSON: Judge, could I just see the photos?

3 THE COURT: Yes.

4 MS. HENDERSON: Judge, may we approach the bench?

5 THE COURT: Yes.

6 (WHEREUPON, a bench conference was held off the record,
7 after which the proceedings resumed as follows.)

8 THE COURT: Ladies and gentlemen, there is a matter of
9 law that I need to discuss with the lawyer. I'll ask you to
10 step back to the jury room. Do not discuss the case at all.
11 Do not discuss the case at all. I'll get you back in here in
12 just a minute.

13 (WHEREUPON, the jury exited the courtroom at 11:22 a.m.)

14 THE COURT: All right. Defense counsel?

15 MS. HENDERSON: Thank you, Judge. We would object to
16 the admission of State's Exhibit 14, State's Exhibit 18,
17 State's Exhibit 16, and State's Exhibit 15 on the grounds of
18 these photos being graphic and in our position overly
19 prejudicial to Mr. Hawkins in his case.

20 THE COURT: Can I see the photos, please?

21 MS. HENDERSON: Yes, sir.

22 THE COURT: All right. Any -- anything from the State
23 in reply?

24 MR. RICHARDSON: Yes, sir, Your Honor. One, they're the
25 *res gestae* of the case. They are the foundation upon which

MICA GRIGGS - DIRECT BY MS. LEFTRIDGE

1 the case is built showing the nature of the injuries suffered
2 by the children. Furthermore, they are necessary to -- well,
3 tomorrow we'll have an expert witness who will -- a medical
4 professional who will give testimony about the specific
5 nature of the injuries, and it will be necessary for him to
6 be able to use those photographs in his testimony.

7 But yeah, typically we have objections to graphic
8 photographs that are done in autopsies or, you know, crime
9 scenes that show unnecessary amounts of blood or what have
10 you, and I don't think these photographs come anywhere close
11 to the level of what is typically excluded as being
12 unnecessarily graphic.

13 THE COURT: All right. Anything further from defense
14 counsel?

15 MS. HENDERSON: Judge, we just maintain they're overly
16 prejudicial, and I believe that descriptions of any such
17 injuries can be elicited through testimony of the State's
18 witnesses.

19 THE COURT: All right. As you all well know, photos
20 depict the unfortunate reality of a case. The mere fact that
21 a photograph is gruesome -- and I don't find these
22 photographs are gruesome, but I'm stating what the law is.
23 The mere fact that a photograph is gruesome is not a reason
24 for its non-admission.

25 The question becomes whether or not the photographs

MICA GRIGGS - DIRECT BY MS. LEFTRIDGE

1 corroborate the testimony, the testimony of Officer Griggs
2 here. One, they are photographs that she took of the
3 children or of this child. I think these are all of MINOR 5 .
4 Is that correct?

5 MS. HENDERSON: Yes, sir.

6 THE COURT: The photographs that she took of MINOR 5
7 shortly after -- very shortly after being taken into custody
8 by the Department of Social Services at the Department of
9 Social Services office reflect what she observed. They're
10 true and accurate depictions of what the injuries were to
11 this child.

12 The photographs appear to depict injuries to the child's
13 buttocks, as well as her legs. One photograph being with
14 bandages on of her buttocks, one photograph, that being
15 Exhibit 18, of no bandages on the child's buttocks, as well
16 as what appear to be injuries to the back of the child's legs
17 at various degrees of healing, so to speak.

18 These photographs certainly show the unaltered condition
19 of the victim. These photographs also assist in establishing
20 the elements of the offense for which this defendant has been
21 charged. Noting Section 65 -- excuse me -- Section 63-5-70,
22 which states it is unlawful for a person who has charge or
23 custody of a child or who is the parent or guardian of a
24 child or who is responsible for the welfare of a child as
25 defined in 63-7-20 to, one, place the child at unreasonable

MICA GRIGGS - DIRECT BY MS. LEFTRIDGE

1 risk of harm affecting the child's life, physical or mental
2 health or safety or, two, do or cause to be done unlawfully
3 or maliciously any bodily harm to the child so that the life
4 or health of the child is endangered or likely to be
5 endangered.

6 These photographs certainly depict -- appear to depict
7 those elements of the offense for which he is charged, which
8 again go to the establishment of the elements of the offense
9 charged. I believe the photographs are probative,
10 corroborative -- corroborative, and material in establishing
11 the elements of the offense, and they show the extent and
12 nature of the child's injuries.

13 Therefore, over defense counsel's objection, I will
14 allow the photographs, that being 4 through 41, as well as
15 14, 15, 16, and 18 to be admitted into evidence.

16 (WHEREUPON, State's Exhibits No. 4 through 41,
17 photographs, were admitted into evidence.)

18 THE COURT: All right.

19 MS. HENDERSON: Thank you, Judge.

20 THE COURT: All right. Y'all want to get these back,
21 please?

22 All right. Anything else before I bring the jury back
23 out?

24 MS. HENDERSON: No, sir, Judge.

25 MR. RICHARDSON: No, sir.

MICA GRIGGS - DIRECT BY MS. LEFTRIDGE

1 THE COURT: Bring me the jury, please.

2 (WHEREUPON, the jury entered the courtroom at 11:29
3 a.m.)

4 THE COURT: All right. All the jurors are present.

5 State's Exhibits 4 through 41 are admitted into
6 evidence. 14, 15, 16, and 18 are admitted over defense
7 counsel's objection.

8 All right. You may proceed or continue.

9 MS. LEFTRIDGE: Thank you, Your Honor.

10 BY MS. LEFTRIDGE:

11 Q: So during the course of your investigation, were you
12 able to determine who the parents of the five children were?

13 A: Yes, ma'am.

14 Q: And can you identify who the parents or guardian were of
15 the children at the time?

16 A: Well, the father of four of the children is the
17 defendant.

18 Q: Okay. And can you tell me which four children? Do you
19 recall?

20 A: The four Hawkins children is the defendant James
21 Hawkins', and the -- MINOR 2 's mom is Ida Gregg,
22 but Ida is not the mom to the Hawkins children. She was just
23 kind of the guardian at the time.

24 Q: Thank you. And without saying anything that she
25 specifically told you, can you tell the jury if you were able

MICA GRIGGS - DIRECT BY MS. LEFTRIDGE

1 to speak with any of the children?

2 A: I did. I spoke with all the children.

3 Q: You spoke with all the children? Did you --

4 A: When I photographed them.

5 Q: Did you speak specifically with MINOR 5?

6 A: I did.

7 Q: And after that conversation, what were your next steps?

8 A: After I spoke with MINOR 5, I ended up contacting
9 Florence City.

10 Q: Thank you.

11 MS. LEFTRIDGE: No further questions. Please answer any
12 questions the defense might have.

13 THE WITNESS: Okay.

14 MS. HENDERSON: May I beg the Court's indulgence?

15 THE COURT: Yes, ma'am.

16 MS. HENDERSON: Ms. Griggs, we have no questions.

17 THE COURT: Ma'am, you may step down. Thank you.

18 MS. LEFTRIDGE: And if there's no objection, Your Honor,
19 we ask that Ms. Griggs be removed from her subpoena.

20 THE COURT: Any objection?

21 MS. HENDERSON: No, sir, Judge.

22 THE COURT: Ms. Griggs, you're released from your
23 subpoena and you're free to go. Have a nice day.

24 THE WITNESS: Okay.

25 THE COURT: Call your next witness, please.

JIMMY CANTEY - DIRECT BY MS. LEFTRIDGE

1 MS. LEFTRIDGE: Thank you. The State would call
2 Investigator Cantey.

3 THE CLERK: Sir, if you'll please place your left hand
4 on the Bible and raise your right hand. Do you swear or
5 affirm the testimony you give in this case to be the truth,
6 the whole truth, and nothing but the truth, so help you God?

7 THE WITNESS: I do.

8 THE CLERK: Please be seated and state your full name
9 for the record.

10 THE WITNESS: Jimmy Cantey.

11 MS. LEFTRIDGE: Thank you.

12 JIMMY CANTEY, being first duly
13 sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MS. LEFTRIDGE:

16 Q: Good morning, Inv. Cantey. Will you please tell the
17 jury where you are currently employed?

18 A: At the Florence City Police Department.

19 Q: And what are some of your duties with the Florence
20 Police Department?

21 A: I am the criminal investigations division supervisor,
22 but I'm also responsible for investigating special victims'
23 crimes, such as child abuse and sexual assaults.

24 Q: And were you employed with Florence Police Department in
25 2017?

JIMMY CANTEY - DIRECT BY MS. LEFTRIDGE

1 A: Yes, I was.

2 Q: And did you become involved with this case?

3 A: I did.

4 Q: And can you tell the Court how you became involved with
5 this case?

6 A: I received a complaint from Darlington County Sheriff's
7 Office from Inv. Griggs, and I began a follow-up on a case of
8 suspected child abuse.

9 Q: Okay. And do you recall what date you began your
10 investigation?

11 A: I received the report and actually started working on
12 this on a Saturday, which was July 22nd, 2017.

13 Q: Thank you. And what did you do when you started your
14 investigation?

15 A: I received the information from Inv. Griggs and some
16 photographs that she had taken. After receiving those
17 photographs, I observed the injuries to the children and
18 noticed them to be significant injuries. Also, I was given
19 the names of the, I guess, parents that were involved. It
20 was a James Hawkins and Ida Gregg. We were told that the
21 incident happened at [REDACTED] South Church Street, which is
22 located in the city of Florence. I then began to follow up
23 at that address as well.

24 Q: And is the -- is that address located in Florence County
25 as well?

JIMMY CANTEY - DIRECT BY MS. LEFTRIDGE

1 A: Yes, it is.

2 Q: I'm going to show you what has been marked as State's
3 Exhibit 42. Do you -- do you recognize this?

4 A: Yes. That's a map of Church Street/Barrenger Street
5 area in the city of Florence.

6 Q: Thank you. And -- and can you -- can you identify on
7 this map where the incident location?

8 A: [REDACTED] South Church Street would be located at this
9 location.

10 MS. HENDERSON: Judge, may we move?

11 THE COURT: Yes. Yes. You don't have to ask. Just
12 move --

13 MS. HENDERSON: Okay.

14 THE COURT: -- to where you can see.

15 THE WITNESS: This location right here.

16 MS. HENDERSON: Okay.

17 BY MS. LEFTRIDGE:

18 Q: Could you mark that?

19 A: You want me to circle it or what?

20 Q: Yeah. You can circle it.

21 A: (Complies.)

22 Q: Thank you. And I believe you've already stated it was
23 [REDACTED] South Church Street. That's the incident location that
24 you responded to?

25 A: Yes.

JIMMY CANTEY - DIRECT BY MS. LEFTRIDGE

1 MS. LEFTRIDGE: Your Honor, the people would offer
2 State's Exhibit 42 for admission as evidence.

3 MS. HENDERSON: No objection, Judge.

4 THE COURT: Without objection, State's Exhibit 42
5 admitted into evidence.

6 (WHEREUPON, State's Exhibit No. 42, large map of
7 incident location, was admitted into evidence.)

8 MS. LEFTRIDGE: Thank you.

9 BY MS. LEFTRIDGE:

10 Q: Now let's go back to when you went to the incident
11 location. Can you tell the jury the typical process of what
12 you do when you respond?

13 A: We were -- well, the children all weren't living at [REDACTED]
14 at the time I received the report. They had already moved
15 out of that location, but we were given the information that
16 some of the abuse had occurred there. At that point we knew
17 that someone else was living at that location who had
18 possibly been present when some of the abuse happened. So we
19 went to follow up with that individual as far as maybe any
20 evidence that was left behind there.

21 Q: Okay. And when you got there, did you collect any
22 evidence?

23 A: I did. We were given information that the eldest child,
24 [REDACTED] MINOR 5 I believe is her name, was hit with a board several
25 times in several different locations and once we got there

JIMMY CANTEY - DIRECT BY MS. LEFTRIDGE

1 realized the board was left behind after they had moved out.

2 Q: I'm going to show you what's been marked as State's
3 Exhibit 43. Do you recognize this?

4 A: You want me to open it? It's two pieces of board that I
5 collected from [REDACTED] South Church Street.

6 Q: And -- and you obtained that during your initial -- when
7 you initially went to that location?

8 A: I did. Yes, ma'am.

9 Q: Okay. Is the board in substantially the same condition
10 that it was in when you first saw it?

11 A: Yes.

12 MS. LEFTRIDGE: Your Honor, the people would offer
13 State's Exhibit 43 for admission as evidence.

14 THE COURT: Any objection?

15 MS. HENDERSON: No objection, Judge.

16 THE COURT: Without objection, so admitted.

17 (WHEREUPON, State's Exhibit No. 43, board, was admitted
18 into evidence.)

19 BY MS. LEFTRIDGE:

20 Q: And while you were there, did you take any photographs?

21 A: We did. We took photographs of where we recovered the
22 board from, which I believe was in a closet area in a
23 bedroom.

24 Q: I'm going to show you some photographs that I've marked.
25 This is State's Exhibit 2. Do you recognize this?

JIMMY CANTEY - DIRECT BY MS. LEFTRIDGE

1 A: Yes. That's one of the photographs that were taken. It
2 was actually taken by another investigator at the time.

3 Q: And can you tell me the location?

4 A: That is the closet in the bedroom. I think when you
5 walk in the house it's to the right. There's a bedroom
6 there, and that was in the closet there.

7 Q: State's Exhibit 3?

8 A: That's a photograph of the board before we picked them
9 up and collected them.

10 Q: Okay. And State's Exhibit 1?

11 A: That's a close-up photograph of the board, which has a
12 red stain on it which at the time we believed it had been
13 blood.

14 Q: Thank you. And do these -- do these photographs fairly
15 and accurately depict the subject matter?

16 A: Yes.

17 Q: Has there been any deletions or alterations to these
18 photos?

19 A: No.

20 MS. LEFTRIDGE: Your Honor, the people would offer
21 State's Exhibit 1 through 3 for admission into evidence.

22 THE COURT: Any objection?

23 MS. HENDERSON: Can I just see them, please?

24 THE COURT: Yes.

25 MS. HENDERSON: No objection, Judge.

JIMMY CANTEY - DIRECT BY MS. LEFTRIDGE

1 THE COURT: All right. Without objection, so admitted.

2 (WHEREUPON, State's Exhibits No. 1 through 3,

3 photographs, were admitted into evidence.)

4 BY MS. LEFTRIDGE:

5 Q: This happened at [REDACTED] South Church Street?

6 A: Yes.

7 Q: Were you able to determine the owners of the residence?

8 A: The -- the actual owner I was -- I was unaware who may
9 have owned the house. I think it was being rented, but
10 Monika Wilson was staying there at the time when we collected
11 the board.

12 Q: Okay. Did you -- did you speak with Monika?

13 A: I did.

14 Q: And did she inform -- were you made aware of any other
15 residents?

16 A: She lived there, some of her children lived there, but
17 James Hawkins lived there, Ida Gregg lived there, and the
18 four or five children lived there as well.

19 Q: Thank you. And back to the board, after you recovered
20 it and took photographs of the board, what did you do with
21 it?

22 A: I turned it over to the crime scene unit, Inv. Matthews.

23 MS. LEFTRIDGE: I beg the Court's indulgence for a
24 moment.

25 No further questions. Please answer any questions the

JIMMY CANTEY - DIRECT BY MS. LEFTRIDGE

1 defense might have.

2 THE COURT: Cross-examination

3 MS. HENDERSON: May I beg the Court's indulgence?

4 THE COURT: Yes, ma'am.

5 MS. HENDERSON: Mr. Cantey, we have no questions for
6 you.

7 THE WITNESS: Thank you.

8 THE COURT: All right. Sir, you may step down.

9 THE WITNESS: Thank you.

10 MS. LEFTRIDGE: If there's no objection, the State would
11 ask that Inv. Cantey be relieved of his subpoena.

12 THE COURT: Any objection?

13 MS. HENDERSON: No, sir, Judge.

14 THE COURT: Sir, you're released from your subpoena.
15 You're free to go. Have a nice day.

16 THE WITNESS: Thank you.

17 THE COURT: Can the lawyers approach a minute, please?

18 (WHEREUPON, a bench conference was held off the record,
19 after which the proceedings resumed as follows.)

20 THE COURT: All right. Call your next witness, please.

21 MR. RICHARDSON: Thank you, Your Honor. The State would
22 call MINOR 5.

23 (WHEREUPON, there was a pause in the proceedings until
24 the witness entered the courtroom.)

25 THE CLERK: If you will, please place your left hand on

MINOR 5

- DIRECT BY MR. RICHARDSON

1 the Bible and raise your right hand. Do you swear or affirm
2 the testimony you give in this case will be the truth, the
3 whole truth, and nothing but the truth, so help you God?

4 THE WITNESS: I do.

5 THE CLERK: Please be seated and state your full name
6 for the record.

7 THE WITNESS: MINOR 5 .

8 MINOR 5 , being first
9 duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. RICHARDSON:

12 Q: All right. MINOR 5 , you can take your mask down if you
13 want to. Speak loud. Just keep your voice up. You can
14 holler at me like I'm hollering at you. That'll work just
15 fine. Can you tell us how old you are right now?

16 A: Fifteen.

17 Q: All right. And what grade does that put you in?

18 A: Tenth.

19 Q: Tenth grade. And do you do anything at school, like
20 extracurricular activities or anything?

21 A: Play basketball.

22 Q: All right. What -- what position do you play?

23 A: Point.

24 Q: Are you any good?

25 A: Yes.

1 Q: All right. Do you still live with all your -- your
2 siblings, your brother and sisters?

3 A: Yes.

4 Q: Brother and sister?

5 A: Yes.

6 Q: Okay. So y'all are all together?

7 A: Uh-huh.

8 Q: Okay.

9 A: Yes.

10 Q: Very good. Can you tell us -- I know this has been over
11 four years ago, but back in July of 2017 do you remember
12 coming to stay in Florence?

13 A: Yes.

14 Q: All right. And do you remember kind of round about
15 where that was located?

16 A: I'm not sure about the address. I just know it was in
17 Florence.

18 Q: Okay. Can you keep your voice up a little bit for me?

19 A: Yes.

20 Q: Okay.

21 A: I'm sorry.

22 Q: All right. So you know it was in Florence. Do you
23 remember the person's name that had the place or that lived
24 at the place where you went and stayed?

25 A: No.

1 Q: Okay. Do you remember what kind of person it was? Was
2 it a lady, a man, or both?

3 A: Both.

4 Q: Okay. Did they have kids there or it was just the two
5 of them?

6 A: Yeah, they had kids.

7 Q: All right. Now, who all in your group moved in with
8 this family? Who all was with you?

9 A: My siblings, James, and Ida.

10 Q: All right. And by -- and by James, do you mean James
11 Hawkins?

12 A: My dad. Yeah.

13 Q: Okay. When you went to stay there, where all did --
14 where did you stay in the house? Did you have a room or a
15 place where you and your siblings stayed or --

16 A: Well, James and Ida and some of my siblings would sleep
17 in the room and, like, me or, like, one of my other siblings
18 would, like, sleep on the couch.

19 Q: Okay. Now, at this time how old were you?

20 A: I -- I don't remember.

21 Q: Well, you're fifteen now; right? So four years ago, how
22 old would you have been?

23 A: Eleven.

24 Q: Okay. Tell us what life was like in that house from the
25 time you were living in Florence for you?

1 A: Rough.

2 Q: What do you mean by that? You can describe it however
3 you would like.

4 A: Hard.

5 Q: Okay. What happened to you that made you feel like it
6 was rough?

7 A: Being --

8 Q: It's okay. We've got a box of tissues there next to you
9 if you need.

10 A: Being hit.

11 Q: Being hit? Okay. Who hit you?

12 A: James.

13 Q: Okay. How did he hit you?

14 A: With objects.

15 Q: All right. I'm going to show you a picture here. It's
16 already into evidence. This is State's Exhibit No. 3, and
17 I'm going to put it up on this fancy piece of equipment here
18 if I get it to work so you can see it on your screen up
19 there. All right. Can you see that on your screen?

20 A: Yes.

21 Q: Okay. Do you recognize that?

22 A: Yes.

23 Q: What is that?

24 A: A board.

25 Q: All right. And what -- what happened with that board?

1 A: I got hit with it.

2 Q: Who hit you with it?

3 A: James.

4 Q: All right. And is James in the courtroom here today?

5 A: Yes.

6 Q: Okay. Can you point out where he is?

7 A: (Indicating.)

8 MR. RICHARDSON: Your Honor, I'd ask the record show
9 that she pointed towards the defense table.

10 THE COURT: So noted for the record.

11 BY MR. RICHARDSON:

12 Q: All right. MINOR 5, tell us -- we'll talk about this
13 board situation first. What happened that led up to you
14 getting hit with this board?

15 A: I don't remember specifically what happened.

16 Q: Okay. That's fine. Can you -- can you tell us -- can
17 you take us through -- and I know this is difficult, but to
18 the best you can, best you can remember, can you take us
19 through that incident of where you got -- of when you got hit
20 with the board and what all happened to you at that time?

21 A: Well, I don't know what led up to -- to me getting hit
22 by the board, but I know that when I was getting hit by it, I
23 put, like, my arm or my leg in the way so I wouldn't, like,
24 get hit.

25 Q: And did you get hit on your --

1 A: Yes.

2 Q: -- your arm?

3 A: Yes.

4 Q: Okay. At any point did you get hit -- where did you get
5 hit on your body?

6 A: My bottom, on my leg.

7 Q: All right. Did that board -- do you remember it hitting
8 you anywhere else at any point?

9 A: Just my bottom and my leg or sometimes my arm when I put
10 it in the way.

11 Q: Okay. Do you remember anything about what happened to
12 the board when it was hitting you?

13 A: No.

14 Q: Did it stay in one piece the whole time or was it in
15 multiple pieces or a few, if you remember?

16 A: It broke. Like, it broke in half.

17 Q: All right. Was this the only time while you were living
18 in that house in Florence where you got hit?

19 A: No.

20 Q: How often when you were in that house in Florence did
21 you get hit? Like, everyday? Multiple times a day? Every
22 other day? Do you remember?

23 A: I would say every other day.

24 Q: Okay. And other than the board, what else did you get
25 hit with?

1 A: Switches, like the tree -- tree branches.

2 THE DEFENDANT: I object, Your Honor. I object.

3 THE COURT: Hold it -- hold it down, sir.

4 THE DEFENDANT: Excuse me. I don't mean to be rude or
5 nothing --

6 THE COURT: Hold it --

7 THE DEFENDANT: -- like that, Your Honor.

8 THE COURT: Hold on. Your lawyers are here to represent
9 you.

10 MS. HENDERSON: Judge, we may --

11 THE DEFENDANT: Well, I just -- I just told them --

12 THE COURT: Hold up.

13 Ladies and gentlemen, I'm going to ask you to step to
14 the jury room and do not discuss the case. I'll get you back
15 out here in just a second.

16 (WHEREUPON, the jury exited the courtroom at 11:53 a.m.)

17 THE COURT: Yes, ma'am, Ms. Henderson?

18 MS. HENDERSON: Judge, I believe that Mr. Hawkins might
19 have a concern with my representation and the way that it is
20 proceeding that he may wish to address this Court with.

21 THE DEFENDANT: Yes. I told them that's not my
22 daughter.

23 THE COURT: Do what?

24 THE DEFENDANT: That's not my daughter. I told them
25 this.

1 THE COURT: There's testimony in the record that you're
2 not -- that it's not -- your daughter.

3 THE DEFENDANT: And then on top of that, she's supposed
4 to object to -- to things that she asked knowing that that's
5 not my daughter. No way possible. That's not my daughter.
6 I know how my daughter look.

7 THE COURT: That's not the question.

8 THE DEFENDANT: That is the question.

9 THE COURT: And there's no -- Mr. Hawkins, there's no
10 legal grounds for an objection.

11 THE DEFENDANT: Objection. That's not my daughter, man.

12 THE COURT: That might --

13 THE DEFENDANT: I mean I don't mind about all of that
14 because I ain't did it, but that's not my daughter.

15 THE COURT: Well, what bothers me is your outbursts in
16 court during questioning.

17 THE DEFENDANT: And then --

18 THE COURT: I've warned -- I've warned you --

19 THE DEFENDANT: And then too --

20 THE COURT: -- about that.

21 THE DEFENDANT: Then too --

22 THE COURT: Now you won't let me talk and you're trying
23 to --

24 THE DEFENDANT: I'm not finished.

25 THE COURT: -- talk over me.

1 THE DEFENDANT: Then too, you're doing it all wrong.
2 You ain't supposed to -- when they was questioning --
3 questioning the -- had the witness up there during the
4 questioning, those jurors you aren't supposed to dismiss
5 because they supposed to ask a question as well, especially
6 -- well, not the jurors but the --

7 THE COURT: You're wrong. Let me ask you this, Mr.
8 Hawkins.

9 THE DEFENDANT: For instance -- for instance, Ms. Sgt.
10 M. Griggs. One, how you going to ask that young lady what
11 happened on July 21st -- July -- July 2017, what day in July
12 2017? They ain't asked none of this. They ain't asked the
13 officer. They're telling them what address it is where it
14 supposed to have happened at, but the current place that it
15 allegedly happened was in Darlington County. The only reason
16 why Florence County got in here in this predicament is
17 because the investigation, plain and simple.

18 THE COURT: Mr. Hawkins --

19 THE DEFENDANT: And my daughter is -- my daughter is
20 pecan brown tan, period.

21 THE COURT: All right. Mr. Hawkins?

22 THE DEFENDANT: Same complexion as me.

23 THE COURT: Sir?

24 THE DEFENDANT: My daughter is the same complexion as
25 me.

1 THE COURT: Okay. Mr. Hawkins, I'm --

2 THE DEFENDANT: I'm finished, and I'm sorry about
3 disrupting the courtroom, but still they're not doing their
4 job, period. They're just sitting there being quiet.

5 THE COURT: Let me ask you --

6 THE DEFENDANT: And I don't need to see this.

7 THE COURT: Sir?

8 THE DEFENDANT: I don't need to see this picture. I've
9 been seeing pictures about a thousand times. Even read the
10 -- even read the report, and the report state saying that
11 only board they found was inside a closet. This is from
12 Florence Sheriff Department. We found a board with allegedly
13 hair, human hair. DNA was on the board. State said it was
14 my daughter's blood. Two, there's no fingerprints. Not
15 mines anyway. Three, the hair is not human. And at the same
16 time, I wasn't even there when all this transpired.

17 THE COURT: Are you done now?

18 THE DEFENDANT: Yeah.

19 THE COURT: Okay. Well, I want you --

20 THE DEFENDANT: Oh, and one more thing. One more thing
21 I'm going to speak. When this right here over with, I'd like
22 to press charges on you as well.

23 THE COURT: Okay.

24 THE DEFENDANT: That's all I want.

25 THE COURT: Sir?

1 THE DEFENDANT: I ain't going to disrupt no more. I
2 swear. I swear on my name's sake, on my throne's sake.

3 THE COURT: Well --

4 THE DEFENDANT: That's infinite. Infiniteness.

5 THE COURT: Here's your last warning. If you interrupt
6 these proceedings for any reason again, you will be removed
7 from this courtroom and your case will be tried in your
8 absence.

9 THE DEFENDANT: Well, I could --

10 THE COURT: I told you that you have a right to be in
11 here, but you can waive that right.

12 THE DEFENDANT: Oh --

13 THE COURT: And you -- I'm talking now.

14 THE DEFENDANT: Go ahead and talk.

15 THE COURT: If you interrupt me or if you interrupt
16 these proceedings again in any way, shape or form -- this is
17 now the third time I believe.

18 THE DEFENDANT: This is my first --

19 THE COURT: I'm trying -- I'm trying to -- I want you to
20 be in here. I want you to have a right to be in here.

21 THE DEFENDANT: Why should I be in here?

22 THE COURT: If you're not --

23 THE DEFENDANT: Why should I be in here if they ain't
24 representing me to the best of their ability?

25 THE COURT: Let me ask you this, Mr. Hawkins.

1 THE DEFENDANT: No. Let me ask you this. If you was in
2 this predicament --

3 THE COURT: No. How far did you -- how far did you go
4 in school, Mr. Hawkins?

5 THE DEFENDANT: Further than you.

6 THE COURT: How far?

7 THE DEFENDANT: Further than you. I got a bachelor's
8 degree and all.

9 THE COURT: You've got a bachelor's degree?

10 THE DEFENDANT: Yeah. And all.

11 THE COURT: I have a doctorate.

12 THE DEFENDANT: I got everything. Everything.

13 THE COURT: That's good, but I'm -- I have a doctorate
14 degree. Okay?

15 THE DEFENDANT: You don't have no doctorate degree.

16 THE COURT: Yes, sir.

17 THE DEFENDANT: No, you don't.

18 THE COURT: Okay. Well --

19 THE DEFENDANT: You failed that. You failed.

20 THE COURT: Did you ever go to --

21 THE DEFENDANT: You failed that doctorate degree three
22 times. The only reason why you got that veil, that -- no,
23 I'm keeping it to myself. I'm keeping it to myself.

24 THE COURT: Well, these lawyers that are trying to
25 represent you are experienced lawyers.

1 THE DEFENDANT: They're not experienced. She's not
2 experienced, for one.

3 THE COURT: Okay. Well, last warning. If you interrupt
4 me again or interrupt these proceedings again --

5 THE DEFENDANT: Okay, but --

6 THE COURT: -- you will be tried in your absence.

7 THE DEFENDANT: Thank you.

8 THE COURT: Anything further from defense counsel before
9 I bring the jury back out?

10 MS. HENDERSON: No, sir, Judge.

11 THE COURT: All right.

12 THE DEFENDANT: Just one more thing before you start.

13 One more thing. One more.

14 THE COURT: No, sir. Anything else, Mr. Richardson?

15 MR. RICHARDSON: No, sir.

16 THE DEFENDANT: (Unintelligible.)

17 THE COURT: Bring me the jury, please, ma'am.

18 (WHEREUPON, the jury entered the courtroom at 12:00
19 p.m.)

20 THE COURT: All right. We have all the jurors back in
21 the courtroom.

22 You may continue, Mr. Richardson.

23 MR. RICHARDSON: Thank you, Your Honor.

24 BY MR. RICHARDSON:

25 Q: MINOR 5, the last thing we -- we talked about was I

1 asked you what other than the board you got hit with, and I
2 believe you said switches; is that right? Can you answer up
3 for me?

4 A: Yeah. I got hit with the switches. One time I got
5 punched in my mouth and, like, my -- my teeth came out and,
6 like, I was bleeding and stuff. And I remember that I spit,
7 like, the blood in, like, an orange juice bottle, the blood.
8 I don't -- I don't remember where my teeth was, but besides
9 the switches, yeah, I got hit, like punches with hands and
10 stuff.

11 Q: Okay. Now, who punched you with his hand?

12 A: James.

13 Q: Okay. This happened in Florence? Is that a yes?

14 A: Yes.

15 Q: Okay. Do you remember about how long after you got hit
16 with a board that you left the house in Florence in terms of
17 days? Did you leave soon after you got hit with a board?

18 A: No. I don't -- I don't remember.

19 Q: You don't remember? That's okay. All right. Tell us
20 about your brothers and sisters and anything you might have
21 seen happen to them?

22 A: They got hit too, but not -- not as much in Florence.

23 Q: Okay. Did they get hit some in Florence?

24 A: Some.

25 Q: Okay. How about your food in the house? Did you have

1 plenty to eat in the house?

2 A: Yes.

3 Q: Were there times where you weren't allowed to eat?

4 A: No.

5 Q: Okay. Other than the physical beatings with boards,
6 switches, and fists and whatnot, did anything else happen to
7 you that you can remember in the house in Florence in terms
8 of how you were treated?

9 A: None that I can remember.

10 Q: Okay.

11 MR. RICHARDSON: I beg the Court's indulgence one
12 moment, Your Honor.

13 MINOR 5, thank you, ma'am. Please answer any questions
14 Ms. Henderson may have for you.

15 THE COURT: All right.

16 MS. HENDERSON: May I beg the Court's indulgence?

17 THE COURT: Yes, ma'am.

18 CROSS-EXAMINATION

19 BY MS. HENDERSON:

20 Q: Hey, MINOR 5. My name is Christie Henderson. Okay?
21 I'm going to try to do this as quickly as possible. You
22 talked to various individuals back in 2017 about this;
23 correct?

24 A: Yes.

25 Q: And back in 2017 when you talked to various adults in

MINOR 5

- CROSS BY MS. HENDERSON

1 law enforcement, you denied being hit anywhere besides your
2 bottom; correct?

3 A: I don't remember.

4 Q: Okay. You denied ever trying to get away from being
5 hit; correct?

6 A: I don't remember.

7 Q: Okay.

8 MS. HENDERSON: May I beg the Court's indulgence?

9 THE COURT: Yes.

10 BY MS. HENDERSON:

11 Q: MINOR 5, do you remember telling DSS and law enforcement
12 different stories about this, how this happened?

13 A: No.

14 Q: Do you remember telling them multiple stories about how
15 this happened?

16 A: No.

17 Q: Do you remember telling DSS and law enforcement that it
18 was Ida Gregg that was involved in what you've testified to
19 today?

20 A: Can you repeat that?

21 Q: Do you remember telling law enforcement or DSS that it
22 was Ms. Ida Gregg, your stepmother, that had physically
23 harmed you in some way?

24 A: No. I don't remember.

25 MS. HENDERSON: Thank you, ma'am.

IDA GREGG - DIRECT BY MR. RICHARDSON

1 THE COURT: Any other questions, Ms. Henderson?

2 MS. HENDERSON: No, sir, Judge.

3 THE COURT: Any redirect?

4 MR. RICHARDSON: No, sir.

5 THE COURT: Ma'am, you may step down. Thank you.

6 Call your next witness.

7 MR. RICHARDSON: We'd call Ida Gregg.

8 (WHEREUPON, there was a pause in the proceedings until
9 the witness entered the courtroom.)

10 THE CLERK: Ma'am, if you will, please place your left
11 hand on the Bible and raise your right hand. Do you swear or
12 affirm the testimony you give in this case to be the truth,
13 the whole truth, and nothing but the truth, so help you God?

14 THE WITNESS: Yes.

15 THE CLERK: Please be seated and state your full name
16 for the record.

17 THE WITNESS: Ida Gregg.

18 THE COURT: You can take your mask down, Ms. Gregg,
19 while you answer questions.

20 IDA GREGG, being first duly
21 sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. RICHARDSON:

24 Q: All right. Keep your -- keep your voice up kind of like
25 I got mine and you can take a few deep breaths so the jury

IDA GREGG - DIRECT BY MR. RICHARDSON

1 and everybody can hear you. Okay? Ms. Gregg, can you tell
2 us how old you are?

3 A: Twenty-six.

4 Q: All right. And back in 2017, about four years ago, how
5 old would you have been then?

6 A: Twenty-two.

7 Q: All right. And just to get it out of the way, you were
8 a co-defendant. You were charged in this case; is that
9 correct?

10 A: Yes.

11 Q: All right. And you were charged with unlawful conduct
12 towards children, the same kind of charges --

13 A: Yes.

14 Q: -- we're dealing with her; is that right?

15 A: Yes.

16 Q: And your case was disposed of a few years ago; is that
17 right?

18 A: Yes.

19 Q: Now, can you tell us how you came to know James Hawkins?

20 A: His -- I was best friends with his brother's wife, and I
21 met him, like, a week before his birthday and it was around
22 the time his nephew died and everything.

23 Q: Okay.

24 A: So I basically seen him at his brother's house.

25 Q: All right. Do you remember about when this was,

1 approximately what year?

2 A: It was, like, two years prior because my son was one at
3 the time, well, about to turn one. So that should have been
4 2013, '14, something like that.

5 Q: Okay. If you could speak up a little bit for us when
6 you --

7 A: Okay.

8 Q: -- when you respond. So by the time 2017 rolls around,
9 you had known Mr. Hawkins for a few years?

10 A: Two-and-a-half years.

11 Q: All right. And at some point did -- did you move in or
12 begin to live with Mr. Hawkins and his children?

13 A: Yes.

14 Q: All right. Do you remember about when that was?

15 A: I think 2015, like the ending because his children was
16 in foster care.

17 Q: All right. Now, at some point -- now, when you moved in
18 with him, was this in Darlington County or Florence County?

19 A: Darlington County.

20 Q: All right. At some point did you and Mr. Hawkins and
21 the kids move to Florence?

22 A: Yes.

23 Q: All right. Do you remember about when -- when that was?

24 A: 2017.

25 Q: All right. And do you remember about what time of year

IDA GREGG - DIRECT BY MR. RICHARDSON

1 that was in 2017?

2 A: At the beginning of July.

3 Q: Beginning of July of 2017?

4 A: Yes.

5 Q: All right. Now, whose house or who lived at the place
6 that you moved into?

7 A: Monika Pygatt.

8 Q: Is her last name Pygatt?

9 A: Uh-huh.

10 Q: All right. Do you know if that's her -- what her last
11 name is now?

12 A: It should be Wilson.

13 Q: Okay. And who all other than Monika lived in the house?

14 A: Her -- her, her husband, and her four children.

15 Q: Okay. So they had a family there and then where was
16 this house located?

17 A: On Church Street in Florence.

18 Q: All right. Now, so you and Mr. Hawkins and all of the
19 kids moved in with this family?

20 A: Yes.

21 Q: In early July of 2017?

22 A: Yes.

23 Q: Okay. What -- well, let's get down to the brass tacks.

24 What did you observe with respect to the way Mr. Hawkins

25 treated the children in that house in Florence in July of

1 2017?

2 A: They were treated badly.

3 Q: Can you elaborate on that? Let's start off with -- with
4 physically. What did you observe happen to them physically?

5 A: Physically, they -- they got disciplined physically, but
6 MINOR 5 was disciplined worse than the other children.

7 Q: All right. Do you remember seeing her get disciplined?

8 A: Yes.

9 Q: All right. On multiple occasions or one occasion?

10 A: Multiple.

11 Q: All right. Will you describe some of those for me?

12 A: She got disciplined basically with everything you could
13 think of. She got disciplined with a board. She got
14 disciplined with a drop cord. I mean his hand, anything
15 basically.

16 Q: And do you remember approximately how old she was at the
17 time?

18 A: Eleven.

19 Q: Okay. You mentioned a board. Do you -- do you remember
20 a specific incident with a board?

21 A: Yes.

22 Q: Could you take the jury through that whole incident in
23 detail, kind of what led up to it, during, and then
24 afterwards?

25 A: I can't exactly remember, like, what was the incident.

IDA GREGG - DIRECT BY MR. RICHARDSON

1 I just know it was a matter of him feeling like MINOR 5 was
2 very disrespectful, being fast for her age. So he basically
3 duct-taped her because she wouldn't be still for him to hit
4 her, and he hit her multiple times on her butt. And that was
5 the first day. He beat her until she passed out and beat her
6 until she woke back up.

7 Q: Where did he beat her?

8 A: It was at Monika's house. We was in a room.

9 Q: I mean where on her body?

10 A: On her -- it was on her butt, but she moved her hand.
11 So her whole arm got hit. She got hit basically everywhere,
12 but her butt was affected more by everything. Then she was
13 told to sit in hot water with alcohol in it, and her butt was
14 raw. The next day --

15 Q: Well, I'm going to -- before we get to the next day, you
16 mentioned that her butt was raw and she had to sit in hot
17 water with alcohol in it?

18 A: Yes.

19 Q: How did she react to that?

20 A: She screamed, cried. She jumped up out of it, but he
21 made her sit back down in it.

22 Q: How about any sort of bandages? Was anything put on the
23 wound?

24 A: Her underwear. He made her put on her underwear even
25 though her butt was raw. So it kind of stuck to her skin.

IDA GREGG - DIRECT BY MR. RICHARDSON

1 Q: Okay. The -- the board that was used had a --

2 MR. RICHARDSON: I beg the Court's indulgence one
3 moment.

4 BY MR. RICHARDSON:

5 Q: I'm going to show you what's in evidence as State's 43.
6 Do you recognize this?

7 A: Yes.

8 Q: And what is it?

9 A: The board that he beat her on her butt with.

10 Q: Okay. Do you recall anything happening to the board --

11 A: He --

12 Q: -- as he beat her with it?

13 A: It broke across her butt the second day that he beat her
14 with it.

15 Q: Okay. You said the second day that he beat her with it.
16 That's -- the time of hitting her on the butt and all that,
17 was that the first day?

18 A: Yes. She got beat two days with the same board.

19 Q: All right. Tell us about the second day?

20 A: The second day -- the second day basically she just got
21 a beating the same way, but she kept moving so much that she
22 got hit in her head. She got hit on her -- he just kept
23 beating her on her butt, but her butt was hard from the day
24 prior. So it broke. He just beat her until it broke across
25 her butt.

IDA GREGG - DIRECT BY MR. RICHARDSON

1 Q: All right. Do you remember -- now, we've got two pieces
2 here.

3 A: Uh-huh.

4 Q: Do you remember which one it was that broke?

5 A: That one.

6 Q: The smaller one?

7 A: Yes.

8 Q: Okay. So this was used --

9 A: Yes.

10 Q: -- and it broke?

11 A: That one was used after when she wouldn't be still and
12 after that one broke.

13 Q: After this one broke?

14 A: Yes.

15 Q: The bigger one?

16 A: Uh-huh.

17 Q: This one did not break?

18 A: No, not that I can remember, not in a major way.

19 Q: About how many days after this board situation were
20 y'all out of that house on Church Street?

21 A: Probably two days later.

22 Q: Okay. So do you remember what day that -- were you
23 arrested the same day you left?

24 A: No.

25 Q: All right. Do you remember about what day you left?

1 A: The 20th of July.

2 Q: All right. So the board beating would happen somewhere
3 in the area of the 17th?

4 A: 16-17.

5 Q: 16-17?

6 A: Uh-huh.

7 Q: Somewhere in there in July 2017?

8 A: Yes.

9 Q: All right. And all that occurred at the house on Church
10 Street?

11 A: Yes.

12 Q: All right. Now, **MINOR1**. Did you observe anything happen
13 to him at the house on Church Street?

14 A: Yes.

15 Q: Could you tell us an incident that you recall?

16 A: He got a beating for peeing in his clothes.

17 Q: And --

18 A: And --

19 Q: -- do you remember what day this was during the time
20 y'all were there?

21 A: It should be around the same time frame everything
22 happened.

23 Q: Okay. So what -- what could you see?

24 A: **MINOR1** was slammed on the floor and he put his foot --
25 like, he had on a boot at the time. He placed it on his

IDA GREGG - DIRECT BY MR. RICHARDSON

1 chest and beat him with a belt.

2 Q: All right. And do you remember what happened later that
3 -- that same day with respect to y'all and the kids?

4 A: Not that I know of besides I had to take him to the
5 Sheriff Department, like, later that next day. That was it.

6 Q: Okay.

7 A: Besides he shaved her head because he hit her with the
8 board.

9 Q: All right. Did you see any of the other kids get hit
10 during the time y'all were in Florence?

11 A: They would get a beating, but not like -- like, he never
12 really beat them to a certain extent like he did MINOR 5 .

13 Q: All right. Was there any other means of punishment
14 other than physical?

15 A: He wouldn't let them eat, especially MINOR 5 . She
16 couldn't eat what the other children eat. Like ate, but they
17 really wasn't eating the proper way themselves.

18 Q: Was it because y'all didn't have access to food?

19 A: No. We very much had access to food. It was just a
20 matter of him.

21 Q: Tell us what -- what about it? What would -- what would
22 happen?

23 A: If he say no, that mean no, and they couldn't get
24 nothing unless he gave it to them. If I gave them something,
25 it was a problem. So I really didn't want to give them

IDA GREGG - DIRECT BY MR. RICHARDSON

1 nothing without him saying yes to it because it was always
2 going to be a result of something physical happening.

3 Q: Do you recall Monika and her family or folks present in
4 the house during some of this?

5 A: The majority of the time they wasn't at the house, but
6 at night they would be at the house. But she kind of pulled
7 her children off and they stayed in her room by theirselves.

8 Q: Okay.

9 MR. RICHARDSON: I beg the Court's indulgence just one
10 moment.

11 THE COURT: Yes, sir.

12 BY MR. RICHARDSON:

13 Q: Was there ever a reason given to you by Mr. Hawkins as
14 to why MINOR 5 was treated the way she was?

15 A: He said she looked like his --

16 MS. HENDERSON: Objection, Judge. This calls for
17 hearsay.

18 THE COURT: Objection overruled.

19 BY MR. RICHARDSON:

20 Q: Go ahead.

21 A: He said that she looked like his sister and her
22 children, and at the time they had -- I don't know what to
23 call it. They was, like, going against each other with
24 everything.

25 Q: So they had family problems?

IDA GREGG - DIRECT BY MR. RICHARDSON

1 A: Yes. And Major and MINOR 5 do look like them, exactly
2 like them.

3 Q: Okay.

4 MR. RICHARDSON: Thank you, ma'am. Please answer any
5 questions that Ms. Henderson may have for you.

6 THE WITNESS: Okay.

7 THE COURT: Ms. Henderson, cross-examination

8 MS. HENDERSON: Thank you, Judge.

9 CROSS-EXAMINATION

10 BY MS. HENDERSON:

11 Q: Ms. Gregg, you testified earlier that you were charged,
12 but these charges were resolved?

13 A: Yes.

14 Q: You actually pled guilty; correct?

15 A: Yes.

16 Q: You spoke to Inv. Cantey back in 2017; correct?

17 A: I don't recall. Which one is that? Because I spoke to
18 multiple people.

19 Q: Okay. And you told Inv. Cantey that you had no
20 knowledge of any physical or child abuse; correct?

21 A: At the time in the beginning, yes. Nobody was saying he
22 did nothing.

23 Q: Okay. And back in 2017 when this allegedly occurred in
24 Florence County, Mr. Hawkins was, in fact, working at McCall
25 Farms; correct?

IDA GREGG - CROSS BY MS. HENDERSON

1 A: Yes.

2 Q: And he would go to work every day; correct?

3 A: Yes.

4 Q: And you were staying at a friend Ms. Wilson's house for
5 a little over a week; correct?

6 A: It was longer than a week.

7 Q: Less than two weeks; correct?

8 A: We went there the beginning of July, which was around
9 the 1st because we was there for the 4th of July. We didn't
10 leave there until July the 20th.

11 Q: Okay. And otherwise, y'all stayed in Darlington County;
12 correct?

13 A: Darlington and Hartsville, yes.

14 Q: Darlington County?

15 A: Yes.

16 MS. HENDERSON: May I beg the Court's indulgence?

17 BY MS. HENDERSON:

18 Q: Ms. Gregg, did you ever witness any of the children in
19 the home being physical with one another?

20 A: All children are physical, yes, but not like that where
21 they bruise each other.

22 Q: You never witnessed that?

23 A: No.

24 MS. HENDERSON: I have no further questions for Ms.
25 Gregg, Your Honor.

1 THE COURT: Any redirect?

2 MR. RICHARDSON: No, Your Honor.

3 THE COURT: Ma'am, you may step down. Thank you.

4 As she's stepping down, can the lawyers approach,
5 please?

6 MR. RICHARDSON: Sure.

7 (WHEREUPON, a bench conference was held off the record,
8 after which the proceedings resumed as follows.)

9 THE COURT: We're going to break for lunch and go to
10 lunch. I'm going to ask you to be back here at 2 o'clock.
11 Be back here at 2 o'clock.

12 As I've told you from the outset, do not discuss this
13 case at all with anyone. Do not do any independent
14 investigation. As I said, you're to decide this case based
15 upon the testimony and evidence presented in this courtroom
16 and nowhere else.

17 You all have a nice lunch. I'll see you back at 2
18 o'clock.

19 (WHEREUPON, the jury exited the courtroom at 12:25 p.m.)

20 THE COURT: All right. Anything from the State before
21 we break for lunch?

22 MR. RICHARDSON: No, Your Honor.

23 THE COURT: Defense counsel?

24 MS. HENDERSON: No, sir, Judge.

25 THE COURT: All right. Two o'clock.

1 MS. CRAYTON: Thank you, Your Honor.

2 (WHEREUPON, there was a break in the proceedings from
3 12:26 p.m. until 2:05 p.m., after which the proceedings
4 resumed as follows.)

5 THE COURT: All right. We have the -- excuse me. The
6 defendant is back in the courtroom now with his attorneys.

7 Anything from the State before I bring the jury back
8 out?

9 MR. RICHARDSON: Just for scheduling purposes, Judge,
10 what we have the remainder of today is have four witnesses
11 left, and I don't anticipate those being extremely lengthy
12 witnesses. The final two witnesses, due to their schedules,
13 are only available tomorrow morning. So I have them ready to
14 come in at 9:30. So I have four witnesses left this
15 afternoon and two in the morning.

16 THE COURT: Okay. Anything from defense counsel?

17 MS. HENDERSON: No, sir.

18 THE COURT: All right. All right. Where's my bailiff?
19 Do we have all the jurors?

20 THE BAILIFF: Yes, we do, Your Honor.

21 THE DEFENDANT: Are you proceedings with the trial?

22 THE COURT: We're going to continue the trial. Yes,
23 sir.

24 THE DEFENDANT: When?

25 THE COURT: Right now in just a minute.

1 THE DEFENDANT: I refuse to sit down. Send me back.

2 THE COURT: Sir?

3 THE DEFENDANT: Send me back there.

4 THE COURT: You want to go back in the holding cell?

5 THE DEFENDANT: No. I'm ready to go back to Florence
6 County.

7 THE COURT: Well, that's not the option right now.

8 THE DEFENDANT: It's an option because right now y'all
9 trying to play me as a fool trying to stick something up my
10 fucking ass and shit.

11 THE COURT: Well, I'm not going to tolerate that kind of
12 talk in court.

13 THE DEFENDANT: I'm just letting you know.

14 THE COURT: Well, I'm going to tell you that we're not
15 going to tolerate that kind of talk in this courtroom. Do
16 you want to stay in the courtroom or do you want to leave?

17 THE DEFENDANT: I just told you I want to leave.

18 THE COURT: Okay. Well, I've advised you this before
19 that you have a right to stay in the courtroom to be present
20 during -- during your trial. You've indicated to me that you
21 want to leave. I've also told you that if you do not stay in
22 the courtroom that your trial will be held in your absence.
23 Do you understand that? It's a yes or no question.

24 THE DEFENDANT: I understand, homosexual.

25 THE COURT: Sir?

1 THE DEFENDANT: I said I understand, homosexual.

2 THE COURT: Okay. Thank you.

3 Then you can take him back to his holding cell.

4 (WHEREUPON, the defendant was removed from the
5 courtroom.)

6 THE COURT: All right. Anything?

7 MS. HENDERSON: No, sir, Judge.

8 THE COURT: Mr. Richardson?

9 MR. RICHARDSON: Oh, no. No, I'm good.

10 THE COURT: Bring me the jury, please, ma'am.

11 And I will advise the jury once again.

12 MS. HENDERSON: Thank you.

13 (WHEREUPON, the jury entered the courtroom at 2:08 p.m.)

14 THE COURT: All right. Madam Forelady and ladies and
15 gentlemen of the jury, I will note for the record that all of
16 the jurors are present at this time.

17 I once again instruct you that you'll notice the
18 defendant is not in the courtroom. That is a choice of the
19 defendant. He chose not to be in here, and I will tell you
20 once again there are to be absolutely -- absolutely no
21 adverse inferences for or against Mr. Hawkins because he has
22 chosen not to be in here.

23 As I've said from the outset, the State bears the burden
24 of proving his guilt beyond a reasonable doubt as to the
25 charges in this case. All right?

DEVANTE WILSON - DIRECT BY MR. RICHARDSON

1 Any exception or objection to anything I've said to the
2 jury from the State?

3 MR. RICHARDSON: No, sir.

4 THE COURT: Defense counsel?

5 MS. HENDERSON: No, sir, Judge.

6 THE COURT: All right. Call your next witness, please.

7 MR. RICHARDSON: The State calls Devante Wilson.

8 (WHEREUPON, there was a pause in the proceedings until
9 the witness entered the courtroom.)

10 THE CLERK: Sir, if you will, please place your left
11 hand on the Bible and raise your right hand. Do you swear or
12 affirm the testimony that you give in this case will be the
13 truth, the whole truth, and nothing but the truth, so help
14 you God?

15 THE WITNESS: Yes.

16 THE CLERK: Please be seated and state your full name
17 for the record.

18 THE WITNESS: My name is Devante Wilson.

19 MR. RICHARDSON: All right. Mr. Wilson, you can take
20 your mask down so everybody can hear you. You've got two
21 microphones in front of you there. So speak up loudly so we
22 can hear you.

23 DEVANTE WILSON, being first
24 duly sworn, testified as follows:

25 DIRECT EXAMINATION

DEVANTE WILSON - DIRECT BY MR. RICHARDSON

1 BY MR. RICHARDSON:

2 Q: You're Devante Wilson; right?

3 A: Yes, sir.

4 Q: And you're married; is that right?

5 A: Yes, sir.

6 Q: And who is your wife?

7 A: Monika Wilson.

8 Q: Monika Wilson? And back in -- y'all have been together

9 for quite some time; is that right?

10 A: Yes, sir. Five years.

11 Q: All right. So back in 2017, in July of 2017, did y'all

12 live together?

13 A: Yes, sir.

14 Q: And where did y'all live in July of 2017?

15 A: We moved to [REDACTED] South Church Street in Florence.

16 Q: All right. And that's in the city and county of

17 Florence; is that right?

18 A: Yes, sir.

19 Q: Okay. At some point in early July of 2017, did -- did

20 you all have some folks move in with you?

21 A: Yes, sir.

22 Q: All right. Now, before those folks moved in with you,

23 who all was living there in your house?

24 A: It was just me, my wife, and kids.

25 Q: All right. How many kids do y'all have?

DEVANTE WILSON - DIRECT BY MR. RICHARDSON

1 A: Four kids.

2 Q: Four kids? All right. Now, who were the folks that
3 moved in with you in July?

4 A: They was my wife's friends, and it was James and Tiny.

5 Q: James and who?

6 A: Her name Tiny.

7 Q: Oh, you knew her as Tiny?

8 A: Yeah.

9 Q: Would her real name be Ida Gregg?

10 A: Yes. Yes, sir.

11 Q: Okay. And James -- do you remember his last name?

12 A: I think it's Hawkins.

13 Q: Okay. So they moved in and who comes along with them?
14 Did they have some little ones?

15 A: Yeah, they had kids too.

16 Q: All right. Do you remember about how many of them in
17 the family?

18 A: All together I think it was five.

19 Q: Five kids? All right. Do you remember all their names?

20 A: No.

21 Q: Okay. How long a period of time did the Hawkins family
22 stay with you?

23 A: They stayed with us for, like, a month all together.

24 Q: Okay. Somewhere in --

25 A: I'd say, like, three weeks.

1 Q: All right. And do you remember why they came to stay or
2 where they'd come from?

3 A: I mean, yeah, through my wife. They came from
4 Darlington.

5 Q: Okay. So your wife and who were friends?

6 A: I think the girl -- the wife and my girl -- and the girl
7 Tiny -- Ida Gregg was friends.

8 Q: Okay. So Ida and Monika were friends?

9 A: Uh-huh.

10 Q: And that's what made the connection to them moving in
11 with y'all?

12 A: Yes, sir.

13 Q: Okay. When -- when they moved in with you, did you
14 observe anything about the way that James treated the five
15 kids that stuck out to you?

16 A: I mean he used to beat them and stuff like that, like do
17 stuff parents do, but used to do it differently than a
18 regular parent.

19 Q: What do you mean by that?

20 A: Like, he would beat them badly.

21 Q: And you would see this happen?

22 A: Yeah, I seen a couple of times, but I heard -- I heard
23 all the times, but I only seen a couple of times.

24 Q: All right. What time of day would this occur usually?

25 A: Sometime mostly nighttime.

DEVANTE WILSON - DIRECT BY MR. RICHARDSON

1 Q: All right. Was that when y'all were home from work?

2 A: Yeah. We was -- yeah, we would -- everybody would be
3 there at nighttime.

4 Q: All right. And you said you would hear things. Where
5 were -- where would they be in the house when you would be
6 able to hear it?

7 A: They would be in the room and we would be in another
8 room.

9 Q: All right. What kind of things did you hear?

10 A: Beating the kids.

11 Q: Did you hear the kids?

12 A: Yes. Crying. That's it. Screaming loud. That's all.

13 Q: Okay. Was there any point in time while they were
14 staying there that you actually went to check on the screams?

15 A: No, but I had -- I had asked him personally about it,
16 but it was just, like, I didn't really know him like that.
17 So I ain't really worried about the situation.

18 Q: Okay.

19 A: But one time he came and got us and asked us to hold his
20 oldest daughter down.

21 Q: So he asked you to hold the oldest daughter down?

22 A: Yeah.

23 Q: For -- did he say for what?

24 A: No. To beat -- to beat the oldest daughter.

25 Q: What did you say in response?

DEVANTE WILSON - DIRECT BY MR. RICHARDSON

1 A: We couldn't do that. That was the end of that, and we
2 witnessed what he was about to beat her with.

3 Q: What did you see he was beating her with?

4 A: A board.

5 Q: All right. What was -- did you see the -- did you see
6 the child there?

7 A: Yeah, I seen the child.

8 Q: What sort of state of dress or condition was she in?

9 A: It just looked like she was just tired of being in the
10 predicament she was in and she just needed help.

11 Q: Which -- where were you in the house when he asked you
12 to hold the child down?

13 A: Me and my wife was in the bed laying there.

14 Q: In your bed?

15 A: Yeah.

16 Q: All right. Did y'all get up and go into the other room
17 to see what was happening?

18 A: Yes, sir. We both got up and went in the room, and we
19 seen he had her tied up and he was asking us to hold -- hold
20 her down --

21 Q: What did --

22 A: -- while he beat her.

23 Q: What did he have her tied up with?

24 A: Duct tape.

25 Q: Okay. And what parts of her body had duct tape on them?

DEVANTE WILSON - DIRECT BY MR. RICHARDSON

- 1 A: Her hands and her leg.
- 2 Q: All right. Was she wearing clothes?
- 3 A: Yeah.
- 4 Q: Okay. Was -- what did you observe about the child's
5 emotional state when this was going on?
- 6 A: I mean I ain't really been -- just the only thing I'm
7 worrying about after that was it was just a wrong situation.
8 So --
- 9 Q: After that happened, did y'all -- did you and your wife
10 have a conversation about that?
- 11 A: Yeah. We had a conversation about that. And after that
12 happened, that was just the last straw about that. So that
13 was just the worst situation out of the whole situation when
14 they was staying with us and that when we just realized that
15 was just -- like, because I don't -- I ain't really witnessed
16 that many stages. So . . .
- 17 Q: What, if anything, did you observe about the Hawkins
18 kids' eating habits? Did you notice anything about how often
19 they ate or what they were able to eat?
- 20 A: Yeah. They used to feed them beans and rice, and we
21 would have gave them meat when they left and stuff like that,
22 drink. He used to make them drink water all the time.
- 23 Q: So you said when who left y'all would give them stuff?
- 24 A: When James and Ida left.
- 25 Q: Y'all would slip the kids food?

1 A: Yeah.

2 Q: How often would the kids eat?

3 A: Like --

4 Q: When y'all -- when you weren't giving them something.

5 A: Like, I'd say once a day.

6 Q: Okay. What did you notice about the kids in terms of
7 their hygiene, like how clean they were?

8 A: I mean they was -- you couldn't really tell. They used
9 to have on, like, probably dirty clothes. That was it. They
10 didn't smell bad or nothing.

11 Q: Okay. So you didn't notice any odors or anything?

12 A: No, I didn't notice no odors or none of that.

13 Q: Okay. Do you recall about how long after that board
14 incident took place when the Hawkins family left your house?

15 A: You say how long?

16 Q: Yeah. How long after that board thing happened did they
17 leave your house for good?

18 A: It was, like, the next day.

19 Q: It was within the next day or so?

20 A: Yeah.

21 Q: Okay.

22 MR. RICHARDSON: All right. Please answer any questions
23 that defense counsel may have for you.

24 THE COURT: Cross-examination.

25 MS. HENDERSON: I have no questions for Mr. Wilson,

MONIKA WILSON - DIRECT BY MR. RICHARDSON

1 Judge.

2 MR. RICHARDSON: Thank you, Judge.

3 THE COURT: Sir, you may step down. Thank you.

4 THE WITNESS: Thank you.

5 MR. RICHARDSON: We ask he be excused from his subpoena.

6 MS. HENDERSON: No objection, Judge.

7 THE COURT: Sir, you're released from your subpoena.

8 You're free to go. Have a nice day.

9 THE WITNESS: All right. Thank you, Your Honor.

10 MR. RICHARDSON: Judge, the next witness is Monika
11 Wilson.

12 (WHEREUPON, there was a pause in the proceedings until
13 the witness entered the courtroom.)

14 THE CLERK: Ma'am, if you'll step up to the front,
15 please. Please place your left hand on the Bible and raise
16 your right hand. Do you swear or affirm the testimony you
17 give in this case will be the truth, the whole truth, and
18 nothing but the truth, so help you God?

19 THE WITNESS: Yes.

20 THE CLERK: Please be seated and state your full name
21 for the record.

22 THE WITNESS: My name is Monika Malvita [ph] Wilson.

23 MR. RICHARDSON: All right. Ms. Wilson, you can take
24 your mask down so everybody can hear you in those microphones
25 right there.

MONIKA WILSON - DIRECT BY MR. RICHARDSON

1 MONIKA WILSON, being first duly
2 sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. RICHARDSON:

5 Q: Ms. Wilson, you -- you're married; is that right?

6 A: Yes.

7 Q: And who is your husband?

8 A: Devante Wilson.

9 Q: All right. And how long have y'all been together?

10 A: Married or together?

11 Q: Just together.

12 A: We know each for seven years.

13 Q: Okay. So back in July of 2017, y'all were together; is
14 that right?

15 A: Uh-huh.

16 Q: And where were y'all living at that time?

17 A: [REDACTED] South Church Street.

18 Q: Okay. And at the time y'all lived there, did some folks
19 come to live with you?

20 A: Yes.

21 Q: All right. And who were those folks?

22 A: Ida Gregg and James Hawkins.

23 Q: All right. Did they have some little ones staying along
24 with them?

25 A: Yeah.

MONIKA WILSON - DIRECT BY MR. RICHARDSON

1 Q: All right. About how many children?

2 A: Five all together.

3 Q: All right. And do you recall the names of those

4 children?

5 A: Yeah.

6 Q: Can you -- can you tell us?

7 A: MINOR 5. I think the --

8 Q: I know it's been a while. They weren't there long.

9 A: MINOR 3. The little boy -- I forgot his name. It's been a

10 while.

11 Q: Yeah. It's been about four-and-a-half years.

12 A: Yeah, it's been a while.

13 Q: So did you know these children very well before they

14 came to live with you?

15 A: No.

16 Q: Okay.

17 A: I knew one of them.

18 Q: All right. Which one was that?

19 A: MINOR 2.

20 Q: Okay. The youngest one?

21 A: Yes.

22 Q: All right. About what time of the month -- or when did

23 Ida and James and the kids come stay with you?

24 A: I think it was around about June or July.

25 Q: Okay.

1 A: If I ain't mistaken.

2 Q: And when they came and moved in, I know they had a bunch
3 of kids. You have some kids as well?

4 A: Yes, I do.

5 Q: So --

6 A: I have four.

7 Q: You have four? So it was a kind of tight squeeze?

8 A: Yes.

9 Q: Is that fair to say?

10 A: Uh-huh.

11 Q: All right. And who in the house at that time worked
12 outside of the home?

13 A: James.

14 Q: Okay. And what were his typical working hours when he
15 would be gone from the house?

16 A: I'm guessing he would leave, if I ain't mistaken, from
17 the morning and come back in the afternoon, if I ain't
18 mistaken. I don't remember.

19 Q: Okay. What would he do with respect to the kids when he
20 was about to leave in the mornings to go to work?

21 A: He would just leave. It would be, like, when he come
22 back in the afternoon.

23 Q: Would he give them any -- did he give them any sort of
24 instructions prior to leaving?

25 A: Sometimes.

MONIKA WILSON - DIRECT BY MR. RICHARDSON

1 Q: Like what?

2 A: Like, if they're up, he would kind of tell them to,
3 like, sit down and don't move or something like that or have
4 them standing in weird positions.

5 Q: Tell us a little bit more about what do you mean by
6 weird positions?

7 A: Like, he would make them raise their arms and put one
8 foot up for a long period of time. Yeah.

9 Q: And would he leave? Would he leave the house with them
10 like that or you --

11 A: Sometimes he would leave them standing like that when he
12 leave the house.

13 Q: What would you do when he would leave?

14 A: I would tell them they could move. They would be scared
15 to.

16 Q: Did you eventually get them to move?

17 A: Yeah.

18 Q: What would you have them do while they were in the house
19 with you?

20 A: Watch cartoons. I would feed them because they would
21 say they would be hungry. Stuff like that. I let them run
22 around.

23 Q: Okay. Did you observe how James would feed the kids or
24 how often he would feed them?

25 A: Yeah.

MONIKA WILSON - DIRECT BY MR. RICHARDSON

1 Q: About how often?

2 A: Probably, like, they would eat, like, two times out the
3 day, maybe two times, if that. Yeah.

4 Q: Was it because there was no food available?

5 A: No. There was plenty of food. I had plenty of food
6 available.

7 Q: What was the issue with them not eating?

8 A: I guess he just didn't want them to eat. I would offer
9 it when I feed my kids. I would be, like, want me fix them
10 something to eat, and he would say, no, they already ate, but
11 then when he leave, they'll come to me and say they're
12 hungry. So . . .

13 Q: All right. Did you observe how -- well, we say we're
14 speaking generally, but the weird positions and the coming to
15 you saying they're hungry, was this one of the kids? Two of
16 the kids? All of the kids?

17 A: All of the kids. Yeah, all of them would come and tell
18 me they were hungry.

19 MS. HENDERSON: Objection, Judge. This is hearsay.

20 THE COURT: Objection overruled.

21 BY MR. RICHARDSON:

22 Q: At the time that you had -- that you had them in your
23 line of sight, what did you observe about the kids in terms
24 of their hygiene and the way they were kept up?

25 A: They looked dirty, but I ain't never seen them wash when

MONIKA WILSON - DIRECT BY MR. RICHARDSON

1 they were there or nothing like that. But I never smelled
2 them either. I'm not the person that -- type person that go
3 up there and try to smell somebody's child.

4 Q: So you never observed them being washed? Is that a no?

5 A: I never observed them being washed.

6 Q: How long in total, to the best you can recall, did that
7 family live with you?

8 A: Let me see. I think for, like, two months, maybe three
9 at the most. I'm not sure. Maybe two months.

10 Q: Okay. Sometime from June until July?

11 A: Yeah.

12 Q: All right. What kinds of food did you see them eat?

13 A: Rice and beans all the time.

14 Q: And that was it?

15 A: That's it.

16 Q: Okay. How about physical -- physical discipline in the
17 household with respect to James? Did you observe any of
18 that?

19 A: Yeah. I observed a lot of physical discipline.

20 Q: What did you see from the beginning to the end?

21 A: Like I say, he would make them stand in weird positions.
22 He would hit them with stuff, like maybe like a little paddle
23 sometimes. The last thing I observed that I'll never forget
24 was the night he tied MINOR 5 and had a thing in her mouth
25 and he was beating her with a board.

MONIKA WILSON - DIRECT BY MR. RICHARDSON

1 Q: You said something. What was in her mouth?

2 A: Some kind of clothing. I don't know if it was a sock or
3 something he just stuffed in her mouth.

4 Q: What brought that to your attention? Like, were you
5 just in the room when it happened or what?

6 A: No. I wasn't in the room. He -- James called me round
7 there and he asked my husband to hold her legs and for me to
8 hold her arms, and I said no.

9 Q: What state of dress was she in at the time, if you
10 remember?

11 A: She was naked.

12 Q: All right. Do you recall what her emotional state was?

13 A: She looked -- she was crying and stuff. She just looked
14 -- it -- it was a lot for me to see because I never seen
15 nothing like that in all the days of my life, but she was
16 scared, if anything, more scared of anything.

17 Q: Okay.

18 A: She looked like she wanted to kill herself. Yeah. I'll
19 never forget the day she told me that morning she got up --

20 MS. HENDERSON: Objection, Judge. Hearsay.

21 THE COURT: Can y'all approach a minute, please?

22 (WHEREUPON, a bench conference was held off the record,
23 after which the proceedings resumed as follows.)

24 THE COURT: Objection noted for the record. Overruled.

25 BY MR. RICHARDSON:

MONIKA WILSON - DIRECT BY MR. RICHARDSON

1 Q: All right. Ms. Wilson, you're allowed to say what
2 MINOR 5 told you after that board incident.

3 A: She woke up that morning and she said she felt like
4 running into the middle of the road and killing herself, and
5 I asked her why because she was so beautiful. She begged me
6 to help her and her brothers and her sisters.

7 Q: What did you do in response to that conversation?

8 A: At first, I was scared and confused because I thought
9 about my kids too, but when she started crying, I knew they
10 really needed my help. So I went outside and I called the
11 people.

12 Q: By people, who do you mean?

13 A: The abuse line for DSS. I called them.

14 Q: Okay. And about how long after that was that family out
15 of your house?

16 A: I'd say about three days after that.

17 Q: So do you remember about what day of the month of July
18 that would -- they would have left?

19 A: Maybe around the 20th.

20 Q: Okay. How about physical discipline as it relates to
21 the smaller kids and your observation of that?

22 A: The little boy -- I don't remember his name.

23 Q: Does MINOR 1 ring a bell?

24 A: Yes. MINOR 1.

25 Q: Okay. What about him?

MONIKA WILSON - DIRECT BY MR. RICHARDSON

1 A: He had got a beating too, but I didn't really see him
2 get a beating. But when he was sitting on a chair, he told
3 me he had to use the bathroom and he asked me if I could help
4 him unbutton his pants. So when I went to touch his arm, he
5 jumped. And when I pulled his pants down, the skin was off
6 his butt.

7 Q: All right. How about any of the other children?

8 A: He would beat them too, but I wouldn't never see it. I
9 mean when I touched them, they jumped too.

10 Q: When any beating would happen to MINOR 5 or whichever
11 one it was at the time, were the other kids present in the
12 house?

13 A: You mean my kids?

14 Q: No. The other Hawkins kids.

15 A: Oh, yes.

16 Q: So they were there?

17 A: All of them.

18 Q: For all of this?

19 A: Yes.

20 Q: To observe it?

21 A: Yeah. Uh-huh.

22 THE COURT: Is that a yes?

23 THE WITNESS: Yes.

24 THE COURT: Thank you.

25 MR. RICHARDSON: I beg the Court's indulgence one

MONIKA WILSON - CROSS BY MS. HENDERSON

1 moment.

2 Please answer any questions Ms. Henderson may have.

3 THE COURT: Cross-examination.

4 MS. HENDERSON: May I beg the Court's indulgence?

5 THE COURT: Yes, ma'am.

6 CROSS-EXAMINATION

7 BY MS. HENDERSON:

8 Q: Ms. Wilson, when you lived over in the home on Church
9 Street, how many bedrooms was it?

10 A: It was, like, two.

11 Q: Okay. So a two-bedroom home, nine children living in
12 the home; correct?

13 A: Uh-huh.

14 Q: And four adults living there?

15 A: Uh-huh.

16 THE COURT: Is that a yes? We need a yes or a no.

17 THE WITNESS: Yes. Yes. I'm sorry.

18 BY MS. HENDERSON:

19 Q: And you testified that Mr. Hawkins and Ms. Gregg and
20 their five children were in your home for approximately three
21 weeks; correct?

22 A: Yes, I think.

23 Q: You testified that you observed the skin off of **MINOR** the
24 four-year-old's bottom; correct?

25 A: Yes.

MONIKA WILSON - CROSS BY MS. HENDERSON

1 Q: Was that shortly before you reached out to law
2 enforcement about what you observed?

3 A: I don't remember.

4 Q: Okay. You spoke to law enforcement back in 2017 about
5 the time that the Hawkins lived in your home; correct?

6 A: Yes.

7 Q: And during that time do you recall letting Inv. Cantey
8 and Cpl. Anderson with Florence Police Department know that
9 you observed Ida Gregg slam [REDACTED] 's head -- [REDACTED]

10 [REDACTED] ' head into the bedroom wall which caused a laceration
11 on her head? Do you recall telling law enforcement that?

12 A: Yes.

13 Q: Do you recall telling law enforcement that Ms. Gregg
14 would also punch the four-year-old all over his body? Do you
15 recall telling law enforcement that?

16 A: I don't remember.

17 Q: Okay. Do you recall telling law enforcement that you
18 observed Ms. Ida Gregg slamming [REDACTED] 's head into a wall,
19 bursting it open?

20 A: Yes.

21 MS. HENDERSON: May I beg the Court's indulgence?

22 THE COURT: Okay.

23 MS. HENDERSON: Ms. Wilson, I have no further questions
24 for you.

25 THE WITNESS: Okay.

MONIKA WILSON - REDIRECT BY MR. RICHARDSON

1 THE COURT: Any redirect?

2 MR. RICHARDSON: Briefly, Judge.

3 REDIRECT EXAMINATION

4 BY MR. RICHARDSON:

5 Q: Ms. Wilson, aside from the things that you saw Ida Gregg
6 do to the kids, does that change anything about your
7 testimony with respect to what James Hawkins did to those
8 kids that you've said here today?

9 A: Do you mean like do I --

10 Q: Did he do all that stuff you said?

11 A: Oh, yes. Yes.

12 Q: Ida did stuff as well?

13 A: Yes. Both of them.

14 Q: Okay.

15 MR. RICHARDSON: All right. Very good. Thank you.

16 THE WITNESS: Uh-huh.

17 THE COURT: Any recross?

18 MR. HENDERSON: No, sir, Judge.

19 THE COURT: Ma'am, you may step down. Thank you.

20 THE WITNESS: Okay.

21 MR. RICHARDSON: And I'd ask she be excused.

22 MS. HENDERSON: No --

23 THE COURT: Any objection?

24 MS. HENDERSON: Sorry. No, sir.

25 THE COURT: Ma'am, you're released from your subpoena.

1 You're free to go. Have a nice day.

2 All right. Ladies and gentlemen of the jury, before we
3 call the next witness, I'm going to ask you to step to the
4 jury room. We're going to take a short break.

5 Do not discuss the case. I'll get you back out here in
6 jury a minute. Okay?

7 (WHEREUPON, the jury exited the courtroom at 2:37 p.m.)

8 THE COURT: All right. We'll stand down for just a
9 minute. Okay?

10 MS. CRAYTON: Okay, sir.

11 MS. HENDERSON: Thank you, Judge.

12 (WHEREUPON, there was a break in the proceedings from
13 2:37 p.m. until 2:51 p.m., after which the proceedings
14 resumed as follows.)

15 THE COURT: All right. We're back on the record now.
16 They've brought Mr. Hawkins. I had him brought back into the
17 courtroom.

18 Two witnesses have testified, I believe, since he chose
19 to not be in the courtroom during his trial. I've asked the
20 deputies to bring Mr. Hawkins back in the courtroom. We took
21 a short break after two witnesses. Wasn't it two witnesses?

22 THE CLERK: Uh-huh.

23 THE COURT: Okay. After two witnesses testified, I
24 asked the deputies to bring Mr. Hawkins back in the courtroom
25 for purposes of me once again revisiting the issue of him

1 remaining in the courtroom.

2 Mr. Hawkins, you, by your own choice, exited the
3 courtroom earlier before we resumed your trial after lunch.
4 Is it your desire to -- to remain out of the courtroom during
5 your trial or would you like to stay in the courtroom at this
6 point? Mr. Hawkins?

7 All right. Well, since Mr. Hawkins is refusing to
8 answer my question, I'm going to let him stay in the
9 courtroom. However, I will remind Mr. Hawkins to -- that
10 appropriate conduct in the presence of the jury will be
11 required. That if he fails to conduct himself appropriately,
12 he will be removed from the courtroom.

13 I will also say that pursuant to United States Supreme
14 Court case of *Allen v. Illinois*, which is 397 U.S. 337, our
15 Supreme Court said back then in 1970 that it is essential to
16 a proper administration of criminal justice that dignity,
17 order, and decorum be the hallmarks of all court proceedings
18 in our country. Trial courts should not and cannot tolerate
19 flagrant disregard of elementary standards of proper conduct.
20 Furthermore, the Court goes on to say, accordingly, if a
21 disruptive, contumacious, stubborn, and defiant defendant
22 confronts the Court, appellate courts must give them
23 sufficient discretion to meet the circumstances of each case.

24 The defendant is -- Mr. Hawkins in this case is sitting
25 at the table refusing to answer the Court's instructions or

1 -- excuse me -- refusing to answer the Court's questions and
2 appears to be at least conducting himself in an orderly
3 fashion at this point, but I would warn the defendant that
4 any flagrant disregard of proper conduct, elementary
5 standards of proper conduct, then he will be removed from the
6 courtroom.

7 Mr. Hawkins, do you understand what I have said?

8 THE DEFENDANT: You speak no English (unintelligible).

9 THE COURT: Sir?

10 THE DEFENDANT: (Unintelligible.)

11 THE COURT: Okay. Mr. Hawkins has chosen to speak in
12 some language that I do not understand, and I'm not sure
13 anybody else in the courtroom understands.

14 So with me being unable to interpret exactly what he is
15 saying, I do not take that as a yes -- I assume I take that
16 as a, yes, he understands. So we will proceed at this time.

17 Please bring me the jury.

18 (WHEREUPON, the jury entered the courtroom at 2:56 p.m.)

19 THE COURT: Mr. Hawkins has chosen to remain in the
20 courtroom at this time. Once again, my instructions to you
21 all is that no adverse -- absolutely no adverse inferences
22 for or against Mr. Hawkins are to be concluded by you all.
23 As I've said from the outset, the State bears the burden of
24 proving his guilt beyond a reasonable doubt as to the charges
25 which he is on trial for.

TIM MATTHEWS - DIRECT BY MS. LEFTRIDGE

1 Having said that, any exceptions or objections to
2 anything I've said to the jury from the State?

3 MR. RICHARDSON: No, Your Honor.

4 THE COURT: Defense counsel?

5 MS. HENDERSON: No, sir, Judge.

6 THE COURT: We will resume the trial of this case at
7 this time. The State is recognized to call your next
8 witness, please.

9 MS. LEFTRIDGE: Thank you. The State would call Tim
10 Matthews.

11 (WHEREUPON, there was a pause in the proceedings until
12 the witness entered the courtroom.)

13 THE CLERK: Sir, if you will please step up to the
14 stand. Place your left hand on the Bible and raise your
15 right hand. Do you swear or affirm the testimony you give in
16 this case to be the truth, the whole truth, and nothing but
17 the truth, so help you God?

18 THE WITNESS: I do.

19 THE CLERK: Please be seated and state your full name
20 for the record.

21 THE WITNESS: Tim Matthews.

22 THE COURT: Ms. Leftridge?

23 TIM MATTHEWS, being first
24 duly sworn, testified as follows:

25 DIRECT EXAMINATION

TIM MATTHEWS - DIRECT BY MS. LEFTRIDGE

1 BY MS. LEFTRIDGE:

2 Q: Hi, Officer Matthews. Where are you currently employed?

3 A: I'm with the -- employed with the City of Florence
4 Police Department.

5 Q: And were you employed with the City of Florence in 2017?

6 A: I was.

7 Q: And did you have occasion to become involved with this
8 case?

9 A: I did.

10 Q: And to what extent were you involved in this case?

11 A: I was the crime scene technician who processed a board
12 with some possible blood on it.

13 Q: Okay. And can you tell us a little bit about how you do
14 that?

15 A: So what -- when we process something for possible blood,
16 we first test it with a presumptive -- a phenolphthalein
17 presumptive blood test, and all that does is indicate whether
18 it is blood or not. And then after I do that, then I take a
19 swab of it and send it off to SLED.

20 Q: Okay. Did you do anything else in this case?

21 A: I also processed the board for latent prints, which I
22 did not get any prints off of it.

23 Q: Okay. And I'm going to show you what's been marked as
24 State's Exhibit 51, 50, 49, 48, 47, 46, and 45 for
25 identification purposes only.

1 A: Okay.

2 Q: If you could please, State's 51, can you identify this?

3 A: That is the swab from the board.

4 Q: And State's Exhibit 50?

5 A: That would be the buccal swab from Ida Gregg.

6 Q: And State's Exhibit 49?

7 A: The buccal swab from MINOR 5.

8 Q: State's Exhibit 48?

9 A: Buccal swab from MINOR 1.

10 Q: State's Exhibit 47?

11 A: It would be the buccal swab from MINOR 2.

12 Q: State's Exhibit 46?

13 A: The buccal swab from MINOR 4.

14 Q: And State's Exhibit 45?

15 A: I believe to be the buccal swab from MINOR 3, I
16 think. Is that the name on it?

17 Q: Okay. And how did -- are you the one that collected
18 these?

19 A: I was.

20 Q: And how did you collect those?

21 A: So for a buccal swab, we take a swab and we run it on
22 the inside of the mouth for a known standard, DNA known
23 standard.

24 Q: And what do you do with the swab after that?

25 A: After that, it's placed into packaging and logged into

TIM MATTHEWS - DIRECT BY MS. LEFTRIDGE

1 our evidence, which then goes to SLED as a known standard.

2 Q: Okay. And is that what you did in this case?

3 A: Yes.

4 Q: And sealing them in an envelope -- the envelope you're
5 referring to is the manila folder?

6 A: Yes.

7 MS. LEFTRIDGE: I beg the Court's indulgence for a
8 moment.

9 No further questions. Please answer any questions the
10 defense might have.

11 THE COURT: I'm sorry. Tell me those exhibit numbers
12 again, please. I got 48, 49, and 50.

13 MS. LEFTRIDGE: It's 47.

14 THE COURT: Okay.

15 MS. LEFTRIDGE: 46, 45, 48, 49, 50, and 51.

16 THE COURT: Okay. All right. Thank you.

17 All right. Anything further, Ms. Leftridge?

18 MS. LEFTRIDGE: No, Your Honor.

19 THE COURT: Cross-examination.

20 MS. HENDERSON: I have no questions, Judge.

21 THE COURT: All right. Sir, you may step down. Thank
22 you.

23 THE WITNESS: Thank you.

24 MS. LEFTRIDGE: We would ask that Mr. Matthews be
25 excused from his subpoena, Your Honor.

FRANK MIZELL - DIRECT BY MS. LEFTRIDGE

1 THE COURT: Any objection?

2 MS. HENDERSON: No, sir.

3 THE COURT: Sir, you are released from your subpoena.
4 You are free to go. Have a nice day.

5 THE WITNESS: Thank you, Your Honor.

6 THE COURT: All right. Call your next witness, please,
7 ma'am.

8 MS. LEFTRIDGE: Thank you. The State would call Frank
9 Mizell.

10 (WHEREUPON, there was a pause in the proceedings until
11 the witness entered the courtroom.)

12 THE CLERK: Sir, if you will please place your left hand
13 on the Bible and raise your right hand. Do you swear or
14 affirm the testimony you give in this case to be the truth,
15 the whole truth, and nothing but the truth, so help you God?

16 THE WITNESS: I do.

17 THE CLERK: Please be seated and state your full name
18 for the record.

19 THE WITNESS: Officer Frank Mizell.

20 FRANK MIZELL, being first duly
21 sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MS. LEFTRIDGE:

24 Q: Can you tell the Court where you're currently employed?

25 A: I'm currently employed with the Florence City Police

1 Department.

2 Q: And were you employed with the Florence City Police
3 Department in 2017?

4 A: Yes, ma'am.

5 Q: And did you have occasion to become involved in this
6 case?

7 A: Just as far as the evidence is concerned. Yes, ma'am.

8 Q: Okay. And can you tell the Court a little bit about
9 your duties?

10 A: I run the evidence department. When evidence is logged
11 in to our department for cases, we take them in, we secure
12 them in a secure location, and we maintain them until the
13 cases come to court or they are disposed of.

14 Q: I'm going to show you what's been marked as State's
15 Exhibit 51, 47, 46, 45, 48, 49, and 50 for identification
16 purposes only. Do you recognize this?

17 A: Yes, ma'am.

18 Q: And how do you recognize it?

19 A: It's buccal swabs that I took to SLED.

20 Q: And is this in the same condition it was in when you
21 received it?

22 A: Yes, ma'am.

23 Q: And it's in -- it was sealed when you received it?

24 A: Yes, ma'am. It was sealed when I received it in from
25 the officer and then when it went to SLED, it was placed in

FRANK MIZELL - DIRECT BY MS. LEFTRIDGE

1 the plastic container that it is sealed in when it returns
2 back to --

3 Q: Okay. And you --

4 A: -- evidence.

5 Q: You made no alterations?

6 A: No, ma'am.

7 THE COURT: What exhibit number have you got?

8 MS. LEFTRIDGE: 49.

9 THE COURT: Sir, you can take your mask down --

10 THE WITNESS: All right.

11 THE COURT: -- while you talk.

12 THE WITNESS: Thank you.

13 BY MS. LEFTRIDGE:

14 Q: State's Exhibit 51?

15 A: Yes, ma'am.

16 Q: And is this in the same condition it was when you
17 received it?

18 A: Yes, ma'am.

19 Q: And you did not make any alterations to this?

20 A: No, ma'am.

21 Q: State's Exhibit 47?

22 A: Yes, ma'am.

23 Q: And did you make any alterations?

24 A: No, ma'am.

25 Q: Same condition you received it?

1 A: Yes, ma'am.

2 Q: State's Exhibit 46?

3 A: Yes, ma'am.

4 Q: Same condition when you received it?

5 A: Yes, ma'am.

6 Q: Did you make any alterations?

7 A: No, ma'am.

8 Q: State's Exhibit 45?

9 A: Yes, ma'am.

10 Q: Same condition?

11 A: Yes, ma'am.

12 Q: And is -- did you make any alterations?

13 A: No, ma'am.

14 Q: State's Exhibit 48?

15 A: Yes, ma'am.

16 Q: Did you make any alterations?

17 A: No, ma'am.

18 Q: Same condition when you received it?

19 A: Yes, ma'am.

20 Q: And State's Exhibit 50, same condition?

21 A: Yes, ma'am.

22 Q: And did you make any alterations?

23 A: No, ma'am.

24 MS. LEFTRIDGE: I beg the Court's indulgence for one

25 moment, Your Honor.

FRANK MIZELL - DIRECT BY MS. LEFTRIDGE

1 BY MS. LEFTRIDGE:

2 Q: After you received the evidence and you said you take it
3 to SLED?

4 A: Yes, ma'am.

5 Q: And how does that process work when you take it to SLED?

6 A: Typically, we have a container that we place all
7 evidence that is going to SLED in, and I'll log them out from
8 our system, take them to SLED, and they have a secure
9 location where you secure them in a locker. You log them in
10 to their system, secure them, and then they take possession
11 of them.

12 MS. LEFTRIDGE: And no further questions. Please answer
13 any questions the defense might have.

14 THE WITNESS: Yes, ma'am.

15 THE COURT: Ms. Henderson?

16 MS. HENDERSON: No questions, Your Honor.

17 THE COURT: Sir, you may step down.

18 THE WITNESS: Thank you.

19 THE COURT: Thank you.

20 MS. LEFTRIDGE: We ask that Mr. Mizell be excused from
21 his subpoena, Your Honor.

22 THE COURT: Any objection?

23 MS. HENDERSON: No, sir.

24 THE COURT: Sir, you're released from your subpoena.
25 You're free to go. Have a nice day.

1 THE WITNESS: Thank you, sir.

2 MR. RICHARDSON: Judge, may we approach?

3 THE COURT: Yes.

4 (WHEREUPON, a bench conference was held off the record,
5 after which the proceedings resumed as follows.)

6 THE COURT: All right. Ladies and gentlemen of the
7 jury, what we're going to do at this point -- we're going to
8 stop for the day. We're going to stop for the day. I've
9 been advised that the next two witnesses do not -- that they
10 are going to be in the morning. They're from out of town.
11 So we're going to stop for the day at this point.

12 During your overnight break, the same instructions. My
13 instructions remain the same. Do not discuss this case at
14 all with anyone and no one is supposed to talk to you about
15 this case. Do not do any independent investigation about
16 this case. As I've told you from the outset, you're to
17 decide this case based solely upon the evidence and testimony
18 presented in this courtroom and nowhere else.

19 You all have a nice evening. I'll ask that you be back
20 in the morning by 9:30, 9:30. All right. Thank you.

21 (WHEREUPON, the jury exited the courtroom at 3:08 p.m.)

22 THE COURT: All right. Anything further from the State
23 before we break for the day?

24 MR. RICHARDSON: No, sir.

25 THE COURT: Defense counsel?

1 MS. HENDERSON: No, sir, Judge.

2 THE COURT: All right. We'll stand down until 9:30 in
3 the morning. All right.

4 MS. HENDERSON: Thank you.

5 (WHEREUPON, the proceedings adjourned for the day at
6 3:09 p.m.)

7 OCTOBER 13, 2021

8 (WHEREUPON, the proceedings resumed at 9:33 a.m.)

9 THE COURT: All right. Mr. Richardson, Ms. Henderson, I
10 had previously sent you all an email earlier this morning
11 concerning Mr. Hawkins. About -- I guess about 8 o'clock I
12 received a call from Officer Bennett Brown, who had spoken
13 with Officer Matt Matusiewicz.

14 Evidently, Mr. Matusiewicz, who is employed with the
15 Florence County Detention Center as a -- I guess over
16 transport of inmates from the Florence County Detention
17 Center to the courthouse. Mr. Matusiewicz had conveyed to
18 Officer Brown that Mr. Hawkins was refusing to come out of
19 his cell at the detention center to attend the resumption of
20 his trial this morning at 9:30.

21 Pursuant to that being conveyed to me, I in turn
22 conveyed to the attorneys, Mr. Richardson -- I didn't have
23 Ms. Leftridge's email. It popped up on my -- but I certainly
24 sent it to Mr. Richardson at the Solicitor's Office, Ms.
25 Henderson, and Ms. Crayton at the Public Defender's Office

1 about the situation that we find ourselves in at this point.

2 I also conveyed to the attorneys that it was my
3 intention or that I had requested Officer Brown to have Mr.
4 Matusiewicz come up here so that he could -- we could place
5 on the record the facts and circumstances surrounding the
6 situation of Mr. Hawkins' refusal to come out of his cell at
7 the detention center and be transported here to the
8 courthouse for the resumption of his trial.

9 Anything you wish to add, Mr. Richardson?

10 MR. RICHARDSON: No, sir.

11 THE COURT: Ms. Henderson?

12 MS. HENDERSON: Judge, all I would like to add is that I
13 do have concerns that Mr. Hawkins was not technically advised
14 of his right to testify and his decision to choose to testify
15 or not testify. I certainly understand that he has been
16 notified by this Court and advised by this Court --

17 THE COURT: Well --

18 MS. HENDERSON: -- in detail about his decision to
19 remain in the courtroom or not remain in the courtroom, as is
20 his decision to be tried in his absence. However, I do have
21 concerns that technically he did not receive that colloquy
22 from Your Honor regarding his decision to testify or not
23 testify.

24 THE COURT: Well, your concern is so noted for the
25 record. However, the Court -- as acknowledged by defense

1 counsel, this Court has advised Mr. Hawkins of his right to
2 be present. Furthermore, the Court has advised Mr. Hawkins
3 that if he failed to appear or refused to appear that his
4 trial would resume in his absence.

5 I mean there's no different than the Court's opinion
6 wherein defendant is out on bond and attends trial for the
7 first portion of the trial and then absconds, so to speak.
8 If courts were to stop every time that happened in hopes that
9 that defendant at some point within the next X number of
10 hours would be detained so that he could -- he or she could
11 be advised of those rights, then the courts would be breaking
12 down quite often.

13 We have not reached the stage of the trial at this
14 juncture for Mr. Hawkins to be advised of those rights. He
15 has chosen prior to getting to that juncture, so to speak.
16 He has chosen, denied, and refused to come to this courthouse
17 and be in attendance for his trial.

18 While your concern is so noted for the record, this is a
19 choice, a freely and voluntary choice and knowing choice, of
20 the defendant not to be here.

21 At this time I'm going to -- anything else, Ms.
22 Henderson?

23 MS. HENDERSON: No, sir, Judge.

24 THE COURT: Mr. Richardson?

25 MR. RICHARDSON: No, sir.

MATT MATUSIEWICZ - DIRECT BY THE COURT

1 THE COURT: Mr. Matusiewicz, would you come around to be
2 sworn, please?

3 THE CLERK: Please place your left hand on the Bible and
4 raise your right hand. Do you swear or affirm the testimony
5 you give in this case to be the truth, the whole truth, and
6 nothing but the truth, so help you God?

7 THE WITNESS: I do.

8 THE CLERK: Please be seated and state your name for the
9 record.

10 THE WITNESS: Sgt. -- Sgt. Matt Matusiewicz.

11 THE COURT: Be seated, please, sir. You can pull your
12 mask down while you talk. Okay?

13 THE WITNESS: Yes, sir. Sgt. Matt Matusiewicz over the
14 transportation division of the Florence County Detention
15 Center.

16 THE COURT: Spell your last name for the record, please.

17 THE WITNESS: M-a-t-u-s-i-e-w-i-c-z.

18 MATT MATUSIEWICZ, being first
19 duly sworn, testified as follows:

20 DIRECT EXAMINATION BY THE COURT

21 THE COURT: All right. Mr. Matusiewicz, how long have
22 you been employed at the Florence County Detention Center and
23 the Florence County Sheriff's Department?

24 THE WITNESS: Twelve years.

25 THE COURT: And your current position you stated

MATT MATUSIEWICZ - DIRECT BY THE COURT

1 previously, say it again for the record, please.

2 THE WITNESS: I am the sergeant over the transportation
3 division of the detention center.

4 THE COURT: All right. If you would, convey to the
5 Court your interaction with Mr. Hawkins this morning and your
6 efforts to bring him to this courthouse for the purpose of
7 his trial.

8 THE WITNESS: I received a phone call in my office from
9 the shift that was working today saying that Mr. Hawkins was
10 refusing to come out of his cell to be transported to court.
11 So me along with two of my officers went down there to his
12 cell to try to wake him up. Knocked on his door multiple
13 times and told him that he needed to come to court and get up
14 and get ready for court so he could be transported.

15 He stated to us that he was not coming to court today.
16 That he told the Court yesterday that he wasn't coming back
17 and that he didn't feel good; so he didn't want to come to
18 court. I said, well, you have to go to court, your trial is
19 going on, and he once again stated I'm not going to court,
20 and that's when I made the phone call to Sgt. Bennett Brown
21 to notify him.

22 THE COURT: All right, sir. So efforts were certainly
23 made by you all to have him here this morning?

24 THE WITNESS: Yes, sir. I was down there along with two
25 of my officers.

MATT MATUSIEWICZ - DIRECT BY THE COURT

1 THE COURT: And he conveyed to you all that he was not
2 coming?

3 THE WITNESS: Yes, sir. Multiple times.

4 THE COURT: All right. Let me ask you this. Were any
5 threats, force, pressure or intimidation -- was there any
6 such in your office or officers in not bringing him up here
7 today?

8 THE WITNESS: No, sir.

9 THE COURT: All right. Anything else, Mr. Richardson?

10 MR. RICHARDSON: I don't have anything further.

11 THE COURT: Ms. Henderson?

12 MS. HENDERSON: No, sir, Judge.

13 THE COURT: All right. I think that's -- that'll do it.
14 You can step down.

15 THE WITNESS: Thank you.

16 THE COURT: All right. Based upon the testimony of Mr.
17 Matusiewicz, I believe that -- I certainly believe that the
18 defendant was advised of his need to appear here in court.
19 The defendant, without threats, force, pressure or
20 intimidation, has decided of his own volition not to be
21 transported here for the resumption of his trial today.

22 As previously stated, this defendant has been advised of
23 his right to be here. Once again, efforts were made to try
24 to get him to come today, to which he refused. As previously
25 stated on the record, the defendant has been advised that if

1 he failed to appear that his trial would resume in his
2 absence.

3 Based upon such, I do find the defendant has knowingly,
4 freely, voluntarily, and intelligently decided not to appear
5 today, acknowledged that his trial would resume in his
6 absence and, therefore, we will resume the trial of his case
7 without him being here. All right?

8 All right. Anything before I bring the jury out?

9 MR. RICHARDSON: Not from the State, Judge.

10 THE COURT: Defense counsel?

11 MS. HENDERSON: No, sir, Judge.

12 THE COURT: I will once again instruct the jury that
13 there are to be no adverse inferences from his choice not to
14 be here today. All right?

15 MS. HENDERSON: Thank you.

16 THE COURT: Bring me the jury. Do we have all the
17 jurors? Bring the jury, please, ma'am.

18 (WHEREUPON, the jury entered the courtroom at 9:45 a.m.)

19 THE COURT: Madam Forelady and ladies and gentlemen of
20 the jury, I hope you all are doing well this morning. I will
21 tell you before we begin, you'll notice that Mr. Hawkins is
22 not in the courtroom this morning.

23 Once again, Mr. Hawkins has chose -- chosen not to be
24 here today for the resumption of his trial. As instructed
25 previously, you are to draw no -- no adverse inferences for

LAURA HASH - DIRECT BY MR. RICHARDSON

1 or against Mr. Hawkins pursuant to his choice not to be here
2 today.

3 At this time, we are going to resume the trial of this
4 case. The State is recognized.

5 MR. RICHARDSON: Thank you, Your Honor. The State's
6 next witness is Dr. Laura Hash.

7 THE CLERK: Ma'am, if you'll please place your left hand
8 on the Bible and raise your right hand. Do you swear or
9 affirm the testimony you give in this case to be the truth,
10 the whole truth, and nothing but the truth, so help you God?

11 THE WITNESS: Yes.

12 THE CLERK: Please be seated and state your full name
13 for the record.

14 THE WITNESS: My name is Laura Hash, H-a-s-h.

15 LAURA HASH, being first duly
16 sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. RICHARDSON:

19 Q: Dr. Hash, tell us where you work?

20 A: Yes. I'm employed at the South Carolina Law Enforcement
21 Division, which is more commonly referred to as SLED.

22 Q: And what is SLED?

23 A: SLED is an assisting agency. We have the only forensic
24 state lab. We do all of the serology and DNA analysis for
25 the entire state of South Carolina. So any biological fluids

LAURA HASH - DIRECT BY MR. RICHARDSON

1 or material from a crime scene are submitted to SLED,
2 submitted to my department to try to develop a DNA profile
3 from in order to find out who the potential suspect may be.

4 Q: And what are your particular duties at SLED?

5 A: Currently, I serve as lieutenant of the DNA casework
6 department. So I'm the supervisor. Before that, I served
7 for approximately nine or ten years as the DNA technical
8 leader. So I was in charge of all of the validations, all of
9 the training, all of the quality of the lab. And before
10 that, I was a senior DNA analyst, meaning that I performed
11 casework, wrote those reports, and testified in court.

12 Q: How long have you worked for SLED?

13 A: I've worked for SLED for 17 years.

14 Q: What sort of education and training background must you
15 have to do what you do?

16 A: I have a bachelor's degree in chemistry from Clemson
17 University. I also have a Ph.D. degree in basic
18 pharmaceutical sciences from the University of South
19 Carolina. I completed a one-year post-doctoral program at
20 the University of South Carolina in molecular biology.

21 I then was hired on by SLED and I entered into a year-
22 long training program where I was trained to do the forensic
23 analysis of case samples, and I was trained by a court-
24 qualified senior DNA analyst. After I completed the training
25 program, I was given a series of tests, a written test, an

LAURA HASH - DIRECT BY MR. RICHARDSON

1 oral test, and a mock court to make sure that I could do the
2 analysis and testify to the analysis on my own.

3 Following this, I started accepting casework of my own,
4 meaning I independently did the analysis of all of the cases
5 assigned to me, wrote the reports, and testified in court.
6 In addition, I also peer-reviewed the reports of other
7 analysts. I go through a proficiency testing program,
8 meaning I am externally tested twice a year to make sure I'm
9 following proper procedures and protocols and that I can, in
10 fact, get the correct result from an unknown sample.

11 Q: And you've testified in court before?

12 A: Yes, I have.

13 Q: And approximately how many times have you testified as
14 an expert witness?

15 A: About 35.

16 Q: Okay. And in what areas have you testified as an expert
17 witness?

18 A: Forensic serology and forensic DNA analysis.

19 MR. RICHARDSON: Your Honor, at this time I'd ask to
20 have the witness classified as an expert in DNA analysis.

21 THE COURT: Anything from defense counsel?

22 MS. HENDERSON: No, sir, Judge.

23 THE COURT: All right. Ladies and gentlemen, let me
24 give you this brief instruction before we go any further.

25 I'll tell you that normally a person cannot give opinion

LAURA HASH - DIRECT BY MR. RICHARDSON

1 testimony. Normally, when a person testifies, they must
2 testify as to what they either saw, heard or sensed by smell
3 or something of that nature.

4 However, there is an exception when someone is qualified
5 because of education or experience. Those individuals are
6 permitted to give opinion testimony in certain areas if the
7 Court qualifies them that way.

8 This witness is being qualified in the area as an expert
9 in the area of DNA analysis to give opinion testimony in that
10 area. That does not mean that you must accept the opinion,
11 but it is evidence for you to use in any way that you see fit
12 and give it the weight and credibility that you deem
13 appropriate.

14 Mr. Richardson, you may continue, sir.

15 MR. RICHARDSON: Thank you, Your Honor.

16 BY MR. RICHARDSON:

17 Q: Dr. Hash, did you have an opportunity to review SLED's
18 materials as it relates to this case, State versus James
19 Hawkins?

20 A: Yes, I have.

21 Q: Okay. And if you would explain to us, before we get
22 into the details about it, what SLED's protocol is for not
23 only doing DNA testing, but ensuring that the person who did
24 it did it correctly?

25 A: Well, cases come in the door every day at SLED.

LAURA HASH - DIRECT BY MR. RICHARDSON

1 Analysts are assigned cases depending on what type they are.
2 If it's a homicide or a sexual assault, we have teams set up
3 that do these particular cases. Only a qualified DNA analyst
4 is allowed to accept a case of their own, meaning that they
5 are fully trained, they have been through the entire training
6 program, and have passed all the tests at the end, and that
7 they also are a part of the DNA proficiency testing program.

8 All analysts also have to have eight hours of continuing
9 education per year in the field of forensic DNA. So anybody
10 that takes a case of their own is a qualified DNA analyst.

11 In this case, there were several buccal swabs or DNA
12 standards that are submitted. These are just swabs of a
13 person's mouth so that we know that that profile -- that DNA
14 profile we developed came from that particular individual.

15 We also received evidence in the case, some unknown
16 swabs, and it's our duty as a DNA analyst to test those swabs
17 for any biological fluid on those swabs, develop a DNA
18 profile from those swabs, and then compare them back to the
19 known standards that we got submitted in the case to see if
20 it matches one of those standards, whether it be from the
21 victim or the suspect. Some cases it doesn't match anybody
22 and it's an unknown profile.

23 Q: All right. So did all of this occur in this particular
24 case?

25 A: Yes, it did.

LAURA HASH - DIRECT BY MR. RICHARDSON

1 Q: Okay. As part of SLED's protocol, is it important that
2 the agency keep a tight chain of custody of these types of
3 items?

4 A: Absolutely. Once an item is submitted to SLED, it is
5 electronically tracked throughout the entire process. So any
6 time an examiner needs to look the case up in our system,
7 they can tell exactly who has custody of that particular
8 item.

9 Q: And do you all keep as business records a report of who
10 touches every particular item that is assigned to a
11 particular case?

12 A: Yes, we do.

13 Q: Okay. I'm going to show you what's been marked for
14 identification as State's 44.

15 MR. RICHARDSON: I beg the Court's indulgence.

16 BY MR. RICHARDSON:

17 Q: I'll ask you to take a look at this and tell me if you
18 know what that is?

19 A: Yes. This is the chain of custody for our Case Number
20 L-17-12683, which is this case in question. It tracks all of
21 the evidence from the time it got to SLED until the time that
22 it leaves or is picked up by the agency.

23 Q: Okay. And is this a true and complete record of what
24 SLED would have done from the time this case hit the front
25 door until it came out the back door?

LAURA HASH - DIRECT BY MR. RICHARDSON

1 A: Yes. There are ten complete pages of the chain of
2 custody which tracks all of the evidence.

3 Q: Okay. And this would be SLED's business record to keep
4 up with what happens?

5 A: Yes.

6 Q: Okay.

7 MR. RICHARDSON: Your Honor, at this point, I'd ask to
8 move State's 44 into evidence.

9 THE COURT: Any objection?

10 MS. HENDERSON: No objection, Judge.

11 THE COURT: Without objection, so admitted.

12 (WHEREUPON, State's Exhibit No. 44, SLED chain of
13 custody, was admitted into evidence.)

14 BY MR. RICHARDSON:

15 Q: And, Dr. Hash, if you could tell me or tell the jury who
16 the evidence that you received or your office received was
17 submitted by?

18 A: It was submitted by Frank Mizell of the Florence Police
19 Department.

20 Q: Okay. And again, this document identifies every soul
21 who touched --

22 A: Yes.

23 Q: -- these items --

24 A: Yes.

25 Q: -- in your office? Okay. Now I want to show you

LAURA HASH - DIRECT BY MR. RICHARDSON

1 several other items. I'll start off with No. 45, 46, and 47
2 since they're stapled together. Can you tell me what you
3 recognize about these items?

4 A: You know, when evidence is submitted to SLED, an
5 investigator brings it in. SLED then will put it into what
6 -- these are called HSP or heat-sealed pouches. They will
7 seal. Whoever brings it in to SLED will seal it and initial
8 it. When we get the evidence into the DNA casework
9 department, we will print out these labels, and this label
10 corresponds to the case number and the item number of what is
11 inside the pouch.

12 Every time the analyst opens this pouch to get something
13 out, when they reseal it, they will seal it along the side
14 and initial and date it. So that indicates that, yes, if
15 these were my initials and date that I had gone into this
16 pouch, I had taken custody of this evidence, worked on it,
17 and then I sealed it back.

18 These are Items 7, 8, and 6. So 6, 7, and 8, and these
19 are buccal swabs from MINOR 3, MINOR 4, and
20 MINOR 2.

21 Q: All right.

22 A: So these are those known standards from somebody's
23 mouth.

24 Q: All right. And I'll next show you Items 48, 49, and 50.
25 If you could look at those?

LAURA HASH - DIRECT BY MR. RICHARDSON

1 A: And these are the same thing. You can see our yellow
2 label with the item number, which corresponds to Items 2, 4,
3 and 5, which are buccal swabs from Ida Gregg, MINOR 5
4 [REDACTED], and MINOR 1.

5 Q: Okay. And those are all packaged in a similar fashion
6 as the last ones you described?

7 A: Yes. You can see the signature and date of the person
8 who brought it in, as well as the examiner's initials and
9 date along the side.

10 Q: Okay. And lastly, State's Exhibit 51 for identification
11 at this point. If you could take a look at that?

12 A: Yes. This is going to be the swabs from a board and,
13 again, the SLED number. And then in this particular heat-
14 sealed pouch, you'll actually see the tubes. This is the DNA
15 that was left over after the analysis. We are required by
16 our standards to send this DNA back to the agency in case any
17 further testing is needed in the future. So that's what
18 those are.

19 Q: Okay. And are all these items that I've shown you
20 packaged as SLED would have them packaged in order to return
21 them to the police agency?

22 A: Yes. They are returned back in the heat-sealed pouches.

23 Q: Okay.

24 MR. RICHARDSON: Your Honor, at this time, I would ask
25 that State's 45, 46, 47, 48, 49, 50, and 51 be entered into

LAURA HASH - DIRECT BY MR. RICHARDSON

1 evidence.

2 THE COURT: Any objection?

3 MS. HENDERSON: No objections, Judge.

4 THE COURT: Without objection, so admitted.

5 (WHEREUPON, State's Exhibit No. 45 through 50, buccal
6 swabs, and State's Exhibit No. 51, swabs from a board,
7 were admitted into evidence.)

8 BY MR. RICHARDSON:

9 Q: All right. So, Dr. Hash, in this case you had six known
10 standards for individuals?

11 A: Yes.

12 Q: And one swab that came from a wooden board?

13 A: It was actually submitted as swabs from a board. The
14 analyst then broke it down further into Items 1.1 and 1.2,
15 which were swabs from the front of a board and Item 1.2,
16 which were swabs from the side of the board.

17 Q: Was a DNA profile developed from this board?

18 A: Yes, it was.

19 Q: Okay. And was that DNA profile then compared to the
20 known standards of the six individuals that you listed?

21 A: Yes, it was.

22 Q: And did a -- was a conclusion reached by the analyst?

23 A: Yes. The conclusion was that the DNA was single source,
24 meaning it came from one individual, and that DNA profile
25 matched the DNA profile of MINOR 5.

LAURA HASH - DIRECT BY MR. RICHARDSON

1 Q: And do you have an opinion as to a statistical
2 probability of that being a profile from the board belonging
3 to anybody other than MINOR 5?

4 A: Yes. We would say the probability of randomly selecting
5 an unrelated individual having a DNA profile matching the
6 profile from the board is approximately one in 13 octillion.

7 Q: So that would mean one in 13 octillion people?

8 A: Yes. The probability of randomly selecting somebody
9 from the population, you have a probability of one in 13
10 octillion.

11 Q: So to simplify, in all likelihood what you're saying is
12 that the blood that was found on the board belonged to
13 Akeelah Hawkins?

14 A: The profile developed from the bodily fluid on the board
15 matched MINOR 5, yes.

16 MR. RICHARDSON: Thank you, ma'am. Please answer any
17 questions that defense counsel may have.

18 MS. HENDERSON: Dr. Hash, I have no questions for you.

19 THE WITNESS: Thank you.

20 THE COURT: All right. Doctor, you may step down.
21 Thank you.

22 THE WITNESS: Thank you.

23 MR. RICHARDSON: And I'd ask that she be released from
24 her subpoena.

25 MS. HENDERSON: No objections, Judge.

MICHAEL FOXWORTH - DIRECT BY MR. RICHARDSON

1 THE COURT: Doctor, you are released from your subpoena.
2 You are free to go.

3 THE WITNESS: Thank you.

4 THE COURT: Have a nice day.

5 MR. RICHARDSON: Judge, the next witness would be Dr.
6 Michael Foxworth.

7 (WHEREUPON, there was a pause in the proceedings until
8 the witness entered the courtroom.)

9 THE CLERK: Sir, if you will, please place your left
10 hand on the Bible and raise your right hand. Do you swear or
11 affirm the testimony you give in this case to be the truth,
12 the whole truth, and nothing but the truth, so help you God?

13 THE WITNESS: I do.

14 THE CLERK: Please be seated and state your full name
15 for the record.

16 THE WITNESS: I'm Michael Kenneth Foxworth II.

17 MICHAEL FOXWORTH, being first
18 duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. RICHARDSON:

21 Q: All right. Dr. Foxworth, could you tell us where you
22 work?

23 A: I work at HopeHealth, HopeHealth Pediatrics.

24 Q: All right. And you can take your mask down if you're --
25 if you wish.

1 A: Okay.

2 Q: Get close to those microphones. So you work at
3 HopeHealth --

4 A: I do.

5 Q: -- here in Florence? Okay. What do you do for
6 HopeHealth?

7 A: I do a combination of things, practicing general
8 pediatrics, pediatric infectious diseases, and a large part
9 of my practice is also performing forensic medical exams on
10 children that experience child abuse and neglect.

11 Q: Okay. And how long have you been in that position?

12 A: I've been at HopeHealth now a little over eight years.

13 Q: All right. How long have you been working on child
14 abuse cases?

15 A: It's been about five years now.

16 Q: Okay. And when you have a case come in that's suspected
17 child abuse, what is it that you typically do?

18 A: We -- I do a head-to-toe exam. I collect any type of
19 pictures, taking pictures of any type of injuries that we see
20 or just any skin findings that may or may not be injuries.
21 After -- afterwards, we may do imaging or lab tests if
22 needed, and then write up a report based on all the findings
23 that I'd seen and also how it correlates to things on the
24 forensic interview.

25 Q: Okay. And what sort of educational background and

MICHAEL FOXWORTH - DIRECT BY MR. RICHARDSON

1 training background must you have to be able to do this?

2 A: So before I even started in child abuse pediatrics, I
3 completed four years of medical school. Then I did a three-
4 year pediatrics residency. I did a year as a chief resident.

5 I did three years as a pediatric infectious disease
6 fellow, and then once I started working at HopeHealth, I
7 received training through the South Carolina Child Advocacy
8 Medical Response System to become qualified in the field of
9 pediatric child abuse and neglect.

10 Q: And have you testified in court before as an expert
11 witness with respect to child abuse cases?

12 A: I have.

13 Q: Okay. In the field of pediatric child abuse and
14 neglect?

15 A: That's right.

16 Q: All right. Approximately how many times have you
17 testified?

18 A: It's probably been about six.

19 MR. RICHARDSON: Your Honor, at this time, I'd ask that
20 the witness be qualified as an expert in the field of
21 pediatric child abuse and neglect.

22 THE COURT: Anything from defense counsel?

23 MS. HENDERSON: No objections, Judge.

24 THE COURT: All right. Ladies and gentlemen, I
25 previously gave you a charge with regards to expert

MICHAEL FOXWORTH - DIRECT BY MR. RICHARDSON

1 testimony. This individual is being qualified as an expert
2 in the area of pediatric child abuse and neglect to give
3 testimony in that area. My instruction to you with regards
4 to expert testimony remains the same as to this witness.
5 Okay?

6 You may continue, sir.

7 MR. RICHARDSON: Thank you.

8 BY MR. RICHARDSON:

9 Q: Dr. Foxworth, do you have particular training in
10 identifying types of injuries that you may see present on a
11 -- or that are present on a child during your evaluations?

12 A: I do.

13 Q: And could you give -- give us some examples of what
14 types of injuries you commonly see?

15 A: Some of the most common that we see on the skin would be
16 different types of bruising, whether it's non-patterned or
17 patterned type of injuries, lacerations. Sometimes marks can
18 be like grab-type marks, ligature marks. So various findings
19 on the skin usually related to some type of trauma.

20 Q: Okay.

21 MR. RICHARDSON: I beg the Court's indulgence here.

22 BY MR. RICHARDSON:

23 Q: Have you had an opportunity to review the medical
24 records and photographs that were completed as a part of this
25 case?

MICHAEL FOXWORTH - DIRECT BY MR. RICHARDSON

1 A: I have.

2 Q: Okay. I'm going to show you -- well, first, are you
3 familiar with the children that are the subjects of this
4 case?

5 A: I am.

6 Q: Okay. And how do you know them?

7 A: They are in my practice as far as my general pediatrics
8 practice.

9 Q: Okay. I want to show you what's been marked and already
10 placed into evidence as State's Exhibit 4.

11 MR. RICHARDSON: Madam Clerk? Well, no Madam Clerk. If
12 we could have this sent to the screens?

13 THE COURT: Don't ask me how to operate that.

14 MR. RICHARDSON: Very good.

15 BY MR. RICHARDSON:

16 Q: Can you -- can you see that, Dr. Foxworth?

17 A: I can.

18 Q: All right. Do you recognize who this person is?

19 A: I do.

20 Q: Okay. And who is it?

21 A: This -- I believe this is MINOR 5.

22 Q: MINOR 5?

23 A: Is that right?

24 Q: Okay. Does this picture -- and I wish I could zoom in.

25 I don't know if I can. I think I may be able to on here.

1 Does this picture show you anything of significance with
2 respect to injury?

3 A: I think that the -- the most striking thing in this
4 picture are looking at the inner parts of the eyes where
5 there's subconjunctival hemorrhages, which are the breakage
6 of small blood vessels under the thin clear lining that
7 covers the eye.

8 Q: Okay. And what is the significance of that?

9 A: I see this in various types of trauma, whether it's
10 blunt force trauma to that area or to other areas of the
11 head.

12 Q: Okay. So that's basically a sign of something else?

13 A: Right.

14 Q: All right. What sort of effects on a child's body,
15 brain, what have you, would an injury like this or the root
16 cause of an injury like this have on a child?

17 A: Yeah. And so the subconjunctival hemorrhage itself a
18 lot of times resolves on its own, but the concern is what
19 causes that is that any type of blunt force trauma that can
20 cause a subconjunctival hemorrhage, if it's towards the eye,
21 that can lead to problems with vision, blindness. Blunt
22 force trauma to other areas of the head can lead to in the
23 short-term bleeding in the brain, which can cause problems
24 with long-term learning, development, and could lead acutely
25 to death.

MICHAEL FOXWORTH - DIRECT BY MR. RICHARDSON

1 Q: Okay. I'm going to show you what's in evidence as
2 State's Exhibit 12. I'll move it around here. And do you
3 recognize what this is?

4 A: I do. This is the back of the head and neck.

5 Q: Okay. Could you explain what you see in terms of
6 injuries in this photograph?

7 A: There's a couple of things. There is a laceration at
8 the back of the head and then if you look down to the neck,
9 two -- two different scars. The one at the higher part of
10 the neck is a non-patterned scar, but then if you look to the
11 one that's lower and to the left is a patterned scar and you
12 can see that it's a looped scar.

13 And so patterned scars when we see that, those are
14 caused by being struck by some type of object. Blood vessels
15 break in the same pattern of that object and can leave
16 scarring. It's something that's diagnostic of abusive trauma
17 and -- and in the sense of looped markings, that's typically
18 caused by thin flexible objects, cords, belts, even though
19 it's impossible to know exactly what caused it just by exam
20 alone.

21 Q: Okay. I'm going to show you what's marked and into
22 evidence as State's 7. If you could take a look at that?

23 A: And --

24 Q: And what do you see in this one?

25 A: So in this image, you know, we're seeing multiple

1 hyperpigmented or darkened scarring, some with crust or what
2 we might call scabs, non-patterned and patterned markings,
3 and you can see, like, at the top of the back kind of on the
4 right side of the picture more looped markings. On the
5 bottom of the back near the top, other looped markings, also
6 diagnostic of abusive trauma and, you know, with this
7 extensive amount couldn't be caused by a simple accident.

8 Q: I'll show you what's marked and into evidence as State's
9 6. What do you observe here?

10 A: Here we're seeing more of somewhat non-patterned. It's
11 hard to get a specific pattern with these, but just that
12 there's multiple hyperpigmented scarring, some with --
13 particularly at the bottom of the neck with kind of erosions
14 of the skin, so missing part of that layer of skin.

15 And then along the left side of the face, which, you
16 know, we consider the soft part of the face, the cheek area
17 as a protected area that is typically not injured in normal
18 accidents. Usually areas overlying bone are more likely to
19 be injured in normal accidents.

20 Q: Okay. This is State's 17 already in evidence. Take a
21 look at that. What do you see in there?

22 A: So on the -- on the hand I'm seeing a -- kind of a
23 lighter color hypopigmented raised scar, and then further
24 down near the wrist I'm seeing kind of a curvilinear, so it's
25 not quite a straight line, but I wouldn't call it looped, a

MICHAEL FOXWORTH - DIRECT BY MR. RICHARDSON

1 scar with some eroded skin in that area. And then overlying
2 that you can see the two hyperpigmented kind of curvilinear
3 scars.

4 Q: This is State's 15 in evidence. You can take a look at
5 that and tell us what you see.

6 A: And so with this area we're seeing the lateral or the
7 outside aspect of the right thigh, and there's multiple kind
8 of linear patterns of scarring and lacerations with some
9 crust appearance. So some scabbing.

10 Q: And the -- I believe the final photo of MINOR 5 I want
11 to show you is State's 18, which is in evidence. If you
12 could tell us what you see in that?

13 A: So on the posterior aspect of the thigh, so the back of
14 the upper legs, you can see some, you know, multiple non-
15 patterned lacerations with crust, but then we're also seeing
16 -- particularly, I can tell more on the right leg, so that's
17 the bottom leg, of some looped scarring with eroded skin.

18 Then on the buttocks bilaterally, you see large areas of
19 erosion. So large areas of that top layer of skin that are
20 -- that are missing with just darkening of the skin around
21 both of those areas.

22 Q: As to the injuries on her buttocks, what significance
23 could those have with respect to her physical health?

24 A: One of the more obvious things that can happen with --
25 with injuries this extensive is, of course, permanent

MICHAEL FOXWORTH - DIRECT BY MR. RICHARDSON

1 scarring, acutely bleeding, infection, but something else
2 that can be concerning with so extensive injury to that area
3 is the damage to the muscle that lies underneath because with
4 -- with that and the breakdown of muscle, you can -- it
5 breaks down components of muscle called myoglobin, which then
6 can enter the bloodstream, and in cases of trauma can then
7 cause problems with renal function, can cause acute failure.
8 It can lead to death.

9 Q: Okay. Do you have an opinion within a reasonable degree
10 of medical certainty as to whether the injuries that you see
11 on MINOR 5 are consistent with physical abuse?

12 A: Yes, they are.

13 Q: I'm going to show you what's marked as State's 34 for --
14 it's in evidence. Do you recognize him?

15 A: I believe this is MINOR 1. Is that right?

16 Q: I'm going to show you what's marked as State's 36 in
17 evidence. If you could take a look at this and tell us what
18 we're looking at?

19 THE COURT: What number is that again?

20 MR. RICHARDSON: 36.

21 THE COURT: I'm sorry. Thank you.

22 MR. RICHARDSON: You're welcome.

23 BY MR. RICHARDSON:

24 A: Can we darken the top part of that picture a little bit?

25 Q: Okay.

MICHAEL FOXWORTH - DIRECT BY MR. RICHARDSON

1 A: Okay. So I'm seeing some non-patterned kind of
2 hyperpigmented, so darkened areas of injury to the right
3 neck, the neck also being an area that particularly in
4 younger kids that we think of as protected areas not normally
5 injured in normal accidents.

6 Q: This is State's 37. If you could tell us what you see
7 in this one?

8 A: And so now we're looking at the other side of the neck,
9 so the left side of the neck and face. Areas of
10 hyperpigmentation, some erosion of skin on the neck and
11 extending up into the cheek area, both areas that are
12 protected and not typically injured in normal accidents.

13 Q: This is State's 38. Could you tell us what we see in
14 this one?

15 A: So in this picture there are multiple areas on the back,
16 some of those being non-patterned because they're shorter,
17 thicker, lightened scarring with the border is darkened. If
18 you look towards the bottom aspect of the back, you can see
19 some more looped marks that I would consider patterned and
20 that being diagnostic of abusive trauma.

21 Q: Going back to MINOR 5 for a minute, the injuries that we
22 saw, you mentioned two different times, one with respect to
23 the redness of the eyes and one with respect to the skin
24 damage on the buttocks, that those could carry with them a
25 risk of death; is that correct?

1 A: That's correct.

2 Q: Okay. In terms of -- you mentioned scarring as well.
3 Now, the -- could you explain a little bit about what the
4 skin is and what it's classified as and what it does for us?

5 A: So the skin is -- is an organ. There's an entire
6 specialty devoted to that organ. It provides an extremely
7 important function of protecting organs on the inside, but
8 also creates our first line of defense against infections
9 and, you know, the concern with some of those injuries are
10 that, you know, some scarring can be permanent. Some may
11 fade, but it's hard to predict that.

12 Q: Okay. Would you -- do you have an opinion within a
13 reasonable degree of medical certainty that -- whether the
14 injuries, particularly as it relates to State's 18, whether
15 those could create serious or permanent disfigurement?

16 A: I do.

17 Q: Okay. What is that opinion?

18 A: I agree that this could lead to either permanent
19 disfigurement or -- or long-term damage or bodily harm.

20 Q: Okay. Very good.

21 MR. RICHARDSON: I beg the Court's indulgence.

22 Thank you, sir. Please answer any questions the defense
23 counsel may have for you.

24 THE COURT: Ms. Henderson?

25 MS. HENDERSON: Thank you, Judge.

MICHAEL FOXWORTH - CROSS BY MS. HENDERSON

1 CROSS-EXAMINATION

2 BY MS. HENDERSON:

3 Q: Hey, Dr. Foxworth. How are you doing?

4 A: Good.

5 Q: Good. You never examined either MINOR1 or MINOR 5 in
6 person; correct?

7 A: Not for this case, no.

8 Q: So you're basing your opinion solely upon the
9 information the State has provided to you?

10 A: Observing the pictures and medical history, yes.

11 Q: Okay. So that was supplied to you?

12 A: Yes.

13 Q: Okay. In part of your review of the information that
14 the State provided to you, you learned that regarding this
15 incident it was only MINOR 5 and Nabu who were taken to the
16 hospital in Darlington County; correct?

17 A: I don't recall.

18 MS. HENDERSON: May I beg the Court's indulgence?

19 Dr. Foxworth, that's it. Thank you, sir.

20 THE WITNESS: Thank you.

21 THE COURT: Any redirect?

22 MR. RICHARDSON: Nothing further.

23 THE COURT: All right. Doctor, you may step down.

24 Thank you.

25 THE WITNESS: Thank you.

1 MR. RICHARDSON: Your Honor, I'd ask that he be excused.

2 THE COURT: Any objection?

3 MS. HENDERSON: No objection, Judge.

4 THE COURT: Doctor, you're released from your subpoena.

5 You're free to go. Have a nice day.

6 THE WITNESS: Thank you.

7 MR. RICHARDSON: And, Judge, at this time, the State
8 rests.

9 THE COURT: All right. All right. Ladies and
10 gentlemen, the State has rested its case at this point and we
11 -- what I need to do is take up some matters of law outside
12 of your presence. I'm going to ask you to step to the jury
13 room. I'll get you back out here as quickly as I can. Okay?
14 Do not discuss the case at all.

15 (WHEREUPON, the jury exited the courtroom at 10:26 a.m.)

16 THE COURT: All right. Anything from defense counsel at
17 this point?

18 MS. HENDERSON: I'm sorry?

19 THE COURT: Anything from defense counsel?

20 MS. HENDERSON: Yes, Your Honor. We would move for a
21 motion for directed verdict, Judge. Defendant maintains that
22 there is a failure of competent evidence that has -- there
23 exists a failure of competent evidence tending to prove the
24 charges.

25 We respectfully request -- request that a directed

1 verdict be granted for infliction of great bodily injury upon
2 a child charge, as well as the five unlawful neglect charges.
3 We maintain that the evidence presented over the course of
4 this trial merely raises a suspicion of the defendant's
5 guilt.

6 THE COURT: Mr. Richardson, any response?

7 MR. RICHARDSON: Thank you, Your Honor. With respect --
8 respect to the inflicting great bodily injury count, we've
9 had direct evidence from the victim of that count about the
10 incidents that led to the injuries. We've had expert
11 testimony here this morning describing the injuries from a
12 medical standpoint and also what lasting damage could result
13 from those. So I believe -- I believe we've submitted
14 sufficient evidence to get that count to the jury.

15 With respect to the five unlawful conduct cases, there's
16 been evidence submitted that all five of the children who are
17 at issue in this case were beaten physically, some worse than
18 others, which the photographs in evidence will bear out.

19 For the ones who were not so severely beaten physically,
20 there is evidence in the record that they were present for
21 the beatings of their siblings. Also, they were -- there's
22 evidence in the record that the children were deprived of
23 food purposefully by the defendant and had to be slipped food
24 by the concerned folks within the house.

25 I believe based on the totality of all those

1 circumstances and the risk of harm that the children faced
2 from all of that, as well as the testimony about their
3 hygiene issues, that there is sufficient evidence to get to
4 the jury on the five unlawful conduct counts. Also, there's
5 evidence in the record that the defendant was the father and
6 guardian of the -- of the children at the time.

7 THE COURT: Anything else, Mr. Henderson?

8 MS. HENDERSON: No, sir, Judge.

9 THE COURT: All right. As you all well know, if there's
10 any direct or substantial circumstantial evidence reasonably
11 tending to prove the guilt of the accused, the Court is
12 required to submit the case to the jury.

13 The Court does believe that based upon the testimony
14 that's been elicited from the witness stand over the last day
15 and a half includes not only direct but substantial
16 circumstantial evidence reasonably tending to prove his
17 guilt. Therefore, the defendant's motion for directed
18 verdict as to the unlawful neglect charges, as well as the
19 inflicting great bodily injury upon a child charge, will be
20 submitted to the jury, but your motion is so noted for the
21 record.

22 MS. HENDERSON: Thank you, Judge.

23 THE COURT: I think I know the answer to this, but I'll
24 go ahead and ask the question. Does the defense intend to
25 put up any evidence?

1 MS. HENDERSON: We do not, Your Honor.

2 THE COURT: Okay. All right. Well, when I bring the
3 jury back out, the defense can rest in the presence of the
4 jury and just simply renew all prior motions and objections,
5 which I'll put my rulings on the record that they remain the
6 same but are so noted.

7 You all ready to go into closing arguments? Okay.

8 I know that Ross sent you all a jury charge I think last
9 night. I went back through. I came in early this morning
10 and went through the charge. There was some additions and
11 changes and whatnot that I felt like needed to be made to the
12 charge, as well as the verdict form.

13 They have been reprinted and they are up here on the
14 bench. I will hand those to you all and let you take a look
15 at them.

16 As far as the substantive portion of the charge, intent
17 needed to be added in there. I don't think -- that was not
18 in the initial charge that was sent to you all. So intent
19 was added in there.

20 I moved hand of one/hand of all to be read to the jury
21 after the charges are, in fact, read on unlawful neglect and
22 great bodily injury charge.

23 Also, as it relates to -- as it relates to the unlawful
24 neglect charges, which are five of them, I set forth and set
25 out in the charge the unlawful neglect is to each child.

1 They are to be proven separate and apart from all other
2 charges, and I named the children in there.

3 Just take a look at it. I'm going to stand down a few
4 minutes for you all to take a look at what I've done. Okay?

5 MR. RICHARDSON: Thank you, sir.

6 THE COURT: Before I -- before I step down, any
7 objection to me giving the charge before your arguments from
8 the State?

9 MR. RICHARDSON: No objection.

10 THE COURT: Defense counsel?

11 MS. HENDERSON: No, sir, Judge.

12 THE COURT: All right. Well, order of arguments will be
13 State, followed by -- State in full, followed by defense
14 counsel. Okay?

15 MS. CRAYTON: Thank you, Your Honor.

16 THE COURT: All right. We'll stand down for just a few
17 minutes.

18 (WHEREUPON, there was a break in the proceedings from
19 10:33 a.m. until 11:21 a.m., after which the proceedings
20 resumed as follows.)

21 THE COURT: All right. Anything from the State before I
22 bring the jury back out?

23 MR. RICHARDSON: No, sir.

24 THE COURT: Defense counsel?

25 MS. HENDERSON: No, sir, Judge.

1 THE COURT: Well, I do need my jury charge, don't I? I
2 need to -- Ross went to get it. I'm sorry. There he is.

3 All right. Ms. Mary, if you'd bring us the jury,
4 please, ma'am.

5 (WHEREUPON, the jury entered the courtroom at 11:22
6 a.m.)

7 THE COURT: All right. Madam Forelady and ladies and
8 gentlemen of the jury, prior to you all exiting the
9 courtroom, the State rested its case. At this time, I'll
10 recognize defense counsel.

11 MS. HENDERSON: Thank you, Judge. The defense rests.
12 We renew all previous motions and objections.

13 THE COURT: All right. As to defense counsel's prior
14 motions and objections, the Court's rulings remain the same
15 as to those.

16 Ladies and gentlemen, at this time the defense has
17 rested. That means that you've heard all the testimony and
18 all the evidence has been admitted that's going to be
19 admitted in this case. Okay?

20 What we're going to move into now is I am going to give
21 you all the charge on the law in this case. Okay? Once I
22 give you the charge on the law in this case, we will hear
23 closing arguments by counsel. The State will go first,
24 followed by defense counsel. I'll remind you that their
25 closing arguments are not evidence in this case. Okay?

1 After the attorneys have given their closing arguments,
2 then I will give you a few conclusory remarks at that point
3 and then give the case to you all to begin your
4 deliberations.

5 CHARGE ON THE LAW BY THE COURT

6 THE COURT: All right. Ladies and gentlemen, it's now
7 my duty as the trial judge under the constitution of this
8 state to charge and instruct you on the law applicable to
9 this case. It is your duty as jurors to accept and apply the
10 law as I will now state it to you.

11 Furthermore, it is your exclusive duty to decide all the
12 issues of fact in this case and to determine the effect,
13 value, and weight of the evidence. Both the State and the
14 defendant have a right to expect that you will carefully
15 consider and evaluate the evidence and apply the law of this
16 case to it so that in the end both the State of South
17 Carolina and the defendant will receive a fair and impartial
18 trial.

19 I want you to understand when I use the word defendant,
20 I refer to Mr. James Charlie Hawkins. Furthermore, it is
21 important to understand that the State of South Carolina
22 charges the defendant with the offenses known as unlawful
23 conduct towards a child and inflicting great bodily injury
24 upon a child.

25 Now, to these charges the defendant has entered a plea

1 of not guilty. This plea of not guilty places the burden of
2 proof on the State to prove the guilt of the defendant to
3 you, the jury, beyond a reasonable doubt.

4 Now, I will remind you, ladies and gentlemen, the fact
5 that the defendant was arrested, charged, and indicted in
6 this case is not evidence in this case and cannot be
7 considered by you as evidence of guilt in this case, nor does
8 it create any presumption or inference of guilt.

9 The indictment, as I told you from the outset, is simply
10 the formal written instrument which contains the charges made
11 against the defendant. It is the formal document by which
12 this case is brought in this court.

13 It is vital to understand that the defendant is presumed
14 under the law to be innocent of these charges. The defendant
15 has no obligation to prove his innocence. It is a
16 fundamental rule of our law that a defendant, irrespective of
17 the seriousness of the charges against him, is always
18 presumed innocent of the crimes for which he has been charged
19 unless and until his guilt has been proven by evidence that
20 satisfies you, the jury, beyond a reasonable doubt.

21 The presumption of innocence, ladies and gentlemen, is
22 not a mere legal theory or a legal phrase. The presumption
23 of innocence is very important, and you need to understand
24 that this presumption accompanies the defendant from the time
25 of his arrest and appearance in this court and continues with

1 the defendant even after you retire to the jury room to
2 deliberate.

3 In other words, the defendant receives the benefit of
4 the presumption of innocence until the very end of this trial
5 when you, the jury, will deliberate upon the evidence and
6 decide whether the State has proven his guilt beyond a
7 reasonable doubt.

8 Now, the indictment in this case, ladies and gentlemen,
9 alleges several different offenses against the defendant.
10 The charges are five counts of unlawful conduct towards a
11 child and one count of inflicting great bodily injury upon a
12 child.

13 Each charge constitute a -- constitutes a separate and
14 distinct offense. You must decide each count of each charge
15 separately on the evidence and the law applicable to it,
16 uninfluenced by your decision as to any other charge. The
17 defendant may be convicted or acquitted on any or all of the
18 offenses charged. You will be asked to write a separate
19 verdict of guilty or not guilty for each charge.

20 Now, during this trial, ladies and gentlemen, you and I
21 have had separate duties. As the trial judge, it's my
22 responsibility to preside over this trial, and I also have
23 the duty to rule upon the admissibility of the evidence
24 offered during the process of this trial.

25 Now, in that regard, you are to consider only the

1 competent evidence before you, and you are to disregard from
2 your mind any testimony ordered stricken from the record of
3 this case during the progress of the trial, if there was any.
4 And you are to consider only the testimony which has been
5 presented from this witness stand, together with any exhibits
6 admitted into the record of this case and any stipulations of
7 counsel made into the record, if there were any.

8 Furthermore, I have the additional duty to charge you on
9 the applicable law of this case and, in that regard, I am the
10 sole judge of the law of this case. It is your duty to
11 accept and apply the law as I state it to you. If you have
12 any preconceived ideas as to what the law is or what the law
13 ought to be and it does not agree with what I tell you the
14 law is, you are obligated under your oath to abandon these
15 preconceptions because you are sworn to accept the law
16 precisely as I state it to you.

17 Now, in this trial, ladies and gentlemen, you -- you are
18 the sole and exclusive judge of the facts, and I am the judge
19 of the law. Do not infer that I have any opinion about the
20 facts in this case from anything that I have said during the
21 course of this trial in ruling upon the admissibility of
22 evidence or otherwise or from anything that I say during the
23 course of this charge to you.

24 In this regard, the law simply does not permit me to
25 have an opinion about the facts. As jurors, it is your duty

1 alone to determine the effect, the value, and weight of the
2 evidence presented during the course of this trial.

3 Now, in determining what the facts in this case are, you
4 must judge the credibility, which simply means the
5 believability of the witnesses and the value of weight to be
6 given to their testimony. You alone must decide the force
7 and effect of the testimony.

8 Now, in making this decision there are many things that
9 you may and should take into consideration, such as the
10 appearance and manner of the witness on the stand, a
11 characteristic often referred to as the demeanor of the
12 witness.

13 Was the witness forthright or hesitant?

14 Was the witness's testimony consistent or did it contain
15 discrepancies?

16 What was the ability of the witness to know the facts
17 about which he or she testified?

18 Did the witness have a cause or reason to be biased and
19 prejudiced in favor of the testimony that he or she gave?

20 Was the testimony of the witness corroborated or made
21 stronger by other testimony and evidence or was it made
22 weaker or impeached by such other testimony and evidence?

23 As jurors, please understand you have the right to
24 believe a small portion of a witness's testimony and discard
25 the larger portion or vice versa. You may believe all of a

1 witness's testimony or none. You may believe the testimony
2 of a single witness against that of many witnesses or the
3 other way around.

4 In exercising your mental processes and attempting to
5 decide the verdict, the law simply requires that you exercise
6 your good judgment, your common sense, your sense of logic
7 and reason, and your experiences in life. You then apply
8 these attributes to the evidence and apply the law as I state
9 it to you and thus arrive at a verdict.

10 Now, ladies and gentlemen, what is a reasonable doubt?
11 A reasonable doubt is the kind of doubt that would cause a
12 reasonable person to hesitate to act. Proof beyond a
13 reasonable doubt is proof that leaves you firmly convinced of
14 the defendant's guilt.

15 Now, there are very few things in this world that we
16 know with absolute certainty. So even in criminal cases the
17 law does not require proof that overcomes every possible
18 doubt. However, if based on your consideration of the
19 evidence you are firmly convinced that the defendant is
20 guilty of the crimes charged, you must find him guilty. If
21 on the other hand you think there is a real possibility that
22 he is not guilty, you must give him the benefit of the doubt
23 and find him not guilty.

24 Please understand that reasonable doubt may arise from
25 evidence which has been presented in the case or from the

1 lack of evidence in the case. It is your responsibility to
2 determine whether or not reasonable doubt exists as to the
3 guilt of the defendant.

4 I charge you that the defendant is entitled to every
5 reasonable doubt arising in the whole case. If on any issues
6 of fact essential to conviction and a verdict of guilty you
7 have a reasonable doubt as to how that issue should be
8 resolved, it would be your duty to resolve that reasonable
9 doubt in favor of the defendant.

10 Thus, in summary, it is important to understand that the
11 defendant is not required to prove his innocence. Instead,
12 the State is required by law to prove every essential element
13 of the offense charged against the defendant by evidence
14 which satisfies you of his guilt beyond a reasonable doubt.
15 Only then can you convict the defendant and find him guilty.

16 Now, there are two types of evidence, ladies and
17 gentlemen, which are generally presented during a trial:
18 direct evidence and circumstantial evidence.

19 Direct evidence is the testimony of a person who claims
20 to have actual knowledge of a fact, such as an eyewitness.
21 It is evidence which immediately establishes the main fact to
22 be proved.

23 Circumstantial evidence is a proof of chain -- of a
24 chain of facts and circumstances indicating the existence of
25 a fact. It is evidence which immediately establishes

1 collateral facts from which the main fact may be inferred.
2 Circumstantial evidence is based on inference and not on
3 personal knowledge or observation.

4 The law makes absolutely no distinction between the
5 weight or value to be given to either direct or
6 circumstantial evidence, nor is a greater degree of certainty
7 required of circumstantial evidence than of direct evidence.
8 You should weigh all of the evidence in the case. If after
9 weighing all of the evidence you are not convinced of the
10 guilt of the defendant beyond a reasonable doubt, you must
11 find the defendant not guilty.

12 Ladies and gentlemen, I remind you that during your
13 deliberations you are not to draw any adverse inference from
14 the defendant's choice to leave the courtroom during trial,
15 nor are you to draw any adverse inference from the fact that
16 the defendant chose to remain in clothing that was issued by
17 the detention center and be restrained. The defendant made
18 this choice freely, knowingly, and voluntarily. As I have
19 said from the outset, the burden is upon the State to prove
20 the defendant guilty beyond a reasonable doubt and,
21 therefore, there are to be no adverse inferences drawn by you
22 against the defendant because of these decisions.

23 Now, you, ladies and gentlemen -- hold on just a second.

24 Now, during the course of the trial you heard witnesses
25 testify that they had a prior criminal record. A person who

1 has a past or a prior criminal record is competent to testify
2 during a trial. A past record does not affect the ability of
3 that witness to testify. The past record may only be
4 considered by you, if at all, in determining the witness's
5 believability. Remember, you are the sole judge of the facts
6 in this case and of the believability of any and all of the
7 witnesses.

8 Now, during the course of the trial you heard the
9 testimony of witnesses that were qualified as expert
10 witnesses. I previously gave you a charge as to expert
11 witnesses, and I will do so again.

12 As I told you before, the rules of evidence ordinarily
13 do not permit witnesses to testify to opinions or
14 conclusions. An exception to this rule exists for witnesses
15 that we call expert witnesses. A witness who by education
16 and experience has become expert in some art, science,
17 profession, or calling may state an opinion as to relevant
18 and material matter in which the witness claims to be an
19 expert and may also state the reasons for the opinion.

20 You should consider any expert opinion received in
21 evidence in this case and, like any other evidence, give it
22 the weight that you think it deserves. If you decide that
23 the opinion of an expert witness is not based on sufficient
24 education and experience or if you conclude that the reasons
25 given in support of the opinion are not sound or that the

1 opinion is outweighed by other evidence, you may disregard
2 the opinion entirely.

3 An expert witness's testimony is to be given no greater
4 weight than that of other witnesses simply because the
5 witness is an expert. Further, you are not required to
6 accept an expert's opinion even though it is not
7 contradicted.

8 Now, in this trial, ladies and gentlemen, I instruct you
9 and I emphasize to you that the fact the defendant chose not
10 to testify is not a factor to be considered by you in any way
11 in your deliberations and in your consideration on the
12 question of the guilt or the innocence of the defendant. It
13 must not be considered by you in any manner whatsoever. A
14 defendant has the constitutional right to remain silent, and
15 the assertion of this right must not be considered by you in
16 your deliberations.

17 I repeat under your oath you are to draw no conclusion
18 whatsoever from the fact that the defendant in this case
19 chose not to testify. The fact that this defendant chose not
20 to testify should not even be discussed in the jury room.
21 The burden of proof, once again as I have stated to you, is
22 on the State. The defendant is not required to prove his
23 innocence. The burden of proof remains on the State to prove
24 guilt beyond a reasonable doubt.

25 Now, ladies and gentlemen, in order to establish

1 criminal liability, criminal intent is required. For
2 example, the mental state required to be proven by the State
3 for a particular crime might be purpose, intent, knowledge,
4 recklessness, or criminal negligence. Criminal intent must
5 be proven by the State beyond a reasonable doubt. Criminal
6 intent is always a matter that must be determined by the jury
7 from the circumstances surrounding the situation.

8 There is no way, ladies and gentlemen, to prove intent
9 to a mathematical certainty. There is no way that medical
10 science can dissect a person's brain and determine what the
11 person had in mind. So the law says that criminal intent may
12 be inferred from the circumstances shown to have existed.
13 This is how you make a determination of whether or not the
14 element requiring intent was present. It is not necessary to
15 establish intent by direct and positive evidence, but intent
16 may be established by inference in the same way as any other
17 fact by taking into consideration the acts of the parties and
18 all the facts and circumstances of the case.

19 Criminal intent is a mental state, a conscious
20 wrongdoing. It is up to you to determine what the defendant
21 intended to do based on the circumstances shown to have
22 existed. Criminal intent can arise from action or a failure
23 to act. It may arise from negligence, recklessness, or an
24 indifference to duty or to consequences that is considered by
25 the law to be the equivalent of criminal intent.

1 Now, the defendant, ladies and gentlemen, is charged
2 with five counts of unlawful conduct toward a child.
3 Specifically, the defendant is alleged to have committed
4 unlawful conduct towards MINOR 5, MINOR 1,
5 MINOR 4, MINOR 3, and MINOR 2.

6 As to each count of unlawful conduct towards a child,
7 the State must first prove beyond a reasonable doubt that the
8 defendant had charge or custody of each child, was the parent
9 or guardian of each child, or was responsible for the care
10 and support of the child.

11 A person responsible for a child's welfare includes the
12 child's parent, guardian, or foster parent, an operator,
13 employee, or caregiver of a public or private residential
14 home, institution, agency, or child daycare center facility,
15 or an adult who has assumed the role or responsibility of a
16 parent or guardian of a child but does not necessarily have
17 legal custody of the child. This does not include a person
18 whose only role is as a caregiver and whose contact is only
19 incidental with the child, such as a babysitter.

20 Additionally, as to each count of unlawful conduct
21 towards a child, the State must also prove beyond a
22 reasonable doubt that the defendant either placed each child
23 at unreasonable risk of harm affecting the child's life,
24 physical or mental health or safety, or unlawfully or
25 maliciously did or caused to be done any bodily harm to each

1 child so that the life or health of each child was endangered
2 or likely to be endangered. A child, ladies and gentlemen,
3 means a person under the age of 18.

4 Now, if you find, ladies and gentlemen, the State has
5 failed to prove the defendant, James Charlie Hawkins, guilty
6 beyond a reasonable doubt as to any or all of the charges of
7 unlawful conduct towards a child, you must then consider
8 whether the State has proven beyond a reasonable doubt the
9 lesser-included offense of cruelty to children.

10 In order to find the defendant guilty of cruelty to
11 children, the State must prove beyond a reasonable doubt that
12 James Charlie Hawkins cruelly ill-treated, deprived of
13 necessary sustenance or shelter, or inflicted unnecessary
14 pain or suffering upon a child or caused the same to be done.
15 The State must also prove beyond a reasonable doubt that the
16 person who inflicted the cruelty is the parent or guardian or
17 had charge or custody of the child. I remind you that the
18 State must prove the elements of this crime as to each
19 individual charge beyond a reasonable doubt as it relates to
20 each child.

21 Now, the defendant is also charged with inflicting great
22 bodily injury upon a child, to wit: MINOR 5. The
23 State must prove beyond a reasonable doubt that the defendant
24 was either the child's parent or guardian, a person with whom
25 the child's parent or guardian was cohabiting, or any other

1 person responsible for the child's welfare.

2 The State then must prove that the defendant either
3 knowingly inflicted or allowed another person to inflict
4 great bodily injury upon the child. Great bodily injury
5 means bodily injury which creates substantial risk of death
6 or which causes permanent disfigurement or protracted loss or
7 impairment of the function of any bodily member or organ.

8 Now, ladies and gentlemen, if a crime is committed by
9 two or more people who are acting together in committing a
10 crime, the act of one is the act of all. A person who joins
11 with another to commit an unlawful act is criminally
12 responsible for everything done by the other person which
13 happens as a probable or natural consequence of the acts done
14 in carrying out the common plan and purpose.

15 For example, two people can be guilty of killing another
16 person when only one of the two had a gun, there was only one
17 bullet, and only one of the two fired the shot that caused
18 the death. If two or more people are together, acting
19 together, assisting each other in committing the offense, the
20 act of one is the act of all or, as it's sometimes said, the
21 hand of all is the hand is all.

22 Prior knowledge that a crime is going to be committed
23 without more is not sufficient to make a person guilty of
24 that crime. Mere knowledge that another person is going to
25 commit a crime, even if the defendant is present when the

1 crime is committed, is not sufficient to convict the
2 defendant as a principal.

3 Guilt as a principal is shown by actual or constructive
4 presence at the scene as a result of prior arrangement.
5 Therefore, a finding of a prior arranged plan or common
6 scheme is necessary for a finding of guilt as a principal.

7 The State must prove beyond a reasonable doubt by
8 competent evidence the theory of the hand of all is the hand
9 of all. A principal in a crime is one who either actually
10 commits the crime or who is present aiding, abetting, or
11 assisting in committing the crime.

12 When a person does an act in the presence of and with
13 the assistance of another, the act is done by both. Where
14 two or more acting with a common plan or intent are present
15 at the commission of a crime, it does not matter who actually
16 commits the crime. All are guilty. The hand of one is the
17 hand of all.

18 Present at the commission of a crime means to be
19 sufficiently near to aid and abet and assist in the
20 commission of the crime. However, mere presence at the scene
21 of a crime is not sufficient to convict one as principal on
22 the theory of aiding and abetting.

23 Intent, ladies and gentlemen, is also a necessary
24 element for there must have been a common design or intent to
25 commit the crime and the crime must have been committed

1 pursuant thereto with the person aiding and abetting by some
2 overt act. Intent means intending the result which actually
3 occurs, not accidentally or involuntarily. Intent may be shown
4 by acts and conduct of the defendant and other circumstances
5 from which you may naturally and reasonably infer intent.
6 The State must prove these elements, as I've said, beyond a
7 reasonable doubt.

8 Now, ladies and gentlemen, I have concluded or I am
9 concluding giving my charge on the law to you. At this time
10 the State is going to give their closing arguments, followed
11 by defense counsel. I will remind you, ladies and gentlemen,
12 that what the attorneys tell you is not evidence in this
13 case. Once the lawyers conclude their closing arguments,
14 then I will have a few additional instructions to you before
15 the case is given to you to begin your deliberations.

16 So at this time the State is so recognized for closing
17 argument.

18 MR. RICHARDSON: Thank you, Your Honor.

19 Defense counsel.

20 CLOSING ARGUMENT ON BEHALF OF THE STATE

21 MR. RICHARDSON: What a world in which we live for a
22 case like this to pop up. The facts in this case are
23 shocking because as my colleague, Ms. Leftridge, touched on
24 in opening statement, it's a pleasure to be a parent. Not
25 everybody gets to be a parent who wants to be.

1 Kids are precious things, and we have responsibilities
2 as adults and parents to children because they are by their
3 very nature vulnerable people. They are physically
4 vulnerable because they're tiny and they can't protect
5 themselves. They're emotionally vulnerable because they're
6 not mature. They don't know how to handle difficult
7 situations as an adult may know how to handle it.

8 They are mentally vulnerable. Things that happen to
9 kids stick with them. I'm sure every one of us in this room
10 has a memory from our childhood that we wish we didn't have.
11 The kids in this case have a lot of them.

12 The facts in this case are shocking because not only did
13 James Hawkins violate the laws of man that are propagated to
14 us from the legislature above and divvied out in this
15 courtroom, he broke the laws of nature. Wild animals take
16 care of their kids. They protect them, provide food for
17 them, put them in the best position that they possibly can to
18 help them survive.

19 But that's not what happened here. This is just a case
20 of brutality, domination, control. That's what it comes down
21 to in the end. It was control. He had his little world and
22 he was going to be the king of it, wherever it took him.

23 We heard some horrible information come from that
24 witness stand about what went on in that house at [REDACTED] South
25 Church Street, particularly as it relates to [REDACTED] MINOR 5

1 She's the oldest of the kids. At the time this all happened,
2 she was 11 years old.

3 And you heard testimony from the co-defendant Ida Gregg,
4 and I asked why her, why pick on MINOR 5. Her response was
5 MINOR 5 looked like family members of James that he didn't
6 like. What a great reason to do what you saw.

7 A lot of the focus in this case was on MINOR 5 just
8 because she got it the worst. The inflicting great bodily
9 injury count applies to MINOR 5, and you heard the most
10 direct testimony about her, the breaking of the board over
11 her, beating her with the more substantial board until her
12 blood was on it, hitting her in the back of the head with the
13 board, making her sit down in water and alcohol. Then when
14 she screamed, putting her back down in it.

15 That she's bound, hands and legs duct taped, naked with
16 a gag in her mouth, and they wanted to beat her so bad they
17 went and got the other folks who lived in the house to try to
18 hold her down. It's just unfathomable.

19 The counts as they relate to MINOR 5 are overwhelming
20 and unconscionable, but she wasn't alone in that house. She
21 had four siblings in there who caught their own share of
22 abuse, and I don't want to gloss over them and I don't want
23 you to forget their names. Now, you've not seen photographs
24 of all of them yet, but photographs of all of them are in
25 evidence and you're going to be able to take them back with

1 you and go through every one of them and see those faces and
2 see those bodies.

3 MINOR 3, MINOR 4, and MINOR 2
4 , and MINOR 5. You saw some pictures of MINOR1,
5 heard some testimony about him. They were little fellows,
6 four and five years old. You didn't hear from them from this
7 witness stand. They're still little fellows.

8 Imagine the torment, not only from the physical beatings
9 that they suffered, but from being in that tiny two-bedroom
10 house with what? Thirteen people or thereabouts? Hearing
11 the screams. If not their own beating, then watching a
12 sibling take it, watching MINOR 5 take it.

13 Imagine they're sitting there and they're told before
14 their father leaves that they've got to stand in some weird
15 position with their hands up and foot out all day until he
16 gets home. And thankfully, there were some human beings in
17 the house that had a heart and would tell them, you know, you
18 come sit down. You come watch cartoons. I won't tell him.

19 Those little kids who want food, but it's rationed out
20 to them in some -- for some -- you know, whatever reason to
21 the point where Monika Wilson, who is the host of the home
22 who let these folks come in and stay with her, she is
23 sneaking them food, you know. She's, like, food is
24 everywhere. I make the meals, but James Hawkins won't let
25 them eat.

1 They're dirty. They smell of urine because law
2 enforcement who came into contact with them first talked
3 about it. These kids went through it at the hands of James
4 Hawkins. Now, what I have to prove to you with respect to
5 these five kids -- I mean unlawful conduct charges are this.

6 That James Hawkins had charge or custody of the child or
7 was the parent or guardian of the child. That's clear
8 through every witness. It's clear he was their father. That
9 he was in charge of them. Now, he made his point of being in
10 charge of them.

11 That the child was placed at an unreasonable risk of
12 harm affecting the child's life, physical or mental health or
13 safety. All the boxes are checked for all five kids on that
14 element of unlawful conduct. All those kids' physical health
15 were at risk from those physical beatings and deprivation.
16 Their mental health was at risk, seeing their siblings beaten
17 repeatedly. Their safety was at risk, and that's obvious
18 because law enforcement had to intervene to get them out of
19 there. Monika Wilson had to intervene and get them out of
20 there. They saw their safety was at unreasonable risk.

21 Or the defendant caused to be done unlawfully or
22 maliciously any bodily harm to the child so that the life or
23 health of the child is endangered or likely to be endangered.
24 We had testimony about that. If you beat kids like what's
25 been discussed in here, the health of that child or their

1 life is likely to be endangered. That's an "or." It's not
2 an "and."

3 Or willfully abandon the child. We don't have that in
4 this case. They probably would have been better off if we
5 did.

6 The judge charged you what's called the lesser-included
7 offense of cruelty to children. Cruelty to children,
8 regardless of the title, sounds worse than unlawful conduct
9 to children, but this is not a case for lesser offenses.
10 This is the real deal, folks. These are unlawful conduct
11 cases because of the level of risk that these children faced.

12 Finally, getting back to MINOR 5, we had the inflicting
13 great bodily injury count. That stands apart from the
14 unlawful conduct counts because of the severity, and you saw
15 that in photos. You heard that in the medical testimony from
16 Dr. Foxworth this morning. You know, she's beaten severely
17 with objects, particularly the board that was recovered by
18 law enforcement, pieces of it, and her blood was on it, which
19 we established through the DNA analyst.

20 But the definition that we talked about with Dr.
21 Foxworth of great bodily injury under that statute is this:
22 bodily injury which creates substantial risk of death. Dr.
23 Foxworth talked about two different injuries on MINOR 5 that
24 carried that risk. One, you saw the redness in her eyes,
25 which in and of itself isn't the end of the world. That's

1 going to resolve pretty quickly, but it's an indicator the
2 cause of those injuries is a danger. It's blunt force
3 trauma.

4 And where do we hear in the testimony from other
5 witnesses where MINOR 5 may have suffered that? Ida Gregg,
6 the co-defendant, mentioned that the first time the board was
7 used it was used on her bottom. The next day -- the next
8 time the board was used, part of that situation MINOR 5 was
9 struck in the back of the head.

10 And you see in one of the photographs the gash in the
11 back of her head, and that's blunt force trauma. When you
12 get smacked in the head with the thing that's in that box
13 right there, that'll tear you up and that's what caused the
14 red marks in her eyes and that's what gave her a risk of
15 death according to a medical expert.

16 Or which causes serious or permanent disfigurement. We
17 got that. We had medical testimony about the injuries to her
18 bottom. It doesn't take a medical expert to look at that and
19 think permanent disfigurement.

20 Or protracted loss or impairment of the function of a
21 bodily member or organ. The doctor testified that the skin
22 is an organ. It's the largest organ in the body. It has a
23 lot of functions that are important to us. It helps us stave
24 off infections, protects our other organs.

25 We heard testimony from law enforcement when they first

1 came in contact with MINOR 5, she couldn't sit. She was
2 beaten so badly and her injuries were so severe on her behind
3 that she had to lay down on her front, and that's how the
4 police saw her. She was laid out on a couch at that office.
5 So was the organ, the skin, impaired? Yes.

6 To take it further with that injury, that was the second
7 one discussed as posing the substantial risk of death, and
8 Dr. Foxworth, way smarter than I am and more eloquent than I
9 am, gave a description of how that worked about potential
10 muscle breakdown and renal failure when you have injuries
11 that severe to the skin where you've just got chunks of it
12 missing and what could happen to the muscles underneath.

13 All the boxes on all these elements are checked. This
14 is not a case for lesser offenses.

15 Maybe the most striking part of this whole trial was
16 Akeelah getting up on that stand to testify against the man
17 who did this to her while he was in here. She's still very
18 young, very vulnerable, 15 years old, and she's sitting right
19 over there. She did all could do to get justice for herself
20 and her siblings. It took immense courage for her to get up
21 there in that box and talk about what this guy did in front
22 of him and in front of a room full of strangers she'd never
23 seen in her life.

24 So all I ask of you is that you have that courage to do
25 for her and her siblings what they deserve and find this man

1 guilty of five counts of unlawful conduct towards a child and
2 one count of inflicting great bodily injury upon a child.

3 Thank you.

4 THE COURT: Ms. Henderson?

5 MS. HENDERSON: Thank you, Judge.

6 Mr. Richardson.

7 CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

8 MS. HENDERSON: Ladies and gentlemen, as I said at the
9 start of this case, every truth has two sides, and there are
10 two sides to this case. Before I speak more about this
11 though, I want to make one fact clear.

12 Allegations of child abuse are horrible. I understand
13 that and I'm sympathetic to that. It's our knee-jerk
14 reaction to respond viscerally to such allegations. It's our
15 knee-jerk reaction to want to believe the accusers, to want
16 to protect the child. That's human nature.

17 But to convict Mr. Hawkins on these charges requires
18 more than emotion. It requires more than a knee-jerk
19 reaction. It requires proof beyond a reasonable doubt and,
20 ladies and gentlemen of the jury, today I contend to you that
21 the State has not met its burden of proof in all of these
22 charges. The State has not proved Mr. Hawkins guilty beyond
23 a reasonable doubt on each element of each offense of which
24 Mr. Hawkins is charged.

25 As Judge Brown instructed, reasonable doubt may arise

1 from evidence which has been presented in the case or the
2 evidence that has not been presented. So let's talk a bit
3 more about what has been presented.

4 As Mr. Richardson said, we heard from Ms. Ida Gregg, the
5 mother. We heard how she was charged because she was pled
6 guilty -- how she pled guilty. Ladies and gentlemen of the
7 jury, do you believe that this woman was telling the truth?
8 Was her testimony swayed by a desire to protect herself? She
9 is the mother. She has everything to lose.

10 We heard Ms. Gregg testify how Mr. Hawkins worked daily
11 at McCall Farms. Folks, that means that every day those
12 children were not with Mr. Hawkins. They were in the care,
13 custody, and control of someone else.

14 Talking more about these unlawful neglect of a child
15 charges, as the judge stated, as Mr. Richardson stated,
16 unlawful conduct requires that the State must prove beyond a
17 reasonable doubt that Mr. Hawkins either placed each of his
18 children at unreasonable risk of harm or caused harm to the
19 child that endangered that child. Let me make this clear to
20 you.

21 Each element of this offense must be met for each child.
22 They're separate, they're individual, and you have to hear
23 testimony and evidence of such to substantiate such. You
24 can't group it all together, and the State has not done this.
25 The State has failed to present sufficient testimony

1 establishing Mr. Hawkins guilty beyond a reasonable doubt on
2 unlawful conduct on each of those children.

3 The testimony we've heard in this trial centers on only
4 two of the children, 11-year-old MINOR 5 and 4-year-old MINOR1,
5 not the other three children, MINOR 2, MINOR 4, and
6 MINOR 3. You can't group them all together.

7 And let's talk a bit more about some of the State's
8 assertions, assertions that the children were starved.
9 Ladies and gentlemen of the jury, MINOR 5 herself testified
10 that they were not starved. Both Mr. And Mrs. Wilson -- they
11 were the homeowners that the Hawkins lived with here in
12 Florence County back in July of 2017 when these incidents
13 were alleged to have occurred. They both testified that they
14 saw Mr. Hawkins feed those children one or two times a day.

15 Ladies and gentlemen of the jury, let me remind you we
16 heard testimony that Mr. Hawkins was at work at McCall Farms
17 every day. Of course, they only saw him feed his children
18 one or two times a day. That was when he was home.

19 We heard how they fed him -- how Mr. Hawkins fed the
20 children rice and beans. You may not like rice and beans,
21 but it's food. It's nourishment, and it does not rise to the
22 level of neglect required to substantiate these charges.

23 Regarding the State's assertions that the children's
24 hygiene was poor or they smelled, Mr. Wilson again testified
25 that the children didn't smell bad. Ms. Wilson testified

1 that she never smelled the children. Y'all, these are the
2 folks that were living with the family.

3 The allegations that the State relies upon in its
4 charges against Mr. Hawkins, meals of beans and rice,
5 standing against the wall in various positions, although may
6 be odd, although may be not how you or I would parent our
7 children, do not rise to the level of conduct required by law
8 for Mr. Hawkins to be found guilty on each element of each
9 offense regarding each child.

10 And finally, let's talk about Dr. Foxworth's testimony,
11 the State's expert. He had a tremendously impressive resume,
12 and I cannot fathom the work that he does for children in
13 this community. Folks, he only spoke about MINOR 1, he only
14 spoke about MINOR 5. We heard nothing about the other three
15 children, and nothing in his testimony gave any expert
16 opinion as to these children being malnourished, as these
17 children being unhealthy aside from those horrible injuries
18 that we saw to Akeelah.

19 Folks, I contend to you that we need more than what we
20 have heard to find Mr. Hawkins guilty. I ask you to give Mr.
21 Hawkins the benefit of the doubt. Do not base your verdict
22 on emotion. Do not base your verdict on inflammatory
23 language. Base your verdict on what you have heard presented
24 to you in this courtroom this week.

25 Ask yourself has anything been misconstrued? Has

1 anything been over exaggerated? Has anything possibly been
2 the result of an alternate theory? We don't know. And
3 because we don't know, we must give Mr. Hawkins the benefit
4 of the doubt. Thank you.

5 THE COURT: All right. Ladies and gentlemen, I have now
6 -- I have given you the charge on the law in this case and
7 you've heard closing arguments by counsel.

8 I want you all, ladies and gentlemen, to clearly
9 understand that you're not partisans or advocates for the
10 State of South Carolina or the defendant. It is your duty by
11 your joint deliberations to determine the facts in this case,
12 giving to the defendant the benefit of every reasonable doubt
13 on each and every issue.

14 Then to the facts which you determine to be true, you
15 should take and apply the law which has been given to you by
16 this Court and thus arrive at a verdict in this case. Thus
17 when you have accomplished these responsibilities, you will
18 have satisfied your oath as jurors and you will have
19 discharged your duty to this Court.

20 Now, once you all retire to the jury room, the bailiff
21 will give the verdict form to you, Madam Forelady. When you,
22 the jury, arrive at a verdict as to the offenses charged in
23 this case, you, Madam Forelady, will select the verdict as to
24 that particular offense on the verdict form.

25 If the State has failed to prove the guilt of the

1 defendant beyond a reasonable doubt, your verdict will be not
2 guilty. Likewise, if the State has proven the guilt of the
3 defendant beyond a reasonable doubt, your verdict would be
4 guilty. Now, once a decision has been made, you, Madam
5 Forelady, will check whichever choice is the verdict of the
6 jury as to the offense charged.

7 The verdict, ladies and gentlemen, that you render in
8 this case must be the verdict of each and every juror. It
9 must be your unanimous verdict. All twelve jurors must agree
10 on the verdict which you authorize the forelady to write for
11 the jury.

12 Now, ladies and gentlemen, I want you to further
13 understand that the order in which the choices of verdict
14 appear on the verdict form are not suggestive of any verdict
15 on the part of the Court. The verdict in this case is to be
16 determined by you, the jury, not the Court.

17 Furthermore, ladies and gentlemen, please understand
18 that even though I will give the verdict form to the
19 forelady, it is not her verdict alone. It is the verdict of
20 all twelve of you, and I emphasize again that it must be
21 unanimous.

22 Now, I'm also going to give you all a copy of these
23 instructions in written form. During your deliberations you
24 may refer to the instructions to guide your decision making.
25 You must consider the instructions as a whole and not follow

1 some and ignore others.

2 Please, Madam Forelady, return these instructions to the
3 Court at the time that your verdict is rendered.

4 I am now going to ask you all to retire to the jury
5 room, but before I do, everyone on the jury feeling okay?
6 Okay.

7 All right. I'm going to ask you all to step to the --
8 step to the jury room, but do not -- do not begin your
9 deliberations until you're instructed to do so. The law,
10 ladies and gentlemen, requires that I consult with the
11 attorneys to ensure that I have not left anything out of my
12 instructions before allowing you all to begin your
13 deliberations.

14 Now, Madam Forelady, during your deliberations should
15 you all as a jury have any questions, it will be your
16 responsibility to reduce such question to writing, knock on
17 the door and let the bailiff know that you all have a
18 question, and she'll provide the question to me. And after
19 consulting with the attorneys, I'll answer it how the Court
20 deems appropriate.

21 Likewise, when you all have reached a unanimous verdict
22 in the case and the verdict form has been completed, dated,
23 and signed, once again knock on the door and let the bailiff
24 know that you all have reached a verdict and we will get you
25 all back into the courtroom as quickly as possible.

1 Before I ask you to step to the jury room, I'm going to
2 briefly go over this verdict form just a little with you.
3 Okay? I don't think it's confusing, but I want to make sure
4 that it's not.

5 The first question on here, for example, it says: we,
6 the jury, in the above captioned case on the charge of
7 unlawful conduct towards a child, to wit: MINOR 5, a
8 minor child 11 years, unanimously find James Charlie Hawkins
9 either not guilty or guilty.

10 If you, the jury, unanimously find the defendant not
11 guilty of unlawful conduct towards a child, then and only
12 then would you go to question two, which includes your
13 determination of whether or not the State has proven the
14 lesser-included offense of cruelty to children beyond a
15 reasonable doubt.

16 Now, if you find that the State has proven the
17 defendant, James Charlie Hawkins, guilty beyond a reasonable
18 doubt as to unlawful conduct towards a child, the
19 instructions tell you then that you don't go to question two,
20 but you then go to question three, which deals with the
21 question of unlawful conduct, to wit: MINOR 1. Okay?
22 The same set of instructions for each count of unlawful
23 conduct towards a child.

24 All right. Anything from the State before I send the
25 jury back?

1 MR. RICHARDSON: No, sir.

2 THE COURT: Defense counsel?

3 MS. HENDERSON: No, sir.

4 THE COURT: All right. I'm going to ask you to step to
5 the jury room.

6 What about lunch, Nicole?

7 THE CLERK: It should be already -- it should be getting
8 ready to be picked up any minute.

9 THE COURT: All right. Your lunch should be here
10 momentarily. So go ahead and step to the jury room, but do
11 not discuss the case until you're instructed to do so. Okay?

12 (WHEREUPON, the jury exited the courtroom at 12:17 p.m.)

13 THE COURT: As the jury is exiting the courtroom, can
14 the lawyers approach and view this evidence?

15 (WHEREUPON, there was a pause in the proceedings to
16 check the evidence.)

17 THE COURT: Any objection to me excusing the alternates
18 in the hall?

19 MR. RICHARDSON: No, sir.

20 THE COURT: All right.

21 (WHEREUPON, jury deliberations began at 12:20 p.m.)

22 (WHEREUPON, there was a break in the proceedings from
23 12:20 p.m. until 1:16 p.m., after which the proceedings
24 resumed as follows.)

25 THE COURT: All right. I've been informed that the jury

1 has a verdict. Anything from the State before I bring the
2 jury back in?

3 MR. RICHARDSON: No, sir.

4 THE COURT: Defense counsel?

5 MS. HENDERSON: No, sir, Judge.

6 THE COURT: All right. I remind everyone in the
7 courtroom to keep their emotions in check, regardless of what
8 the verdict is. Failure to do so could result in you being
9 held in contempt of court with a penalty of potential fine or
10 incarceration. If you do not believe that you can keep your
11 emotions in check, now is the time for you to leave the
12 courtroom.

13 All right. Bring the jury, please, ma'am.

14 (WHEREUPON, the jury entered the courtroom at 1:17 p.m.)

15 THE CLERK: Madam Forelady, did you all reach a verdict?

16 THE FORELADY: We did.

17 THE COURT: All right. The verdict form appears to be
18 in proper order.

19 VERDICT

20 THE COURT: Question Number 1, we, the jury, in the
21 above captioned case on the charge of unlawful conduct
22 towards a child, to wit: MINOR 5, a minor child aged
23 11 years, unanimously find James Charlie Hawkins guilty.

24 Pursuant to a guilty verdict as to Question Number 1,
25 the jury then went to Question Number 3.

1 We, the jury, in the above captioned case on the charge
2 of unlawful conduct towards a child, to wit: MINOR 1, a
3 minor child aged 4 years, unanimously find James Charlie
4 Hawkins guilty.

5 Pursuant to a guilty verdict as to Question Number 3,
6 the jury then moved to Question Number 5.

7 We, the jury, in the above captioned case on the charge
8 of unlawful conduct towards a child, to wit: MINOR 2
9 MINOR 2, a minor child aged 4 years, unanimously find James
10 Charlie Hawkins guilty.

11 Pursuant to a guilty verdict as to Question 5, the jury
12 properly moved to Question Number 7.

13 We, the jury, in the above captioned case on the charge
14 of unlawful conduct towards a child, to wit: MINOR 3
15 MINOR 3, a minor child aged 5 years, unanimously find Charles
16 Hawkins [sic] guilty.

17 Pursuant to a guilty verdict as to Question 7, the jury
18 properly answered Question 9.

19 We, the jury, in the above captioned case on the charge
20 of unlawful conduct towards a child, to wit: MINOR 4,
21 a minor child aged 5 years, unanimously find James Charlie
22 Hawkins guilty.

23 Pursuant to a guilty verdict as to Question Number 9,
24 the jury properly moved to Question Number 11.

25 We, the jury, in the above captioned case on the charge

1 of inflicting great bodily injury upon a child, to wit:

2 MINOR 5, a minor child aged 11 years, unanimously
3 find James Charlie Hawkins guilty.

4 Dated October 13, 2021. Signed by Madam Forelady,
5 Elizabeth A. Lawrentz.

6 Anything from the State pursuant to the verdicts in the
7 case?

8 MR. RICHARDSON: No, sir.

9 THE COURT: Defense counsel?

10 MS. HENDERSON: Judge, we would respectfully request a
11 new trial. We would renew all previous motions and
12 objections, and I would request that you poll the jury,
13 please.

14 THE COURT: Madam Clerk, would you poll the jury,
15 please?

16 THE CLERK: When I call your name, if you will please
17 stand and I'm going to ask you two questions. I need you to
18 answer yes or no to each question, please.

19 46, Willard Eaddy. Was this your verdict then in the
20 jury room?

21 JUROR NUMBER 46: Yes.

22 THE CLERK: Is this still your verdict now?

23 JUROR NUMBER 46: Yes.

24 THE CLERK: Okay. 22, Shaquasha Burch. Was this your
25 verdict then?

1 JUROR NUMBER 22: Yes.

2 THE CLERK: Is this still your verdict now?

3 JUROR NUMBER 22: Yes.

4 THE CLERK: 74, Walter Hendrix. Was this your verdict
5 then?

6 JUROR NUMBER 74: Yes.

7 THE CLERK: Is this still your verdict now?

8 JUROR NUMBER 74: Yes.

9 THE CLERK: 15, Richard Bird. Was this your verdict
10 then?

11 JUROR NUMBER 15: Yes.

12 THE CLERK: Is this still your verdict now?

13 JUROR NUMBER 15: Yes.

14 THE CLERK: 10, Joshua Barr. Was this your verdict
15 then?

16 JUROR NUMBER 10: Yes.

17 THE CLERK: Is this still your verdict now?

18 JUROR NUMBER 10: Yes.

19 THE CLERK: 72, Lawrence Hatchell. Was this your
20 verdict then?

21 JUROR NUMBER 72: Yes.

22 THE CLERK: Is this still your verdict now?

23 JUROR NUMBER 72: Yes.

24 THE CLERK: 127, Cheyenne Phillips. Was this your
25 verdict then?

1 JUROR NUMBER 127: Yes.

2 THE CLERK: Is this still your verdict now?

3 JUROR NUMBER 127: Yes.

4 THE CLERK: Number 8, Jennifer Barker. Was this your
5 verdict then?

6 JUROR NUMBER 8: Yes.

7 THE CLERK: Is this still your verdict now?

8 JUROR NUMBER 8: Yes.

9 THE CLERK: 12, Heather Bell. Was this your verdict
10 then?

11 JUROR NUMBER 12: Yes.

12 THE CLERK: Is this still your verdict now?

13 JUROR NUMBER 12: Yes.

14 THE CLERK: Number 5, Valerie Anderson. Was this your
15 verdict then?

16 JUROR NUMBER 5: Yes.

17 THE CLERK: Is this still your verdict now?

18 JUROR NUMBER 5: Yes.

19 THE CLERK: 106, Mary McClam. Was this your verdict
20 then?

21 JUROR NUMBER 106: Yes.

22 THE CLERK: Is this still your verdict now?

23 JUROR NUMBER 106: Yes.

24 THE CLERK: 97, Elizabeth Lawrentz. Was this your
25 verdict then?

1 JUROR NUMBER 97: Yes.

2 THE CLERK: Is this still your verdict now?

3 JUROR NUMBER 97: Yes.

4 THE CLERK: That's everyone, Judge.

5 THE COURT: All right. With regards to defendant's
6 motion for a new trial, the defendant's motion for a new
7 trial is respectfully denied, but it is so noted for the
8 record.

9 The Court does believe there was substantial --
10 substantial direct as well as circumstantial evidence
11 reasonably tending to prove the guilt of the accused for
12 which the jury could and did in this case find him guilty as
13 to each count. Once again, therefore, defendant's motion for
14 a new trial is denied but is so noted for the record. Okay?

15 All right. Ladies and gentlemen, I want to thank you
16 for your jury service. When I release you here today, you're
17 done for the week. You're done for the week. If you need a
18 work excuse, that can be provided to you before you leave.

19 You've heard what used to be the proverbial statement
20 about the check being in the mail. We don't -- they don't
21 mail checks anymore. It's loaded on your little debit card
22 or whatever. Don't go lay any large ticket items aside or
23 anything such as that thinking that it's going to be a lot
24 because it's not. The truth of the matter is you can't place
25 a value on what your value is as jurors to this county, to

1 this state, and to this country.

2 I told you all, ladies and gentlemen, throughout the
3 trial of this case not to talk about it. When I release you
4 here today, you can talk about it as much as you want to or
5 as little as you want to. No one -- I repeat no one can make
6 you talk about the case if you don't want to. Okay?

7 If anyone tries to talk to you about the case and you
8 tell them you don't want to talk about it and they do not
9 honor your request, you let the clerk's office know here and
10 we'll make sure it's taken care of. Okay?

11 Anything from the jury before I -- excuse me. Anything
12 from the State before I release the jury?

13 MR. RICHARDSON: No, sir.

14 THE COURT: Defense counsel?

15 MS. HENDERSON: No, sir.

16 THE COURT: I would ask that you all step to the jury
17 room for just a minute and I'll -- I'll meet with you. Okay?

18 (WHEREUPON, the jury was released and exited the
19 courtroom at 1:25 p.m.)

20 THE COURT: With re -- with regards to sentencing of the
21 defendant, I would order that he be brought here in the
22 morning first thing for sentencing. All right?

23 THE DEPUTY: What time do you want him here, Judge?

24 THE COURT: 9:30.

25 THE DEPUTY: Okay.

1 THE COURT: All right. We'll stand at ease.

2 MS. HENDERSON: Thank you, Judge.

3 MR. RICHARDSON: Thank you, Judge.

4 (WHEREUPON, the proceedings adjourned for the day at
5 1:26 p.m.)

6 OCTOBER 14, 2021

7 (WHEREUPON, the proceedings resumed at 10:16 a.m.)

8 THE COURT: First of all, let me apologize to everybody
9 in the courtroom. I know I asked you all to be here at 9:30,
10 and that we would start at 9:30. The lawyers I think that
11 know me know I am a stickler for time, so to speak, and I
12 99 percent of the time start when I say I'm going to start,
13 but it's been one of those mornings and I apologize to you
14 all.

15 I know your time is valuable and I sincerely apologize
16 to you. I've had too many moving parts this morning that has
17 prohibited me from walking out here at 9:30. I hope you all
18 will accept my apology for that. Okay?

19 All right. I had scheduled the sentencing hearing for
20 Mr. James Charlie Hawkins this morning at 9:30 pursuant to a
21 jury convicting him of five counts of unlawful neglect of a
22 child yesterday, as well as convicting him for great bodily
23 injury to a child. So five counts of unlawful neglect, as
24 well as the great bodily injury to a child conviction from
25 yesterday.

1 I was contacted by the Sheriff's Department this morning
2 and once again was told that Mr. Hawkins refused to cooperate
3 with them, come out of his cell, and be transported to the
4 Florence County Detention -- or Florence County Courthouse
5 for sentencing purposes.

6 Pursuant to Mr. Hawkins' refusal to come, I have since
7 met with the attorneys involved in this case and have asked
8 the attorneys to reach back out. Specifically, Ms. Crayton
9 indicated that she would reach out to the jail to see if we
10 couldn't possibly do this virtually this afternoon.

11 It may be a situation where the Sheriff's Department can
12 take a computer down at least to his cell and have it done
13 virtually. At that point we're going to try to do that this
14 afternoon at about 3 o'clock.

15 So we're not going to -- he's not present here today for
16 sentencing, but rest assured he will be sentenced today.
17 Whether he cooperates or not, we're going to move forward
18 with sentencing. We're not going to allow the matter to be
19 held up.

20 It is -- he's evidently making this choice, just like he
21 made the choice not to be a part of this trial at different
22 stages. Just like he made a choice to remain in his jumpsuit
23 from the jail during portions of his trial that he was in
24 here, as well as his choice to be restrained during portions
25 of his trial that he was here. So we will do that this

1 afternoon.

2 The State in chambers requested permission to allow any
3 of the victims, victims' family to speak at this time rather
4 than them having to come to and from court in hopes that Mr.
5 Hawkins would cooperate, so to speak, in this sentencing
6 process. And pursuant to that request, I am going to allow
7 those individuals that wish to speak to speak to me at this
8 time.

9 And certainly, they are not in any way, shape or form
10 prohibited from returning, but I'm doing this in light of the
11 fact that Mr. Hawkins has failed and refused to cooperate and
12 in an effort to ensure that the victims in this case, their
13 family or whomever is not having to come back and forth and
14 their day-to-day life is not continuously disrupted over Mr.
15 Hawkins' choice and refusal to cooperate. Okay?

16 So at this time I will hear from the State, Mr.
17 Richardson, and anyone that wishes to speak.

18 MR. RICHARDSON: Thank you, Your Honor. I can go over
19 his prior criminal history later this afternoon if that would
20 be more appropriate and just hear from the victims' family at
21 this time.

22 THE COURT: I will hear from the victims' family, and I
23 will tell you that, as you all know, that I looked at his
24 prior criminal history. I can't remember exactly at what
25 stage of the trial. If I remember correctly and then you

1 lawyers correct me if I'm wrong here, I looked at it when
2 there was an issue pertaining to him wanting to be restrained
3 in the courtroom during the trial, and I noted on his record
4 from my recollection of the record that he had at least a
5 couple disorderly conduct convictions, that he had a prior
6 criminal sexual conduct conviction.

7 Was there anything else, Mr. Richardson?

8 MR. RICHARDSON: There's a --

9 THE COURT: Those were the ones that stood out to me.

10 MR. RICHARDSON: He had a criminal domestic violence in
11 '97.

12 A disorderly conduct in '99.

13 Committing a lewd act upon a child in 2001, for which he
14 received a 7-year sentence.

15 A possession of cocaine, third offense, in 2006, for
16 which he received a 3-year sentence.

17 And then he began picking up the unlawful neglect
18 charges in Darlington County. A stretch of those were nolle
19 prossed back in 2015, and then he picked up a new set in 2017
20 that are still pending. And then these charges in Florence
21 after that.

22 THE COURT: Okay. All right. And I may get you to
23 repeat that later this afternoon prior to me imposing
24 sentence. I had -- I did forget the criminal domestic
25 violence conviction, but that was something that certainly

1 played a part in my decision in allowing him to be restrained
2 in here, the CDV, the disorderly conduct, as well as the CSC
3 conviction. Okay?

4 All right. I'll hear from the victims.

5 MR. RICHARDSON: All right. Whoever wants to come up
6 first, if y'all will stand behind this microphone and take
7 your mask down and please state your full name for the
8 record.

9 MS. MCKITHEN: Good morning. My name is Elizabeth
10 McKithen.

11 THE COURT: McKithen?

12 MS. MCKITHEN: Yes, sir.

13 THE COURT: All right. Yes, ma'am. Happy to hear from
14 you, Ms. McKithen.

15 MS. MCKITHEN: I am the foster parent of MINOR 5,
16 MINOR 3, MINOR 1, and MINOR 4, and MINOR 2. I had them in my
17 custody since July 21st of 2017. I first got the twins,
18 which is MINOR 1 and MINOR 4.

19 When they first arrived to me, they were, like, filthy,
20 and they was so shaken and scared. They came in actually
21 hospital gowns because they said that the clothes that they
22 had on was soiled and had feces.

23 They was -- when they got to me, I tried to give MINOR 4
24 a bath the first night that she got there while the
25 caseworkers were still there, and she just began screaming at

1 the top of her lungs that she couldn't take the water. So I
2 actually had to take her out and for her being four years
3 old, she was, like -- like, a 20 -- 25-pound child for me
4 just to lift her up so easily and wash her up in the sink.

5 They was, like, taking food and putting it under their
6 pillows and stuff after they eat. It was one time they will
7 never get enough to eat. I mean I would sit there and put
8 food on the table and they would eat until everything was
9 gone, and in the middle of the night from bed they would
10 sneak out and steal food and put it under their pillow.

11 MINOR 4 and MINOR 1 had so many nightmares about James
12 coming back to get them. They never acknowledged him as dad
13 or daddy. They always called him James.

14 I started letting -- I started talking to a caseworker
15 about them seeing one another because the siblings was at
16 another foster care, and they started coming over, MINOR 5
17 and MINOR 3, and I see how close they were. And still to
18 today they would still could all sleep in one bed, even
19 though they all have their own beds, but, like, sometimes I
20 go in the room and they all about MINOR 5. They look up to
21 her just for about everything, it's like even down to they
22 bed.

23 MINOR 5 took a long time to adjust. When she came to my
24 house in September, it took her almost a year for somebody to
25 touch her, to give her -- show some type of affection. And

1 still today they go to counseling and everything else. She's
2 still a little antisocial. She don't like to be around a lot
3 of people.

4 She's very strong-minded now. It took a lot out of her
5 and her sisters and brothers. They'll tell me stories about
6 how James used to assault MINOR 5 and they used to have to
7 sit there and watch.

8 It was one incident I took the twins to Walmart and we
9 walked by the hardware aisle and they seen tape, and they
10 started screaming in the store at Walmart and I didn't know
11 what it was until I had to pull them to the side and ask them
12 what's wrong, and they begged me not to get that tape. They
13 was -- it was -- it was Gorilla Glue tape. It was gray duct
14 tape, and they begged me please don't pick that up, please
15 don't get that. We'll be good.

16 It's, like, so many stories. I can go on and on. These
17 children had so many emotional scars. Still today MINOR 1 -- he
18 has really bad anger issues that I'm still dealing with.
19 When he first arrived, he had a bad habit of choking his
20 sisters, and it was really hard for him to break out of that
21 cycle. I had them all seeing therapists. They also had a
22 tough time in school.

23 I just wish that James could get the max, To actually
24 see how these children were in my care and, like I promised
25 them, we are going through this adoption stuff now and that I

1 am trying to adopt all five of them, and I wish that --

2 This man is, like, a monster. It's, like, he has no
3 remorse. He doesn't care. He shows himself in court, I mean
4 how he felt like. It just -- he did not care. And every
5 time I've been to every -- just about every court hearing he
6 had. I mean I'm like these children. I'm the cherry. I'm
7 doing everything I would want to have and more, anything for
8 these children, and I'm just saying I just wish y'all will
9 just help these children and help me with giving this man the
10 max sentence.

11 THE COURT: Thank you, ma'am.

12 MS. MCKITHEN: Thank you so much.

13 MS. GREGG: My name is Ida Gregg.

14 THE COURT: Yes, ma'am?

15 MS. GREGG: Being so close to this situation with the
16 kids and everything, I feel everything happened, everything
17 that they've been through against them, especially MINOR 5 ,
18 but I know the nightmares that they go through. I know all
19 the emotional scars and pain that have been put in place. I
20 know the damage that's in their life, and I know that they've
21 gone through a lot to be even where they are today.

22 My four-year-old daughter, MINOR 6 , even though she's not
23 a part of this case, with just the process of bringing her
24 into this situation was terrible for me. It's so much
25 emotionally I want to get into, but I want to keep it about

1 the children and everything.

2 So with him, I don't feel like he feels sorry for
3 anything that he did the way he still continue to treat her
4 to today. I don't feel remorse is in place. So I just feel
5 like he deserves the max of any sentence that y'all can give
6 him. Half of the things that they've been through, he don't
7 know that pain at all.

8 That's really all I can ask is that y'all see her pain
9 that she's been through, the other children been through, and
10 the way that he conduct himself in court towards his child.
11 I just would feel that.

12 THE COURT: All right. Thank you.

13 Anybody else?

14 MR. RICHARDSON: No, Your Honor. That's it.

15 THE COURT: Well, I'll say this, not knowing whether you
16 all will back here this afternoon for sentencing.

17 First of all, MINOR 5, I want to tell you, young lady,
18 how courageous you've been in coming into this courtroom in
19 front of all of these people, in front of that jury, to talk
20 about something that I can't -- I can't even imagine how
21 difficult it may have been. You -- your courage is something
22 that is unspeakable.

23 I can't imagine what you and your brothers and sisters
24 went through. No child should ever have to go through such a
25 thing. I hope and pray as you continue to go through this

1 counseling that it will help you and your brothers and
2 sisters.

3 And at this point I'll commend you, Ms. McKithen, for
4 what you're doing for these children. You are a special
5 lady. You are a special lady, and these kids from what I've
6 heard here are very blessed at this point to have you in
7 their lives. And so I commend you for what you're doing, for
8 loving these children as they should be loved, for doing
9 everything that you can to see that they are being taken care
10 of and getting the counseling that they need. And so I
11 commend you for that and will say that you're special, and I
12 want to personally thank you for that.

13 Now, we see a lot of stuff in this courtroom and deal
14 with a lot, and this is by far one of the worst cases of
15 child abuse and neglect that I've seen, and I've been doing
16 in this position over 11 years and I practiced law over 10
17 years before I became -- came into this position.

18 I'm not going to say what I'm going to sentence Mr.
19 Hawkins to at this point because I will certainly give his
20 lawyers an opportunity to talk, as they're entitled to do so
21 at the time -- at the appropriate time. And if Mr. Hawkins
22 chooses to talk, I will give him an opportunity to talk as
23 well.

24 But I can tell you that I've certainly -- this case has
25 been at the forefront of my mind in what I'm going to do in

1 this case as I've listened to the trial, as I've listened to
2 the witnesses and listened to MINOR 5, recognizing the
3 testimony of the witnesses, the difficulty of what these
4 children have gone through, what these children are
5 continuing to go through and will continue to go through,
6 recognizing not only the emotional -- excuse me --
7 recognizing not only the physical but the emotional toll it
8 has taken on these children and will continue to do so. So
9 all of those factors will certainly play into the sentence
10 that this Court imposes.

11 So thank you all again for being here, and thank you,
12 Akeelah, for being so courageous throughout this process.

13 Okay?

14 All right. Anything else from the State at this time?

15 MR. RICHARDSON: No, sir.

16 THE COURT: Defense counsel?

17 MS. HENDERSON: No, sir, Judge.

18 THE COURT: All right. All right. We'll stand down on
19 this matter at this time and see if we can't get reset for
20 this afternoon.

21 Ms. Crayton, if you'd make those phone calls, I'd
22 appreciate it.

23 MS. CRAYTON: Yes, Your Honor, I will.

24 THE COURT: Thank you.

25 MS. CRAYTON: Thank you.

1 (WHEREUPON, there was a break in the proceedings from
2 10:38 a.m. until 3:36 p.m., after which the proceedings
3 resumed as follows. The defendant was at the detention
4 center and was present in court through electronic
5 connection.)

6 THE COURT: All right. Is that him in the background
7 talking?

8 THE DEPUTY: No. That's him right here underneath that
9 green mat right there.

10 THE COURT: Okay. All right. We're on the record with
11 regards to 2019-GS-21-00088, and we have Matt Matusiewicz at
12 the jail in max due to the fact that Mr. Hawkins has refused
13 to come out of his room to come to court.

14 We had scheduled this matter for 9:30 this morning, and
15 Mr. Hawkins refused at that time to come, the same thing he
16 refused to attend his trial yesterday. We had rescheduled
17 this matter for this afternoon at 3 o'clock and are going to
18 proceed with his sentencing.

19 Matt Matusiewicz is at the jail in max with a phone with
20 Facetime live, which is being recorded on the phone. We're
21 on. The connection is going in and out. I'm not sure
22 exactly to what extent they can hear me at the jail.

23 Matt, can you hear me okay?

24 MR. MATUSIEWICZ: Yes, sir. I can hear you.

25 THE COURT: Okay. All right. So we're going to move

1 forward with the sentencing of Mr. Hawkins at this time.

2 Present in the courtroom is Mr. Richardson on behalf of
3 the State. Ms. Leftridge is in here, who assisted in the
4 prosecution of Mr. Hawkins. Mr. Hawkins' attorney, Ms.
5 Henderson, is in the courtroom.

6 MS. HENDERSON: Ms. Crayton stepped out I believe to
7 sign another client up.

8 THE COURT: All right. Ms. Henderson tried this case in
9 its entirety on behalf of Mr. Hawkins.

10 This morning at 9:30, the victim, MINOR 5, was
11 in the courtroom. Ms. Elizabeth McKithen was in the
12 courtroom. Ms. Ida Griggs was in the courtroom.

13 Ms. Elizabeth McKithen spoke to the Court. She is the
14 foster parent of each of these five children. She, along
15 with Ms. Ida Griggs, spoke to the Court as well on behalf of
16 the victims in this case. They have returned this afternoon
17 for sentencing procedures.

18 At this time I will recognize the State. Mr.
19 Richardson, you may need to come forward here --

20 MR. RICHARDSON: Sure.

21 THE COURT: -- to ensure that everything is being heard.

22 MR. RICHARDSON: Thank you, Your Honor. We went over
23 the defendant's prior criminal history this morning. I'll
24 quickly reiterate it.

25 There's a criminal domestic violence conviction in 1997.

1 A disorderly conduct in 1999.

2 A lewd act upon a child under the age of 16 in 2001,
3 wherein the defendant received a 7-year sentence and was
4 placed on the lifetime sex offender registry where he still
5 remains.

6 There was a possession of cocaine, third offense, in
7 2006, wherein he got a 3-year suspended to an 18-month
8 sentence. It looks like he was received into the Department
9 of Corrections in June of 2007 on that.

10 And he has pending charges of similar nature as what
11 he's faced this week in Darlington County, and then he has
12 these Florence County charges where he was tried.

13 Judge, you heard from the foster mother and another
14 individual who lived in that house at the time and saw these
15 things. You heard all the testimony. This child, MINOR 5,
16 in particular and all the children went through terrible
17 brutality. I've been prosecuting cases for 15 years. It's
18 the worst child abuse case I've ever had. I also was a DSS
19 county attorney for a couple of years, and I never saw one
20 this bad.

21 You heard the statement by the foster mother earlier.
22 It was just gut-wrenching in terms of the effects that these
23 children have suffered based on Mr. Hawkins trying to thwart
24 them in their young lives.

25 And, you know, Mr. Hawkins has tried to disrupt these

1 proceedings in every way possible, eventually giving up and
2 refusing to come. I would ask the Court to neither punish
3 him for that or reward it.

4 I would ask that the sentence in this case be reflective
5 of what he put these children through, and I think the
6 request made by the foster mother in this case, as she so
7 eloquently put it, is perfectly appropriate that he receive
8 the maximum sentence on each charge to run consecutively with
9 each other.

10 Thank you.

11 THE COURT: All right. Ms. Henderson, I'd be happy to
12 hear from you, please, ma'am.

13 MS. HENDERSON: Thank you, Judge. Mr. Hawkins has been
14 incarcerated continuously since July the 24th, 2017, on these
15 charges. That is a total of 1,544 days that he has been
16 incarcerated.

17 I spoke to Mr. Richardson yesterday. These warrants on
18 the Florence County charges were not served on him until
19 September of 2018. However, they were executed on July 24th
20 of 2017. We respectfully request for that full 1,544 days'
21 time served credit to be attributed to his sentence that he
22 receives.

23 Your Honor, as you're well aware, Mr. Hawkins suffers
24 from extensive mental health history. Your Honor, I would
25 respectfully request for mercy and leniency. Unfortunately,

1 Mr. Hawkins himself is the victim of childhood trauma and
2 abuse, and we tragically have seen firsthand today and this
3 week in this courtroom the effects of that generational
4 trauma.

5 I'm appreciative of the State, who have both been so
6 wonderful to work with in resolving this case. I'm
7 appreciative of the family for being here this week, Your
8 Honor, and we respectfully request mercy and leniency.

9 THE COURT: Thank you, Ms. Henderson.

10 All right. In the years that I practiced law and since
11 being on the bench now for about eleven-and-a-half years, I
12 do not recall ever seeing a child abuse case with the extent
13 of physical injuries to a child.

14 Mr. Hawkins, while I believe that he does suffer some
15 mental health issues, he was determined to be competent to
16 stand trial after having been evaluated on two separate
17 occasions. On two other occasions, efforts were made to
18 evaluate Mr. Hawkins, wherein he refused to cooperate.

19 In the last evaluation of Mr. Hawkins, it was determined
20 that he was competent to stand trial, that he had the ability
21 to aid and assist his attorneys in his defense, if he so
22 chose to do so. However, he has failed and refused to aid
23 and assist his attorneys throughout this process.

24 Mr. Hawkins, after having been advised of his right to
25 be present during trial and after having been advised that he

1 would be tried in his absence if he failed to appear,
2 appeared at some stages of his trial and refused to appear at
3 others. At the outset of his trial, he wore civilian clothes
4 that were provided to him, but then on day two of his trial
5 he refused to wear civilian clothes, which were the same
6 clothes that he wore on the first day of jury -- which -- the
7 first day wherein jury selection occurred.

8 At Mr. Hawkins' request, throughout his trial after the
9 first day he requested to remain in the courtroom at various
10 stages, but when he did remain in the courtroom at various
11 stages, it was at his request to remain in the clothes or a
12 jumpsuit provided by the jail. Furthermore, Mr. Hawkins at
13 his request requested to be restrained with handcuffs while
14 he was in the courtroom, all of which occurred in front of
15 the jury. On more than one occasion, this Court advised the
16 jury that there were to be absolutely no adverse inferences
17 from the defendant's choice of attire and restraints in the
18 courtroom.

19 Once the case was submitted to the jury for their
20 determination of whether or not the State has proven his
21 guilt beyond a reasonable doubt, the jury deliberated. It's
22 really hard to make a determination as to the length of their
23 deliberation because I know immediately upon the jury being
24 sent to the jury room that their lunch was provided to them.

25 Nevertheless, I do not specifically know how long the

1 jury was out, but I would venture to say it was somewhere
2 between an hour and an hour and a half, which included them
3 eating lunch. I may be incorrect on that. That's a
4 guesstimate on my part. That could be longer or it could be
5 shorter.

6 After listening to all of the testimony in this case and
7 reviewing the photographs of each of these children, but
8 specifically I'm looking at the photographs of Nabu Hawkins,
9 which are Exhibit -- Exhibits 34 through 41. In these
10 photographs, it shows various parts of this child's body.
11 The first exhibit being 34 is a picture of the front of this
12 child wherein it is clearly evident that his stomach is
13 distended.

14 There was testimony in this trial about the children
15 only being given beans and rice except for when Ms. Monika --
16 and I cannot recall her last name.

17 MS. RICHARDSON: Wilson.

18 THE COURT: Ms. Monika Wilson would feed them other
19 types of food when the defendant was not present. There was
20 testimony from the outset of this trial that I'm assuming it
21 was MINOR1 that the officer thought was around a 1-year-old
22 when, in fact, it was a 4-year-old -- was four years old
23 because of his lack of development.

24 In looking at the photographs of this child, there are
25 various bruises and scars on the front of him, on his back,

1 on his neck, on both sides of his neck, several scars on this
2 child's back that are too innumerable to count. There is a
3 photograph, which is Exhibit 39, of the buttocks of this
4 child, which appear to be in the beginning stages of the very
5 same or similar type injuries to the buttocks of MINOR 5
6 [REDACTED].

7 There are scars on this child's right elbow, on his
8 right forearm, that look to be more injuries that are more
9 recent. Then 41 -- Exhibit 41 on the front of this child
10 around his waistline appears to be very recent signs of
11 abuse.

12 As to MINOR 4 [REDACTED], which are State's Exhibit -- are
13 State's Exhibits 19 through 25, there is an abrasion on her
14 right elbow, which appears to be healing, if not completely
15 healed. State's Exhibit 20 is a photograph of this child's
16 stomach, which appears, like MINOR 1 [REDACTED], to be distended. State's
17 Exhibit 21 reflects scarring to the back of this child's
18 neck.

19 State's Exhibit 22 reflects what appears to this Court
20 is a -- is at least one scar and possibly some other injuries
21 to the lower part of this child's back. It's difficult to
22 tell in this photograph as to whether or not those are, in
23 fact, injuries in the lumbar portion of her back.

24 In State's Exhibit 23, which is a photograph of the
25 buttocks of this child, there is one scar upon her left lower

1 lumbar portion of her back. In State's Exhibit 24, there
2 appears to be some bruising and/or the healing of a prior
3 incident. In State's Exhibit 25, which is a photograph of
4 the child's left shoulder, there are various injuries to her
5 shoulder that are at different stages of healing.

6 As to MINOR 3, which are State's Exhibits 26
7 through 30, there appears to be some fresh wounds to her back
8 in State's Exhibit 28. Her stomach also appears in State's
9 Exhibit 29 to be distended. In State's Exhibit No. 30, which
10 is a picture of her buttocks, there is clearly evidence of
11 prior injuries to that area of her body as well.

12 As to MINOR 2, State's Exhibits 31 through
13 33, his stomach in State's Exhibit 32 appears to be distended
14 as well. In addition, there appears to be some scarring on
15 his stomach.

16 Finally, as to MINOR 5, which are State's Exhibits 4
17 through 18, the testimony during the trial of this case was
18 that this child suffered the brunt of the abuse at the hands
19 of Mr. Hawkins. The evidence and the photographs fully
20 substantiate such.

21 In State's Exhibit No. 4, which is a picture of this
22 child's face, the bloodshot -- her bloodshot eyes are readily
23 apparent, and as testified to by the doctor, that's evidence
24 of blunt force trauma to this child. She also appears to
25 have some bruising on her face.

1 As to State's Exhibit 5 and 6, these are photographs of
2 Akeelah's neck, which reflect substantial scarring around her
3 neck and up to and by her left ear, reflective of injuries
4 occurring at various times.

5 In State's Exhibit No. 7, it's an exhibit of MINOR 5's
6 back, as well as the back of her neck. This exhibit reflects
7 numerous scars to the back of this child. I would note that
8 at the time this photograph was taken she appears to have
9 some sort of bra that covers a portion of her back. So I'm
10 not sure what may be under that bra.

11 The doctor testified some of the injuries on this child
12 were indicative of being struck by some type of cord as to
13 they're circular injuries. These scars or abrasions on the
14 back of this child reflect that these injuries occurred at
15 various times.

16 As to State's Exhibits 8 and 9, which reflect this
17 child's left arm and right arm, as well as her right wrist,
18 her arms reflect abrasions and scarring at various stages of
19 healing. In State's Exhibit No. 9, this child's left wrist
20 has what appears to be a fairly fresh abrasion which is
21 consistent with or appears to be consistent with the possible
22 taping up of this child's hands together while being beaten.

23 State's Exhibit 10 is a photograph of this child's left
24 shoulder, which reflects scarring, bruising, and injuries at
25 different stages of healing. State's Exhibit No. 11 is a

1 photograph of the left backside of this child's neck, which
2 has numerous bruises and scarring consistent with -- all of
3 these photographs are consistent with the testimony during
4 the trial of this case.

5 State's Exhibit No. 12 reflects a gash in the back of
6 this child head -- child's head, which is consistent with her
7 being struck in the back of the head by an object. State's
8 Exhibit No. 13, which is a photograph of her left shoulder,
9 that photograph reflects bruising.

10 THE DEFENDANT: (Unintelligible.)

11 THE COURT: Matt?

12 MR. MATUSIEWICZ: Yes, sir.

13 THE COURT: If Mr. Hawkins starts talking again, you can
14 mute your microphone there while I finish talking. Okay?

15 MR. MATUSIEWICZ: Yes, sir. I'll mute it right now.

16 THE COURT: All right. State's Exhibit 14.

17 Let the record reflect that Mr. Hawkins was talking in
18 the background as the Court was trying to talk. Therefore,
19 Mr. Matusiewicz at the jail was asked to mute their
20 microphone so that there would not be any confusion by the
21 court reporter as far as what is being taken down or impair
22 the court reporter's ability to produce a transcript when if
23 necessary.

24 State's Exhibit No. 14 is a photograph of this child's
25 buttocks, which are bandaged but still reflect various

1 injuries at different stages to her lower back. State's
2 Exhibits 15 and 16 reflect numerous injuries to this child's
3 legs indicating various stages of healing as to each.

4 State's Exhibit No. 17, which is a photograph of
5 Akeelah's right hand and right wrist area, reflects a fairly
6 significant scar to this child's -- to the top of this
7 child's hand and further reflects bruising to the hand and
8 wrist.

9 And finally, State's Exhibit No. 18, which is a
10 photograph of this child apparently laying down, this exhibit
11 is the -- is a photograph of her buttocks as far down as her
12 midcalf. There are severe lacerations from behind her knees
13 all the way up her legs beyond her buttocks to her lower
14 back. The photograph -- this photograph -- if you didn't
15 know any better, you would think it was maybe a photograph of
16 the cadaver. The injuries as illustrated in State's Exhibit
17 18 are horrendous and disturbing.

18 I have gone through for the most part each of these
19 exhibits in detail as much as possible what those photographs
20 show. Ms. McKithen conveyed to me earlier part of the
21 psychological trauma that each of these children have and are
22 continuing to deal with.

23 While these scars or these injuries to the body of these
24 children may one day fade as they grow, one thing that will
25 never go away is their remembrance of what James Hawkins did

1 to them as children. These children are continuing -- as
2 stated by Ms. McKithen, they are continuing to go to
3 counseling.

4 It was disturbing to hear that **MINOR1** was initially --
5 there were issues with him strangling or putting his hands
6 around the necks of his sisters, surely which was learned and
7 observed through the acts of Charles -- excuse me -- James
8 Hawkins.

9 No child -- no child should ever suffer what these
10 children suffered at the hands of James Hawkins. Mr. Hawkins
11 throughout this entire process has never exhibited any
12 remorse for what these child [sic] suffered at his hands or
13 what these children suffered at his hands.

14 SENTENCE

15 THE COURT: Therefore, the sentence of the Court on
16 2019-GS-21-00088, unlawful neglect of a child or helpless
17 person, the defendant is hereby committed to the State
18 Department of Corrections for 6 years.

19 On 2019-GS-21-00088, second count of unlawful neglect of
20 a child or helpless person, the defendant is committed to the
21 State Department of Corrections for 7 years.

22 Under that same indictment number, the third charge of
23 unlawful neglect, the defendant is hereby sentenced to the
24 Department of Corrections for a period of 8 years.

25 On 2019-GS-21-00088, which is the same indictment, the

1 defendant is committed to the State Department of Corrections
2 for a period of 9 years.

3 As to the final count of unlawful neglect of a child or
4 helpless person under that same indictment number, the
5 defendant is committed to the State Department of Corrections
6 for a period of 10 years.

7 And finally, as to the great bodily injury of a child,
8 the doctor testified that the injuries sustained by MINOR 5
9 were severe, they were life-threatening, and what was used to
10 inflict these injuries upon this child was a board, the first
11 of which was reflected or all of which are reflected in
12 State's Exhibit 1, 2, and 3, the testimony being that the
13 smaller board was used to abuse this child and it was used
14 until the smaller board was broken, whereupon the defendant
15 utilized the larger board, as reflected in these photographs
16 to inflict further injury and harm upon this child.

17 Therefore, as to the charge of infliction of great
18 bodily injury upon a child, the defendant is sentenced to the
19 State Department of Corrections for a period of 20 years.

20 Each of these charges are to run consecutive. They are
21 to run consecutive because each of these charges are separate
22 and distinct as to each child and varying degrees of injuries
23 as to each child and the severity of injuries as to each
24 child.

25 That will conclude this matter. The defendant's total

1 sentence is 60 years. He's given credit for 1,544 days.

2 Anything from the State?

3 MR. RICHARDSON: No, sir, Your Honor.

4 THE COURT: Ms. Henderson?

5 MS. HENDERSON: Judge, I would just like to place on the
6 record that we do have 10 days to appeal from the date of
7 sentencing.

8 THE COURT: You do have 10 days from today to appeal the
9 defendant's conviction and sentence -- sentences. Thank you.

10 MS. HENDERSON: Thank you, Judge.

11 THE COURT: As to Mr. Hawkins, during his entire
12 sentencing, for the most part, he remained covered up in a
13 blanket on his bunk at the jail. At one point, Mr. Hawkins
14 did uncover and walk to the door of the jail and appeared to
15 be yelling in the background to the extent and to the point
16 that the microphone from the jail had to be muted. The
17 defendant then returned to his bunk and laid back down. In
18 fact, his entire body looked like he had been for most of the
19 proceeding.

20 Because of his conduct throughout this trial, his
21 conduct in refusing to come to court, his conduct of
22 behavior, his apparent refusal to communicate with his
23 lawyers, to the Court, he was not specifically asked if he
24 wished to say anything to the Court.

25 All right. Thank you.

1 MS. HENDERSON: Thank you, Judge.
2 (WHEREUPON, the proceedings ended at 4:24 p.m.)
3
4 --- END REQUESTED TRANSCRIPT ---
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WITNESSES

Jimmy Carley Florence Police Department

DOCKET NO. 2019-GS-21-00088

The State of South Carolina

County of

FLORENCE

COURT OF GENERAL SESSIONS

JANUARY TERM 2019

THE STATE

vs.

IDA L GREGG
&
JAMES CHARLIE HAWKINS

David A Richardson

ARREST WARRANT NUMBER

2017A2120201252	2017A2120201254
2017A2120201256	2017A2120201253
2017A2120201259	2017A2120201260
2017A2120201263	2017A2120201255
2017A2120201257	2017A2120201258
2017A2120201261	2017A2120201262

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: 1/3/2019

VERDICT

TRUE BILL

Foreperson of Petit Jury

Date:

Indictment for

UNLAWFUL CONDUCT TOWARDS A CHILD
(10 COUNTS) &
INFLECTING GREAT BODILY INJURY UPON
A CHILD (2 COUNTS)

RECEIVED

OCT 25 2021

SC Court of Appeals

2019 JAN -3 PM 2:59
DORIS POULOS OWARA
CCCP & GS
FLORENCE COUNTY, SC

FILED

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF FLORENCE)

UNLAWFUL CONDUCT TOWARDS A CHILD
(10 COUNTS) &
INFLECTING GREAT BODILY INJURY UPON A
CHILD (2 COUNTS)

At a Court of General Sessions, convened on JANUARY 3, 2019 the Grand Jurors of FLORENCE County present upon their oath:

COUNT ONE- UNLAWFUL CONDUCT TOWARDS A CHILD

CDR: 2481 63-5-0070

That Ida L Gregg did in Florence County between the dates of July 10, 2017, and July 21, 2017, while having charge or custody, or being the parent or guardian, or being responsible for the welfare of a minor child [REDACTED], age four years, place the child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety; or did unlawfully or maliciously cause or cause to be done bodily harm to the child so that the life or health of the child was endangered or was likely to be endangered; or did willfully abandon the child, in violation of Section 63-5-70, S. C. Code of Laws, 1976, as amended.

COUNT TWO- UNLAWFUL CONDUCT TOWARDS A CHILD

CDR: 2481 63-5-0070

That Ida L Gregg did in Florence County between the dates of July 10, 2017, and July 21, 2017, while having charge or custody, or being the parent or guardian, or being responsible for the welfare of a minor child, age eleven years, place the child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety; or did unlawfully or maliciously cause or cause to be done bodily harm to the child so that the life or health of the child was endangered or was likely to be endangered; or did willfully abandon the child, in violation of Section 63-5-70, S. C. Code of Laws, 1976, as amended.

COUNT THREE - UNLAWFUL CONDUCT TOWARDS A CHILD

CDR: 2481 63-5-0070

That Ida L Gregg did in Florence County between the dates of July 10, 2017, and July 21, 2017, while having charge or custody, or being the parent or guardian, or being responsible for the welfare of a minor child [REDACTED], age four years, place the child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety; or did unlawfully or maliciously cause or cause to be done bodily harm to the child so that the life or health of the child was endangered or was likely to be endangered; or did willfully abandon the child, in violation of Section 63-5-70, S. C. Code of Laws, 1976, as amended.

ATTACHED TO AND BECOMING A PART OF THE ORIGINAL INDICTMENT FOR UNLAWFUL CONDUCT TOWARDS A CHILD (10 COUNTS) AND INFLECTING GREAT BODILY INJURY UPON A CHILD (2 COUNTS), WITH THE AFORESAID NAME(S) OF IDA L GREGG AND JAMES CHARLIE HAWKINS SHOWN THEREON:

COUNT FOUR- UNLAWFUL CONDUCT TOWARDS A CHILD

CDR: 2481 63-5-0070

That Ida L Gregg did in Florence County between the dates of July 10, 2017, and July 21, 2017, while having charge or custody, or being the parent or guardian, or being responsible for the welfare of a minor child [REDACTED] age five years, place the child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety; or did unlawfully or maliciously cause or cause to be done bodily harm to the child so that the life or health of the child was endangered or was likely to be endangered; or did willfully abandon the child, in violation of Section 63-5-70, S. C. Code of Laws, 1976, as amended.

COUNT FIVE- UNLAWFUL CONDUCT TOWARDS A CHILD

CDR: 2481 63-5-0070

That Ida L Gregg did in Florence County between the dates of July 10, 2017, and July 21, 2017, while having charge or custody, or being the parent or guardian, or being responsible for the welfare of a minor child [REDACTED] age five years, place the child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety; or did unlawfully or maliciously cause or cause to be done bodily harm to the child so that the life or health of the child was endangered or was likely to be endangered; or did willfully abandon the child, in violation of Section 63-5-70, S. C. Code of Laws, 1976, as amended.

COUNT SIX- INFLECTING GREAT BODILY INJURY UPON A CHILD

CDR: 2766 16-03-0095(A)

That Ida L Gregg did in Florence between the dates of July 10, 2017, and July 21, 2017, inflict great bodily injury upon a child, age eleven years, which created a substantial risk of death and/or caused serious or permanent disfigurement and/or protracted loss or impairment of the function of any bodily member or organ, in violation of S. C. Code of Laws, Section 16-03-0095(A), 1976, as amended.

COUNT SEVEN- UNLAWFUL CONDUCT TOWARDS A CHILD

CDR: 2481 63-5-0070

That James Charlie Hawkins did in Florence County between the dates of July 10, 2017, and July 21, 2017, while having charge or custody, or being the parent or guardian, or being responsible for the welfare of a minor child [REDACTED] age four years, place the child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety; or did unlawfully or maliciously cause or cause to be done bodily harm to the child so that the life or health of the child was endangered or was likely to be endangered; or did willfully abandon the child, in violation of Section 63-5-70, S. C. Code of Laws, 1976, as amended.

ATTACHED TO AND BECOMING A PART OF THE ORIGINAL INDICTMENT FOR UNLAWFUL CONDUCT TOWARDS A CHILD (10 COUNTS) AND INFLECTING GREAT BODILY INJURY UPON A CHILD (2 COUNTS), WITH THE AFORESAID NAME(S) OF IDA L GREGG AND JAMES CHARLIE HAWKINS SHOWN THEREON:

COUNT EIGHT- UNLAWFUL CONDUCT TOWARDS A CHILD

CDR: 2481 63-5-0070

That James Charlie Hawkins did in Florence County between the dates of July 10, 2017, and July 21, 2017, while having charge or custody, or being the parent or guardian, or being responsible for the welfare of a minor child, age eleven years, place the child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety; or did unlawfully or maliciously cause or cause to be done bodily harm to the child so that the life or health of the child was endangered or was likely to be endangered; or did willfully abandon the child, in violation of Section 63-5-70, S. C. Code of Laws, 1976, as amended.

COUNT NINE - UNLAWFUL CONDUCT TOWARDS A CHILD

CDR: 2481 63-5-0070

That James Charlie Hawkins did in Florence County between the dates of July 10, 2017, and July 21, 2017, while having charge or custody, or being the parent or guardian, or being responsible for the welfare of a minor child [REDACTED], age four years, place the child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety; or did unlawfully or maliciously cause or cause to be done bodily harm to the child so that the life or health of the child was endangered or was likely to be endangered; or did willfully abandon the child, in violation of Section 63-5-70, S. C. Code of Laws, 1976, as amended.

COUNT TEN- UNLAWFUL CONDUCT TOWARDS A CHILD

CDR: 2481 63-5-0070

That James Charlie Hawkins did in Florence County between the dates of July 10, 2017, and July 21, 2017, while having charge or custody, or being the parent or guardian, or being responsible for the welfare of a minor child [REDACTED], age five years, place the child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety; or did unlawfully or maliciously cause or cause to be done bodily harm to the child so that the life or health of the child was endangered or was likely to be endangered; or did willfully abandon the child, in violation of Section 63-5-70, S. C. Code of Laws, 1976, as amended.

COUNT ELEVEN- UNLAWFUL CONDUCT TOWARDS A CHILD

CDR: 2481 63-5-0070

That James Charlie Hawkins did in Florence County between the dates of July 10, 2017, and July 21, 2017, while having charge or custody, or being the parent or guardian, or being responsible for the welfare of a minor child [REDACTED], age five years, place the child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety; or did unlawfully or maliciously cause or cause to be done bodily harm to the child so that the life or health of the child was endangered or was likely to be endangered; or did willfully abandon the child, in violation of Section 63-5-70, S. C. Code of Laws, 1976, as amended.

ATTACHED TO AND BECOMING A PART OF THE ORIGINAL INDICTMENT FOR UNLAWFUL CONDUCT TOWARDS A CHILD (10 COUNTS) AND INFLECTING GREAT BODILY INJURY UPON A CHILD (2 COUNTS), WITH THE AFORESAID NAME(S) OF IDA L GREGG AND JAMES CHARLIE HAWKINS SHOWN THEREON:

COUNT TWELVE- INFLECTING GREAT BODILY INJURY UPON A CHILD

CDR: 2766 16-03-0095(A)

That James Charlie Hawkins did in Florence between the dates of July 10, 2017, and July 21, 2017, inflict great bodily injury upon a child, age eleven years, which created a substantial risk of death and/or caused serious or permanent disfigurement and/or protracted loss or impairment of the function of any bodily member or organ, in violation of S. C. Code of Laws, Section 16-03-0095(A), 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



E.L. Clements, III
TWELFTH CIRCUIT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Florence

STATE

VS.

James Charlie Hawkins

AKA:

Race: Black Sex: M Age: 46DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: [REDACTED]DL#: [REDACTED] SID# [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019-GS-21-00088A/W#: 2017A2120201253Date of Offense: 7/10/2017S.C. Code §: 63-05-0070CDR Code #: 2481

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Children / Legal custodian, unlawful neglect of child or helpless person 0-10In violation of § 63-05-0070 of the S.C. Code of Laws, bearing CDR Code # 2481
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. [REDACTED] (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature] 74742
 Solicitor SC Bar # Defendant

[Signature] 100799
 Attorney for Defendant SC Bar #
WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 6 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: All sentences of 10-14-21☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc. 1544 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 It is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

RECEIVED

OCT 25 2021

SC Court of Appeals

DCB
P. 10/2

STATE VS. James Charlie Hawkins INDICTMENT/CASE#: 2019-GS-21-00088**SPECIAL CONDITIONS:**☐ PTUP after _____ months/years**And Other Terms Listed Below:**

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$ 128.75

Clerk of Court/Deputy Clerk:
Court Reporter:*E. Rasmussen*
*Dig Court Reporter*Presiding Judge:
Judge Code:
Sentence Date:*D. King*
2160
*10-14-21**DCH*
p. 2 of 2

STATE OF SOUTH CAROLINA

COUNTY OF Florence

STATE

VS.

James Charlie Hawkins

AKA:

Race, Ethnicity, Sex, Age: 43
 DOB: SS#:
 Address:
 City, State, Zip:
 SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019-GS-21-00088A/W#: 2017A2120201255Date of Offense: 7/10/2017S.C. Code §: 63-05-0070CDR Code #: 2481

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Children / Legal custodian, unlawful neglect of child or helpless person 0-10In violation of § 63-05-0070 of the S.C. Code of Laws, bearing CDR Code # 2481
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature] 74742
 Solicitor SC Bar #

Defendant

[Signature]
 Attorney for Defendant

SC Bar # *100799*WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 7 days/months/years Time Served ☐ Youthful Offender Act not to exceed ___ years

and/or to pay a fine of \$___; provided that upon the service of ___ days/months/years/Time Served and or payment

of \$___; plus costs and assessments as applicable*; the balance is suspended with probation for ___

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: All Sentences of 10-14-21
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.
1344 days/months
☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 It is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

RECEIVED

OCT 25 2021

SC Court of Appeals

DCF
 P. 10/2

STATE VS. James Charlie Hawkins INDICTMENT/CASE#: 2019-GS-21-00088

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____

\$14-1-206 (Assessments 107.5%)		\$
\$14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100. ⁰⁰
\$14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
\$56-5-2995 (DUI Assessment)	\$12	\$
\$56-1-286 (DUI Breath Test)	\$25	\$
\$14-1-212 (Law Enforce. Funding)	\$25	\$ 25. ⁰⁰
\$14-1-213 (Drug Court Surcharge)	\$150	\$
\$34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
\$50-21-114 (BUI Breath Test Fee)	\$50	\$
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 375
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$

TOTAL

\$ 158.75

Clerk of Court/Deputy Clerk: _____
Court Reporter: _____

Presiding Judge: _____

Judge Code: _____

Sentence Date: _____

DCB
P. 2022

STATE OF SOUTH CAROLINA

COUNTY OF Florence

STATE

VS.

James Charlie Hawkins

AKA:

[REDACTED][REDACTED][REDACTED][REDACTED][REDACTED]

SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019-GS-21-00088A/W#: 2017A2120201257Date of Offense: 7/10/2017S.C. Code §: 63-05-0070CDR Code #: 2481

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Children / Legal custodian, unlawful neglect of child or helpless person 0-10In violation of § 63-05-0070 of the S.C. Code of Laws, bearing CDR Code # 2481☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature] 74742
Solicitor SC Bar #

Defendant

[Signature] 100790
Attorney for Defendant SC Bar #WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 8 days/months/years/Time Served ☐ Youthful Offender Act not to exceed ___ years

and/or to pay a fine of \$___; provided that upon the service of ___ days/months/years/Time Served and or payment

of \$___; plus costs and assessments as applicable*; the balance is suspended with probation for ___

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: All sentences of 10-14-21☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc.
1544 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 It is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

RECEIVED

OCT 25 2021

SC Court of Appeals

DCB
P. 1072

STATE VS. James Charlie Hawkins INDICTMENT/CASE#: 2019-GS-21-00088

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____

\$14-1-206 (Assessments 107.5%)		\$
\$14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
\$14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
\$56-5-2995 (DUI Assessment)	\$12	\$
\$56-1-286 (DUI Breath Test)	\$25	\$
\$14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
\$14-1-213 (Drug Court Surcharge)	\$150	\$
\$34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
\$50-21-114 (BUI Breath Test Fee)	\$50	\$
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 375
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$ 128.75

Clerk of Court/Deputy Clerk:
Court Reporter:*E. Rasin*
*Dig Court Reporter*Presiding Judge:
Judge Code:
Sentence Date:*P. Chapp*
2160
*10-14-21**PCB*
P. 2072

STATE OF SOUTH CAROLINA

COUNTY OF Florence

STATE

VS.

James Charlie Hawkins

AKA:

[REDACTED] Sex: M Age: 25

DOB:

Address:

City, State, Zip:

Race:

SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019-GS-21-00088AW#: 2017A2120201258Date of Offense: 7/10/2017S.C. Code §: 63-05-0070CDR Code #: 2481

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Children / Legal custodian, unlawful neglect of child or helpless person 0-10In violation of § 63-05-0070 of the S.C. Code of Laws, bearing CDR Code # 2481☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature]
Solicitor

14742

SC Bar #

Defendant

[Signature]
Attorney for Defendant

1007901

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 9 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: All sentences 07-10-14-21.☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.
1544 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

DCB
P. 1072

RECEIVED

OCT 25 2021

SC Court of Appeals

STATE VS. James Charlie Hawkins INDICTMENT/CASE#: 2019-GS-21-00088

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	\$ _____
§14-1-206 (Assessments 107.5%)			\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100		\$ <u>100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100		\$ _____
§56-5-2995 (DUI Assessment)	\$12		\$ _____
§56-1-286 (DUI Breath Test)	\$25		\$ _____
§14-1-212 (Law Enforce. Funding)	\$25		\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150		\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41		\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50		\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea		\$ _____
3% to County (if paid in installments)	TBD		\$ <u>3.75</u>
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500		\$ _____
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD		\$ _____
TOTAL			\$ <u>128.75</u>

Clerk of Court/Deputy Clerk: _____
Court Reporter: _____Presiding Judge: D. [Signature]
Judge Code: 2/60
Sentence Date: 10-14-21PCB
R 2872

STATE OF SOUTH CAROLINA

COUNTY OF Florence

STATE

VS.

James Charlie Hawkins

AKA:

Race: Black Sex: M Age: 45DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip:

DL#:

SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019-GS-21-00088A/W#: 2017A2120201261Date of Offense: 7/10/2017S.C. Code §: 63-05-0070CDR Code #: 2481

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Children / Legal custodian, unlawful neglect of child or helpless person d-10In violation of § 63-05-0070 of the S.C. Code of Laws, bearing CDR Code # 2481☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature] 74412
Solicitor SC Bar #

Defendant

[Signature] 100799
Attorney for Defendant SC Bar #WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 10 days/months/years Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☒ CONSECUTIVE to sentence.To all sentences of 10-14-21.☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc.
1544 days/months☐ To Include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

RECEIVED

OCT 25 2021

SC Court of Appeals

DCB
p. 1072

STATE VS. James Charlie Hawkins INDICTMENT/CASE#: 2019-GS-21-00088

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	\$ _____
§14-1-206 (Assessments 107.5%)			\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100		\$ <u>100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100		\$ _____
§56-5-2995 (DUI Assessment)	\$12		\$ _____
§56-1-286 (DUI Breath Test)	\$25		\$ _____
§14-1-212 (Law Enforce. Funding)	\$25		\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150		\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41		\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50		\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea		\$ _____
3% to County (if paid in installments)	TBD		\$ <u>3.75</u>
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500		\$ _____
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD		\$ _____

TOTAL \$ 178.75Clerk of Court/Deputy Clerk: [Signature]
Court Reporter: Digital C ReporterPresiding Judge: D. [Signature]
Judge Code: 2160
Sentence Date: 10-14-21DCB
P. 2022

STATE OF SOUTH CAROLINA

COUNTY OF Florence

STATE

VS.

James Charlie Hawkins

AKA:

Name: [REDACTED] Date of Birth: [REDACTED] Age: 45SS#: [REDACTED]Address: [REDACTED]City, State, Zip: [REDACTED]SID# [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019-GS-21-00088AW#: 2017A2120201262Date of Offense: 7/10/2017S.C. Code §: 16-03-0095(A)CDR Code #: 2766

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Abuse / To inflict great bodily injury upon a child 0-20In violation of § 16-03-0095(A) of the S.C. Code of Laws, bearing CDR Code # 2766
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature] 74742
 Solicitor SC Bar # Defendant

[Signature] 1007919
 Attorney for Defendant SC Bar #
WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 20 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: All sentences 07/10/17-21☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOD. 1544 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

RECEIVED

OCT 25 2021

SC Court of Appeals

 DCB
 P. 202
 DCB

STATE VS. James Charlie Hawkins INDICTMENT/CASE#: 2019-GS-21-00088**SPECIAL CONDITIONS:**☐ PTUP after _____ months/years**And Other Terms Listed Below:**

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5%)		\$	
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$	100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$	
§56-5-2995 (DUI Assessment)	\$12	\$	
§56-1-286 (DUI Breath Test)	\$25	\$	
§14-1-212 (Law Enforce. Funding)	\$25	\$	25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$	
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$	
§50-21-114 (BUI Breath Test Fee)	\$50	\$	
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	
3% to County (if paid in installments)	TBD	\$	3.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$	
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$	

TOTAL \$ 128.75Clerk of Court/Deputy Clerk: [Signature]
Court Reporter: Digital Ct ReporterPresiding Judge: [Signature]
Judge Code: 2160
Sentence Date: 10-14-21DCH
P. 2072

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED

Sep 26 2022

SC Court of Appeals



Taylor D. Gilliam
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 26th day of September, 2022.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Sep 26 2022

SC Court of Appeals

Appeal from Florence County

Honorable D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

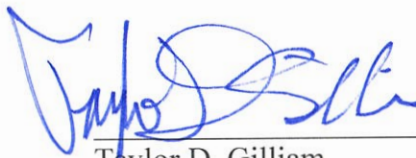
JAMES CHARLIE HAWKINS,

APPELLANT

APPELLATE CASE NO. 2021-001233

CERTIFICATE OF SERVICE

I certify that a copy of the Record on Appeal in the above-referenced case has been served upon William M. Blich, Jr., Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 26th day of September, 2022.



Taylor D. Gilliam
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT