

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
C. Victor Pyle, Jr., Circuit Court Judge
Edward W. Miller, Circuit Court Judge

Case No. 2005-CP-23-06048

RECEIVED
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SC Court of Appeals

Sherrie Mann McBride,

Appellant

v.

School District of Greenville County,

Respondent

RECORD ON APPEAL
Volume II

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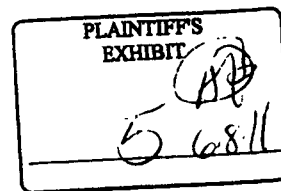
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Reflections on a YEAR

My first year as Principal of a place
I call home.
As I started the job to me there were many
Things that were unknown.

I had to call many to seek their wisdom
And their much needed advice.
I would make many mistakes, as usual if
You ask my wife.

I put my heart and soul into everything I did,
Sacrificing many things like sleep
And time with my kids.

I finally assembled a FAMILY after months of people
Coming and going.
Mrs. Bonner even joined the family since she was here everyday
Anyway subbing.

The first semester ended and finally Christmas Break came.
During those few days off I sat and wondered if our school
Had made any gains.

Second semester started with the snow and ice close behind
We missed many days of school that seemed wonderful
At the time.

May rolled around and the end was close in sight.
I couldn't believe the end of my first year as principal
Was drawing nigh.

I reflected back over those 11 or so months and had several
Things to remember.
Like hiring and firing and having to call the police around September.

From Amy Francis table dancing during 5 minutes of fun to
Half the coaches during that time pretending to receive phone
Calls and saying they had to run.

All the grammar lessons that Mrs. Myers and Mrs. Francis thought
That I somehow needed.
And all those early Administrative Team Meetings.

The seniors losing privileges for what they thought
Were simply senior rights these days.
To the student body losing their condiments because they kept
Putting on the doors ketchup, mustard and mayonnaise.

The beauty pageants and all the headaches they can cause
To the student / parent issues -- too many to name them
All.

There are many things this year that have happened that has caused
My hair to turn gray or to turn loose.
But there have been many more wonderful and successful things that
Have happened this year within our school.

When you add it all together and boil it down you begin to get a clear view
That what has happened this year is that Berea High has become a FAMILY
Again and the reason for that is each one of you.

YOUR RIGHTS

Sheriffs Office

Greenville, S.C.

Date 9-24-03

Time 1739 hrs.

Before we ask you any questions, you must understand your rights.

JF You have the right to remain silent. JF

Anything you say can be used against you in court.

You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.

If you have no money to pay a lawyer's fee, the court will appoint one to represent you without cost if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Signed Joshua P. [REDACTED]

Witness Elizabeth P. [REDACTED]

Witness D.A. Oslund

Time 1743

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

DEFENDANT'S
EXHIBIT

CASE NUMBER 1-03-140760, 1-03-141202

I, JOSHUA LEE F. [REDACTED] do hereby give freely and voluntarily this statement to
DANIEL A. OSLAGER JR. and N/A

who have identified themselves to me to be Deputies of the Greenville County Sheriff's Office, Greenville, South Carolina. I have been advised that I do not have to make this or any other statement, and that what I say can be used against me in a Court of Law. I have been advised that I have the right to Counsel with an Attorney of my choice, that if I am financially unable to obtain an Attorney the Court will appoint an Attorney to represent me. I have not been threatened or promised any reward to make this statement.

I am 16 years old, and I reside at: [REDACTED] GREENVILLE, SC 29617

I have a 10TH grade education, and I can read and write.

On today's date I went into Mrs. McBride's room and was talking with her about some personal problems. I told her I was going to legal aid. I picked up some keys off from her desk, and hooked them on my belt like I normally do. I am not sure she seen me take her keys or not. Mrs. McBride told me to go to Mrs. Hills room and tell her that I would be in Mrs. McBride's room. I have gotten out of class numerous times before after Mrs. McBride writes a note, however this time I didn't. I went and talked with Mrs. Hills and she agreed it would be okay. Then I went to the lunchroom to get something to eat. I ran into Kristina Conrad and told her that I was going to legal aid. She asked to go, and I said okay. I asked her how she would get out, and she responded she would just walk out. We went back to her room, I stood in the hallway and after Kristina came back we walked to Mrs. McBride's room, and dropped off her bookbag and then just walked out. I did tell Mrs. McBride that I would be back in a little while. So we left, walked to the parking lot and left. I was travelling up Buncombe Road and we went by someone's house. He didn't come to the door. She suggested we go by Enoree Career Center and pick up some of her friends. After getting them we went back to the school and that is where you were waiting on us. JLF

Yesterday, during lunch I went and talked with Mrs. McBride about going to Family Court (in reference to emancipation papers). She then wrote me out a pass to Mrs. Hills to get me excused from Mrs Hills math class. The note asked for me to be excused that I was going to be in Mrs. McBride's room, but it never mentioned leaving campus to go to Family Court. Later I went back to Mrs. McBride and told her it was okay, and she asked me if I had told Mrs. Hills the reason why and when I responded no, she remarked "Good". JLF

On Monday the 22nd of September Mrs. McBride had asked me to come by to fix her computer, so I went by during lunch, then she wrote me a pass to come to her class during my fourth block (Mrs. Hills' math class) to move her computer. JLF

On Wednesday the 17th of September I made up in my mind that I was going to try and run away so I started to take some clothes, a little bit at a time to school. I only took a little so that no one would realize what I was doing. I took them to school and put them into Mrs. McBride's room. I had told her that I was planning to run away and she knew that I was putting the clothes in her cabinet. She even remraked that it did not lock (her filing cabinet). JLF

On Thursday the 18th of September I also took some clothes by her room and placed them into the file cabinet. JLF

On Friday the 19th of September I took some more clothes, and a laptop computer, and put them into her filing cabinet. This was during lunch. Mrs. McBride then wrote me a pass to take to Mrs. Hills to get me excused for the rest of the day. I went and took it to Mrs. Hills and she agreed since Mrs. McBride wrote it. Then during fourth block instead of going to class, I went to Mrs. McBride's room and fixed her computer by adding a devise that enables the computer to be shown on a television. That was just about the time that school was to get out. I told Mrs. McBride that I was going to Walmart to get something. I asked her if I could use her car, and she replied it was alright and told me where the keys were, so I left in her car and drove to Walmart. I was gone about thirty minutes, came back and got my clothes. I walked into her classroom and asked if she was ready to go and she replied yes. She already knew that I was not going to go home and she gave me a ride to Chris Boehmke's house. She went inside and spoke with his mom. She told Chris' mom that I was running away and that I needed to stay there. Chris's mom got mad at first, then she calmed down and said okay, for me just to hide in Chris' room and if she knocked on the door to hide, so she wouldn't get in trouble. My mom did come by and look for me but Chris's mom did not tell where I was. I spent the rest of the night. Chris' mom told me that the next morning that I would have to leave. She called about 10:30 AM and asked if I was there and told Chris that I had to go. I left on my bicycle, and rode it to Mrs. McBride's house. I got there between 11:00 and 1200. I was there when she called you (Deputy Oslager). She then called the sheriff's office and told them I was there. They came and picked me up and took me to the law enforcement center and later my mom picked me up. JLF

SEE PAGE TWO FOR CONTINUATION

I have read the above statement of _____ pages and it is true and correct as best I recall.

WITNESS:

Elizabeth [REDACTED]
D.A. Oslager [REDACTED]

Josh [REDACTED]
I HAVE RECEIVED A COPY OF THIS STATEMENT
Josh [REDACTED]

Sworn before me this _____ day of _____ 19 _____

NOTARY PUBLIC FOR SOUTH CAROLINA

OF

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

1-03-140760, 1-03-14/202

I, JOSHUA LEE F [REDACTED] • do hereby give freely and voluntarily this statement to
DEPUTY OSLAGER and N/A

who have identified themselves to me to be Deputies of the Greenville County Sheriff's Office, Greenville, South Carolina. I have been advised that I do not have to make this or any other statement, and that what I say can be used against me in a Court of Law. I have been advised that I have the right to Counsel with an Attorney of my choice, that if I am financially unable to obtain an Attorney the Court will appoint an Attorney to represent me. I have not been threatened or promised any reward to make this statement.

I am 16 years old, and I reside at: [REDACTED] GREENVILLE, SC 29617

I have a 10TH grade education, and I can read and write.

✓ Last year, during the month of April of 2003 (Spring Break) Mrs. McBride had asked me to work on some her IEP's that she does for JLF school. She offered to pay me but did not. She brought me past IEP's to work from to my house, but in order to do it while I was at school I would log into the computer and look up student's grades to write down so that I could add them to her IEP's. There is a section named Academics that their grades go into. Her log in for the computer system at school was S McBride and the password is lobe1. I used it at least five (5) or six (6) times. She also gave me her password for the school based e-mail because it was the same as her district web page. I designed her page for her. Her password for that was S McBride and her password is Tinkerbell. Mrs. McBride provided me with the CD to be able to write the IEP's. The password for the CD was Horizon. I am not sure if I have the software, it was Excent, still on my computer because I think I cleared it out. Some of the IEP's that I worked on were labeled "Educateably Mentally Disabled" and some that I remember were Christiana Johnson, and Tim Smith, but his actual name was Lionel, which I remember because he doesn't go by that at school. Today, I printed off a parent invitation to an IEP meeting for Pedro Camarena. There were two. I can't remember other than Mr. Howard, Ms. Fanning, Mrs. Huff and Mrs. Camacho was the teachers that are supposed to be there. Mrs. Camacho is his "Out Class". Before I printed it I changed the date and time. The date I do not remember, and the time was changed to 8:30 AM. Sometime last week Mrs. McBride gave me a disk with the schools' new grading system. The teachers just type in the daily grade and the system averages the grades. She did not know how to use it so she asked me to check it out, learn how to do it and then return it. I remember it because it has a serial number on it. You have to have it in order to install it. I still have not returned it, nor is it installed on my computer at home. JLF

✓ Last year near the end of school, (about four weeks left) Mrs. McBride told me that my mom went to the school and spoke with Mr.s Hunt, JLF Mrs. Fanning and her about me missing so much class and that I wasn't doing that well. So as a result I had to stay in my classes and Mrs. McBride was not supposed to get me out of class no more. This year, Mrs. Kight had gotten mad at Mrs. McBride for getting me out of class too much and as a result Ms. Kight went and talked with Ms. Fanning. Mrs. McBride told me about it and as a result I cannot be excused from Ms. Kight's class anymore. JLF

I have read the above statement of _____ pages and it is true and correct as best I recall.

WITNESS:

Elizabeth [REDACTED] - mom
D.A. Oslager

Joshua F [REDACTED]

I HAVE RECEIVED A COPY OF THIS STATEMENT

Joshua F [REDACTED]

Sworn before me this _____ day of _____ 19 _____

NOTARY PUBLIC FOR SOUTH CAROLINA

Greenville County Sheriff's Office

4 McGee St.
Greenville, South Carolina 29601

VICTIM/WITNESS STATEMENT

Case Number 1-03-141202
Date 9-25-2003

I, Joshua Lee F [REDACTED], do hereby give freely and voluntarily this statement to
D. OSLAGER and N/A who have identified themselves to
me to be Deputies of the Greenville County Sheriff's Office, Greenville, South Carolina.

I am 16 years old and I reside at [REDACTED] Greenville, SC 29617

you keep walking STRAIGHT there is a hallway to the left that if
you go down the first room on the left is a Computer Room.
That is as far as I went. If you don't turn down the
Hallway but go STRAIGHT is her kitchen. Through the kitchen to
the right is a Dining Room. While I was there on Saturday
her husband was there but he was on the couch.

Two or three weeks ago, Mrs McBride walked out back
with me to ask if I could go to the Teacher's outlet to help her
pick out Posters for her Classroom. We went and did that, then
went and got something to eat. I remember that my mom
told Ms McBride I had to be back by 7:00 PM. Then we went
back to Ms. McBride's house to set up her E-Bay account. Then
she brought me back home, it was about 8:30 PM. We were
late and my mom got upset and told Ms. McBride that I
could not go anywhere else with her.

I have read the above statement of 2 pages and it is true and correct as best as I recall.

WITNESS:

Joshua F [REDACTED]
I have received a copy of this statement.

Joshua F [REDACTED]

Sworn before me this _____ day of _____, _____

NOTARY PUBLIC FOR SOUTH CAROLINA

Greenville County Sheriff's Office

4 McGee St.
Greenville, South Carolina 29601

VICTIM/WITNESS STATEMENT

Case Number 1-03-141202

Date 9-25-2003

I, Joshua LEG F [REDACTED], do hereby give freely and voluntarily this statement to
D. OSLAGER and N/A who have identified themselves to
me to be Deputies of the Greenville County Sheriff's Office, Greenville, South Carolina.

I am 16 years old and I reside at [REDACTED] Greenville, SC 29617

On Saturday, September 20, I rode my Bicycle to Mrs. McBride's House. I have been there once before. When I got there, I knocked on the door, and Mrs. Sherrie McBride came to the door. She had a white shirt w/ paint on it and shorts. She already knew that I had ran away. Then she said, Put your bike somewhere so that no one could see it. I pointed at a door that goes underneath her house and asked "There". And she replied that it would be good. I put it under her house. It is a Green Multi-speed bicycle. It has rubber handlebars and one of the brakes does not work. Then we went inside her house. We talked for a little bit. She lives at 20 Cambach near the Enore Career Center. Her house has a lot of windows, a cement front porch. It's a brick house and one story. If you go into the front living room there is a television on the left and a couch on the right. If

I have read the above statement of 2 pages and it is true and correct as best as I recall.

WITNESS:

D.A. Oslager
Elizabeth Anne [REDACTED]

Joshua F [REDACTED]
I have received a copy of this statement.

Joshua F [REDACTED]

DEFENDANT'S
EXHIBIT

3 6.7.11

Sworn before me this _____ day of _____, _____

NOTARY PUBLIC FOR SOUTH CAROLINA

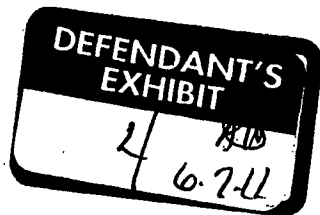
STATE OF SOUTH CAROLINA
BEFORE THE GREENVILLE COUNTY
BOARD OF TRUSTEES

IN THE MATTER:

SHERRIE MANN MCBRIDE

HEARING

A hearing was held before the Board of Trustees for the School District of Greenville County, South Carolina, in the above-entitled matter on the 7th day of November 2005, commencing at approximately 9:00 a.m. attended as follows:



1 APPEARANCES:

2 BOARD MEMBERS PRESENT

3 Chairman - Charles Saylors

4 Grady Butler

5 Crystal O'Connor

6 Debbi Bush

7 Roger Meek

8 Ann Sutherlin

9 Patrick Sudduth

10 Keith Ray

11 REPRESENTING SCHOOL DISTRICT:

12 C. WADE CLEVELAND, ESQUIRE

13 301 Camperdown Way

14 Greenville, South Carolina 29601

15 REPRESENTING SHERRIE MANN McBRIDE:

16 DAVID THOMAS, ESQUIRE

17 23 Wade Hampton Boulevard

18 Greenville, South Carolina 29609

19 COURT REPORTER:

20 MARY LYNN BEST, C.V.R.

21 Depositions And..., Inc.

22 P. O. Box 10268

23 Greenville, South Carolina 29603

24 (864) 235-3518/585-0642

25

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[ATTACHED HERETO]

The pages herein which comprise this hearing transcript in the above matter is the work product of Depositions And..., Inc., and not to be copied or utilized in any manner without the express written authorization of Depositions And..., Inc.

1 Mr. Saylor:

2 I'd like to go ahead and call this special called
3 meeting of the Greenville County Board of Trustees to
4 order for November the 7, 2005; and at this time I'll
5 entertain a motion to go into executive session.

6 Ms. Sutherlin:

7 Mr. Chairman, I move to go into executive session for
8 a personnel matter.

9 Dr. O'Connor:

10 Second.

11 Mr. Saylor:

12 I have a motion made by Mrs. Sutherlin, seconded by
13 Dr. O'Connor, that we go into executive session for a
14 personnel matter. All those in favor say aye.

15 [Trustees responding]

16 All opposed no. Motion carried, and we are now in
17 executive session at 9:21 a.m.

18 I want to thank everybody for their patience in
19 getting started. And also to my colleagues for taking
20 the time to be here today. The purpose of today's
21 hearing is to consider the superintendent's dismissal
22 of Ms. Sherry Mann McBride from her position as a
23 teacher at Berea High School in September of 2005.

24 Dr. William Harner was superintendent at that
25 time. Under -- Excuse me. Under the 2004. Am I

1 correct?

2 Mr. Cleveland:

3 2003.

4 Mr. Saylor:

5 Three, okay. Thank you. Dr. William Harner was
6 superintendent at that time. Under District policy
7 Ms. McBride had an informal hearing on this matter
8 with the superintendent designee Pat Mitchell. Mr.
9 Mitchell upheld the superintendent's action, and the
10 current superintendent Dr. Fisher affirmed the
11 decision.

12 Ms. McBride then requested the board to conduct a
13 hearing on the dismissal. The board voted at its last
14 meeting to do so.

15 Today's meeting is for the purpose of conducting
16 that hearing. Because Ms. McBride is a contract
17 teacher, state law does not entitle her to full
18 procedural rights. Nonetheless -- nevertheless, the
19 Board will allow her attorney, Mr. David Thomas, to
20 assist her in the presentation of her case. While he
21 will not be allowed to question witnesses or make
22 statements to the Board, he may otherwise advise Ms.
23 McBride as they deem appropriate. Since this is not a
24 formal hearing, normal procedural rules and the rules
25 of evidence will not apply.

1 Mr. Wade Cleveland is here representing the
2 superintendent. For the record trustees present are
3 Dr. Keith Ray, Mr. Roger Meek, Mrs. Ann Sutherlin,
4 myself Charles Saylor, Dr. Crystal O'Connor, Mrs.
5 Debbi Bush and Mr. Pat Sudduth.

6 Dr. Fisher will begin by presenting the
7 superintendent's case. Ms. McBride may ask questions
8 of any witness once the superintendent has finished
9 questioning that respective witness. When Dr. Fisher
10 is finished Ms. McBride will have an opportunity to
11 present her side of the matter. Dr. Fisher may
12 question any of her witnesses also.

13 Are there any questions before we begin of the
14 trustees? Mr. Meek?

15 Mr. Meek:

16 Just have a procedural question, Mr. Chairman.

17 Mr. Saylor:

18 Yes, sir.

19 Mr. Meek:

20 Mr. Cleveland's going to represent the School
21 District?

22 Mr. Saylor:

23 Yes, sir.

24 Mr. Meek:

25 Have we always allowed an attorney -- for an attorney?

1 Mr. Saylor:

2 This is somewhat of an unusual issue because as I
3 understand it, because of state law. And I'm going to
4 ask Mr. Cleveland to please explain to the Trustees
5 how this is being handled and why.

6 Mr. Cleveland:

7 Mr. Chairman, Ms. McBride is an annual contract
8 teacher; and state law specifically says that the
9 rights of a continuing contract teacher do not apply
10 to an annual contract teacher. That is why, among
11 other things, Ms. McBride did not automatically have
12 the right to a hearing in front of the School Board
13 but was allowed to have an informal hearing with the
14 superintendent, in this case the superintendent
15 designee. The full procedural rights of a continuing
16 contract teacher specifically state that the teacher
17 is entitled to a board hearing, that the teacher is
18 entitled to subpoena witnesses to the board hearing,
19 the teacher is entitled to be represented by an
20 attorney at the board hearing, to cross-examine all
21 witnesses at the board hearing and to have a right of
22 appeal to Circuit Court.

23 If those rights by state law do not apply to an
24 annual contract teacher, then admittedly we're left
25 guessing what her rights are; but it would seem that

1 this hearing is simply not the same as the hearing for
2 a continuing contract teacher; and that is why the
3 change in procedure. Even so we -- it seemed to make
4 sense, for example, to have the superintendent present
5 her case first, which even though this is an appeal,
6 normally Ms. McBride would have to go first on an
7 appeal. That just didn't quite make sense to start
8 that way, so we have tried to structure the hearing so
9 that it makes sense and allow -- as the Chairman said,
10 allow Mr. Thomas to come in, even though there is no -
11 - I'm not saying that the right to have counsel is
12 forbidden. I'm not saying that at all; but it's
13 certainly not specifically enumerated as a right. And
14 so nevertheless we've said to Mr. Thomas come on in
15 and assist, but we didn't want to give Ms. McBride
16 full procedural rights that state law clearly says
17 she's not entitled to. That's the reason.

18 Mr. Saylor:

19 Mr. Meek.

20 Mr. Meek:

21 Would we be in violation of any state law if we
22 allowed the attorney Mr. Thomas to assist Ms. McBride?

23 Mr. Saylor:

24 I'll have to defer to counsel on that one. Mr.
25 Cleveland?

1 Mr. Cleveland:

2 I can't say you'd be in violation of any state law. I
3 think the question here and the concern that we had
4 was on the one hand to be as fair as possible to Ms.
5 McBride, on the other hand, not to set a precedent by
6 giving annual contract teachers rights that the state
7 law clearly says they're not entitled to. So I -- no,
8 not in violation. But that's the rest of the
9 explanation for what we were trying to do here.

10 Mr. Saylor:

11 Thank you, Mr. Cleveland. Any other questions? Mrs.
12 Sutherlin?

13 Ms. Sutherlin.

14 The way this is set up is it a fair -- if we the board
15 voted to hear this. And does this not weight -- throw
16 the weight against the person who's appealing in some
17 way, which I don't think is ever the Board's
18 intention.

19 Mr. Cleveland:

20 Madam Chairman, you -- the Board is conducting the
21 hearing. Whether it is fair, I think, is a matter for
22 the Board to ensure as we go through the process.
23 There is no -- As I say, there's certainly no attempt
24 to be unfair and an effort to be fair at the same time
25 that we try to do what the law seems to be saying. It

1 is not clear at all; but that is again why Mr. Thomas
2 is here, why Mr. Thomas may assist in any way. But,
3 as I said, we didn't want this to be yet another
4 hearing for a continuing contract teacher because
5 that's not what it is. And whether it is fair again
6 is entirely up to the Board. You're conducting the
7 hearing.

8 Ms. Sutherlin:

9 Well, in that case, Mr. Chairman, I move that we
10 conduct this --

11 Mr. Cleveland:

12 Madam chairman -- I'm sorry, Ms. Sutherlin, Mr.
13 Chairman, we shouldn't make a motion even on that
14 matter in executive session.

15 Ms. Sutherlin:

16 In executive session.

17 Mr. Saylor:

18 Good point. Well, let's finish the questions. Then
19 if we need to go out of executive session to make a
20 motion we'll do so. Dr. O'Connor?

21 Dr. O'Connor:

22 I just wanted to say, I'm comfortable with the way the
23 procedure is set up and confident that we will ensure
24 fairness and I would like to begin.

25 Mr. Saylor:

1 Okay. Any other questions? Unless there is a motion
2 to go out of executive session --

3 Ms. Sutherlin:

4 I move that we go out of executive session.

5 Dr. O'Connor:

6 Could you say why, so that --

7 Ms. Sutherlin:

8 So that we can discuss this matter and conduct a vote.

9 Mr. Saylors:

10 To conduct a vote for what, Mrs. Sutherlin?

11 Ms. Sutherlin:

12 For the Board to decide if we want to allow this
13 procedure the way we usually do. Even though the law
14 is not specific and we don't have a precedent, it
15 still is the way, I understand, Mr. Cleveland, it's up
16 to the Board and I would just like to put this subject
17 to the vote of the Board.

18 Mr. Saylors:

19 We have a motion on the floor to go out of executive
20 session for the purpose of openly discussing and
21 voting to allow legal counsel to participate for Ms.
22 McBride.

23 Mr. Sudduth:

24 Second.

25 Mr. Saylors:

1 I have a motion and a second to go out of executive
2 session. All those in favor of going out of executive
3 session say aye.

4 [Trustees responding]

5 All opposed no.

6 [Trustees responding]

7 Show of hands. All those in favor of going out of
8 executive session?

9 [Trustees responding]

10 Three. All those in favor of staying in executive
11 session?

12 [Trustees responding]

13 Four. The motion is defeated. At this time I'll ask
14 the superintendent to present her case.

15 Mr. Cleveland:

16 Thank you, Mr. Chairman. To begin I just want to add
17 some documents to the record that have taken place
18 since the hearing that Mr. Mitchell held. I think Ms.
19 McBride has seen all of these and --

20 Mr. Saylors:

21 Mr. Cleveland, for the record you're saying Ms.
22 McBride has seen this evidence.

23 Mr. Cleveland:

24 Well, sure.

25 Mr. Thomas:

1 We do recognize it then, and I have seen we're not
2 operating off normal court procedure, but we certainly
3 have no objection to that.

4 Mr. Saylor:

5 Go ahead Mr. Cleveland.

6 Mr. Cleveland:

7 We will go ahead and mark that as Exhibit 1 which is,
8 again, to keep the record straight of what's going on
9 here.

10 [Marked Exhibit No. 1]

11 Mr. Cleveland:

12 And, Mr. Chairman, again, for the record and Ms.
13 McBride and Mr. Thomas, the Board has already received
14 as a part of considering Ms. McBride's request for the
15 Board to hear the matter, the Board has already
16 received Mr. Mitchell's determination and all of the
17 attachments that Mr. Mitchell had to that
18 determination. And the Board has those on their
19 laptops because they were mailed out or they were
20 transmitted during the -- in preparation for the
21 previous board meeting. And the Board has reviewed
22 all those things as a matter -- as part of the process
23 of determining whether to give the hearing. So when
24 we start referring to those things, that's because the
25 Board has already seen them and has access to those.

1 And if you need a copy of any of those things, I have
2 one here, but I just wanted to make sure you all
3 understand that that is the situation.

4 Mr. Thomas:

5 We do not have the documents that you're speaking of.
6 Mr. Mitchell's determination. We know -- we have his
7 letter.

8 Mr. Cleveland:

9 The letter references a series of attachments.

10 Ms. McBride:

11 We have all the attachments. We just need the
12 summary.

13 [Ms. McBride speaking quietly with Mr. Thomas]

14 Mr. Thomas:

15 We're trying to determine, Mr. Chairman, what we have
16 and do not have. I have not seen some --

17 Mr. Saylors:

18 Mr. Cleveland, would it be advantageous to have staff
19 make copies of that entire package?

20 Mr. Cleveland:

21 Do you want a copy of this package?

22 Ms. McBride:

23 Well, it's not -- I have them and I have them labeled.
24 If I have time to find them, it's fine. If I don't,
25 then you will need a copy.

1 Mr. Cleveland:

2 Well, whatever y'all want us to do.

3 Mr. Thomas:

4 Well, if the Chairman would allow us -- for someone to
5 simply make a copy and they can proceed and then we
6 can have those if we need them to reference. I don't
7 want to hold us up or slow us down.

8 Mr. Saylor:

9 Mr. Cleveland, do you need that for your presentation?

10 If I take that from your possession for about five
11 minutes, is that a problem?

12 Mr. Cleveland:

13 That's not a problem, Mr. Chairman.

14 Mr. Saylor:

15 Okay. Let me just -- let me have it and I'll make
16 sure one of the staff takes care of it. Dr. O'Connor
17 is going to step out for a moment and have staff make
18 a copy of that.

19 Mr. Cleveland, if you will give Dr. O'Connor just
20 a moment to come back in and then you can proceed.

21 Mr. Cleveland:

22 Sure.

23 Mr. Saylor:

24 Okay, Mr. Cleveland, if you will go ahead and proceed.

25 Mr. Cleveland:

1 Thank you, Mr. Chairman. The Superintendent's first
2 witness is Bill Roach.

3 Mr. Saylor:

4 Mr. Roach, will you please approach and be sworn,
5 please?

6 Mr. Cleveland:

7 Mr. Chairman, I'll point out also that the law does
8 not specify whether we have to swear or not swear
9 witnesses. We had anticipated doing that; but, again,
10 that's another procedural uncertainty in this case.

11 Mr. Saylor:

12 I'm well aware of that.

13 ** ** *

14 The witness was sworn to tell the truth, the whole truth
15 and nothing but the truth of his/her own knowledge
16 concerning the matter herein.

17 ** ** *

18 Mr. Saylor:

19 Mr. Roach, I'm going ask you to speak as clearly as
20 possible both for the trustees and for the court
21 reporter.

22 Mr. Roach:

23 Yes, sir.

24 BILL ROACH, having been duly sworn, testified as follows:

25 Examination by Mr. Cleveland:

1 Q. Mr. Roach, if it's okay with you, I'm going to just
2 ask you to explain to the Board, rather than going
3 through a series of questions and answers, the way you
4 would normally expect in a hearing. If you could just
5 explain to the Board your involvement here, your
6 reasons for recommending to Dr. Harner that Ms.
7 McBride be dismissed from her position, what you did
8 to investigate those reasons and what you looked at,
9 who you talked to, what you considered, and how you
10 reached the conclusions that you reached.

11 A. Sure. At the end of September of 2003 I was notified
12 that there was a situation. Ms. McBride had notified
13 us that her vehicle was missing. My resource officer
14 was involved in that. We found the vehicle towards
15 the end of the day on that day. A young man who was a
16 student at Berea High School was driving that vehicle.

17 From that incident, we started investigating. Of
18 course, the young man was arrested for taking the
19 vehicle off campus. We began investigating that.
20 From that investigation, after we talked with several
21 people -- as the young man would give us his
22 statement, we'd verify his statements to make sure
23 that he was either being correct or was being
24 incorrect. Through his statements, we found
25 everything he had given us turned out to be true.

1 As I found the situation out, basically, I took
2 everything, sent an e-mail at that time to Dr. Harner
3 and Dr. Fisher to see where I should proceed as a
4 principal. The evidence that I gave them was -- The
5 things I'd found out from the investigation, was that
6 the young man knew the passwords to the NOVELL login
7 screen of Mrs. McBride on her computer. He knew her
8 district e-mail login, and he had said both of those
9 had been given to him by her. He had a CD program to
10 review and, supposedly, according to him, download on
11 her computer. He claimed that he had been taken out
12 of his academic classes by her on several occasions,
13 which I verified from teachers that they had listed in
14 their grade book on days that they had taken out -- he
15 had been taken out of their classroom. He alleged
16 that she had allowed him to drive her personal
17 vehicle. We had a situation where he was trying to
18 run away from home. He alleged that she was trying to
19 help him with that. He said that she knew the student
20 was leaving campus on a school day in her vehicle.
21 The student alleged that he was given numerous IEPs on
22 students to help him fill those out and was given
23 access to SASSI to look up students' grades on IEPs.

24 Basically, with each one of these we've tried to
25 verify to make sure the student was giving us correct

1 information. He did know her login for District e-
2 mail and for NOVELL to get in her computer. He gave
3 us those passwords. We tried those passwords and were
4 able to log in NOVELL under her name and log in to her
5 e-mail and her Web site. The CD that he alleged had -
6 - he still had in his possession at his home was
7 recovered by my resource officer.

8 Again, taking him out of classes. I verified
9 with his teachers and the guidance counselors. One of
10 my guidance counselors had went to get him towards the
11 end of the school year in '02 and, well, actually the
12 end of the school year 02/03 school year. So it would
13 have been in April of '03. Went to get him out of
14 classes. It was found out then that she had taken him
15 out of classes the previous year and also that year.
16 So it was marked in teachers' grade books, notes that
17 they had received where she had taken him out of
18 class.

19 She also admitted that she had allowed him to
20 drive her personal vehicle on one other occasion. She
21 said that day she had not allowed him to do that. Of
22 course, he said otherwise. But we do have one
23 occasion that she said she had allowed the young man
24 to drive her vehicle.

25 He said that she knew that he was running away

1 from home, that he had been bringing articles and
2 storing them in her classroom. We went in her
3 classroom. In her filing cabinet was numerous
4 articles of clothing, pictures, things that he had put
5 in there over a course of several weeks.

6 The student said he had been given numerous IEPs.
7 He gave us numerous things that would be on IEPs. He
8 knew students' entire names. He knew the terminology
9 of IEPs. He knew the student was called emotionally
10 mentally disabled, which most of the time students
11 would call them handicapped in terms of -- instead of
12 being disabled. So he verified those things. And
13 then, of course, said he was being able to look up on
14 SASSI to verify grades on the IEPs. He gave us
15 evidence of different IEPs that he had changed the
16 meeting dates and times and sent those to teachers.

17 Once I sent that to Dr. Harner, Dr. Fisher, I was
18 informed that I needed to put her on leave until it
19 could be further investigated. So then, therefore, I
20 included the District in that; but we recovered all
21 the things he had said and verified all the statements
22 through him and talked with every one of his teachers.

23 And he was also at Enoree in the morning, so we
24 spoke with Enoree and also the guidance counselors who
25 had been working over there.

1 Q. Mr. Roach, what teachers did you talk to about Josh's
2 absences from class?

3 A. His housing teacher, which is Ms. Carolyn Kyte
4 [phonetic] who in her statement said that she had even
5 went to Ms. McBride and told her that he was not to
6 get out of her class anymore for the reason because he
7 had been out such a long time, she was concerned with
8 the young man's grades because they had begun to fall
9 off. He had been out of her class several times. And
10 she, therefore, in her statement, said she had talked
11 with the student and with Ms. McBride and said he
12 could not be out of her class any more for any reason
13 because he had been out such a long time. She was
14 concerned with the young man's grades that they had
15 begun to fall off. He'd been out of her class several
16 times; and so she, therefore, in her statement said
17 she had talked to the student and with Ms. McBride and
18 said that he could not be out of her class anymore for
19 any reason.

20 I also spoke with his math teacher, Ms. Kathy
21 Hills, who also stated in her statement to the police
22 that he had been out of her class on numerous
23 occasions with notes from Ms. McBride.

24 Q. And what guidance counselor did you talk to?

25 A. Spoke with two guidance counselors. Actually, Josh

1 had Ms. Crystal Hunt as his guidance counselor. Ms.
2 Kim Fanning had also been involved because the
3 previous year, the 02/03 school year, Ms. Fanning had
4 worked a situation with Josh on that day. And so she
5 had been involved also. I spoke with both of those
6 teachers, and both guidance counselors had said that
7 they had said on numerous occasions Josh could not be
8 out of his classes.

9 To begin with they allowed Josh one day to be out
10 of class on the 02/03 school year due to some personal
11 issues to be in Ms. McBride's class for that day only.
12 He was told on numerous occasions that was the only
13 day it was for. And after that time both those
14 guidance counselors, according to their statements to
15 the police, said they had shared with the student and
16 with Ms. McBride that he could not be out of his
17 academic classes, that he needed to be in there to
18 make sure he didn't get behind.

19 Q. Did you have conversation with Josh's parents during
20 this time?

21 A. Once we -- once the investigation started, we did talk
22 with his mother. The police talked with her and we
23 did also. It was -- the mother was very angry. She
24 -- of course, she accused Ms. McBride of the downfall
25 of her child. Of course, we wouldn't -- we were

1 concerned about him being out of classes, if she knew
2 several of the situations he had alleged. The mother
3 said she had no knowledge of a lot of the things that
4 had gone on such as him being out of class, him going
5 on -- different places with her, et cetera.

6 Q. Did you have any statement from --

7 A. I do have a statement from his mother. Everyone I've
8 talked to has done formal police statements.

9 Q. And did you have access to those formal police
10 statements when you made the recommendation for
11 dismissal?

12 A. I did. We worked with my school resource officer very
13 closely to make sure that we did everything that we
14 needed to do to make sure that it was a case that we
15 were doing what we were supposed to be doing.

16 Q. Going back to the issue of Josh being out of class,
17 did you determine what he was doing during the time he
18 was out of his regularly scheduled classes?

19 A. According to Josh -- Of course, now we don't have that
20 because he was not supposed to be out of class, so we
21 did not know that until all this came to light. But
22 according to Josh he would work on IEPs, he would do
23 things to help Ms. McBride with her class work.

24 Q. During the time that Josh was out of his regular
25 classes and he was in Ms. McBride's classroom, do you

1 know what Ms. McBride was supposed to be doing during
2 that -- those periods?

3 A. She had -- her schedule for the 03/04 school year was
4 her first period was planning and she had classes
5 second, third and fourth. Josh was supposed to be at
6 Enoree in the morning, and then in the afternoon he
7 had his academic classes at Berea High School. So
8 during the times he was out of his housing and math
9 classes, he -- Ms. McBride should also have been
10 teaching her classes.

11 Q. What did Ms. McBride teach?

12 A. She taught EMD kids, self-contained students. We have
13 -- basically, she would have all disabilities in her
14 classroom, but she would be teaching -- if I remember
15 correctly without looking through the notes, I believe
16 she was an English teacher.

17 Q. You believe Ms. McBride was an English teacher?

18 A. For self-contained students. My self-contained
19 teachers teach English, math, science and social
20 studies. I could pull her schedule back and look at
21 it again, but she was teaching one of the core self-
22 contained classes, albeit one of those, but that's
23 what she should have been doing in the afternoons.

24 Q. And what was the -- you say it was a self-contained
25 classroom. What was the disabling condition?

1 A. She is noted on record as an EMD teacher.

2 Q. What is that?

3 A. Educably mentally disabled and -- but, like I say, our
4 -- the form that we have in the school is that she
5 could have other disabilities in her classroom, but on
6 paper her main disability that she's in charge of is
7 the EMD.

8 Q. Was she also during this time of the 03/04 school
9 year, was she also being evaluated under the ADEPT
10 program?

11 A. That is correct. She had failed the ADEPT process in
12 the 02/03 school year and therefore was going through
13 a second year of ADEPT for 03/04.

14 Q. Was -- to your knowledge was Josh ever an aid for Ms.
15 McBride?

16 A. We verified that with the guidance counselors.
17 According to both of the guidance counselors, he was
18 never assigned to her as an aid. Matter of fact, when
19 I took over as principal in the 03/04 school year, I
20 informed all my teachers that we were not to have
21 classroom aids unless it was a dire necessity, to keep
22 students in academic classes. So I can say for the
23 03/04 school year there were not to be any aids. So
24 that is -- should not have been assigned as an aid
25 that year.

1 Q. Do you know of any reason why Josh should have been
2 absent from his regular classes and in Ms. McBride's
3 class?

4 A. Has no reason to be out, specially after both guidance
5 counselors had informed him -- his academic teachers
6 had asked him repeatedly to be in class. The mother
7 had no desire for him to be out of class. So, no, he
8 should not have been out of class for any reason.

9 Q. Did you ever have a conversation directly with Josh
10 about any of these matters after the stolen car
11 incident?

12 A. We did investigate with Josh. We asked him for his
13 statement. He gave us his statement, actually wrote
14 his -- He wrote his statement for us before he did his
15 police statement; and, like I say, that's where we got
16 the evidence for most of the things that we had to
17 verify and decided to proceed with going to the
18 District on Ms. McBride.

19 Q. Did Josh appear familiar with what an IEP is?

20 A. Oh, he was very knowledgeable of the IEP to the point
21 where he knew the terminology that many regular ed
22 teachers would not even know. To the point knowing --
23 one student in particular that sticks out in my mind
24 is a student who had a first name, middle name -- He
25 went by his middle name at school. To the point where

1 when I dealt with him as an assistant before I came
2 back as principal, he was very adamant about the fact
3 that I was to call him by his middle name. He was not
4 to be known as his first name. Josh knew his entire
5 name. That was documented in his statement. He also
6 knew another young man who had a disability, and one
7 of our former guidance counselors was his main person
8 that she said on his IEPs. He knew that she was to be
9 invited to his IEP meeting. He had stated that he had
10 to redo her -- redo that young man's IEP meeting
11 agenda and listed all the teachers that would have
12 been at his IEP meeting and what their title was.

13 Q. Did Josh discuss in the context of the incident you
14 were just referring to, did he specifically use the
15 word invitation?

16 A. He did. He also said he called -- when you have a
17 teacher -- a special ed student that the class that
18 they are out of special ed is called their out class
19 in special ed terms. He even referred to the teacher
20 that was invited as that young man's out teacher. So
21 he knew even that that was called the out class.

22 Q. You mentioned earlier that Josh was familiar with the
23 grades of Ms. McBride's students. How did you
24 ascertain that?

25 A. He shared with us that he had looked on several IEPs

1 to change the grades. There is a place in the IEP
2 where you would list a student's grades. He said he
3 had filled out several IEPs for students and would
4 many times have to look in SASSI to get their grades
5 to put on the new IEPs.

6 Q. In Josh's statement he says that he completed IEPs
7 during the spring of 2003 for Ms. McBride. Do you
8 recall his statement to that effect?

9 A. What he told us was that she wanted to go -- this is
10 his exact statement, paraphrased in my terminology,
11 said that she had informed him that she wanted to go
12 on a cruise during spring break, that she would pay
13 him if he would do her IEPs for her. Of course, then
14 he said she never paid me in his statement but that he
15 was given a stack of IEPs and asked to do those during
16 spring break.

17 Q. Did he do them?

18 A. I do not recall if he put that in his statement if he
19 filled those out or not.

20 Q. Do you recall what he was doing with those IEPs?

21 A. He was -- Again, he had very much knowledge of IEPs,
22 so I felt confident that he had worked on those during
23 that time frame. And by him saying she did not pay
24 him, without reading his statement, I would assume
25 that he had done those.

1 Q. Do you know of any situation in which it would be
2 appropriate for Josh to have access to the IEPs of the
3 mentally disabled students in Ms. McBride's classroom?

4 A. No. No student should have access to anyone else's
5 records. The Privacy Act very plainly states that
6 only a certain number of people can have access to
7 records. I even have to list on the door of my
8 records room who's allowed to go in and look at
9 records, so that is -- no student should be allowed to
10 see any other student's records.

11 Q. Do you know if Josh had a driver's license?

12 A. Recalling from two years ago, I don't remember that.
13 I do not think he did.

14 Mr. Cleveland:

15 I don't have any other questions, Mr. Chairman.

16 Mr. Saylors:

17 Ms. McBride, do you have anything that you want to
18 ask?

19 Ms. McBride:

20 Not at this time.

21 Mr. Saylors:

22 Okay. Thank you, Mr. Roach.

23 Mr. Cleveland:

24 Mr. Chairman, the Board Members may have some
25 questions.

1 Mr. Saylor:

2 I'm sorry. Thank you. Any Trustees that have any
3 questions? Mr. Sudduth.

4 Examination by Mr. Sudduth:

5 Q. There are two items that are found here that were
6 recovered from Josh F [REDACTED] a plastic case with
7 Berea High Media Center Certificate has a bar code and
8 number TO 6502298. What is that, Mr. Roach?

9 A. The two things he had there was EXCENT CD which is
10 used for special ed records doing IEPs, et cetera.
11 And then he also had the State CD for the new IG Pro
12 system that was done for grading, that was given to
13 all teachers in the 02/03 school year.

14 Q. Do you know which is which? On one of these is that
15 the CD for EXCENT?

16 A. Right.

17 Q. And the other is the CD for the grading system?

18 A. That is correct. I believe, if I remember correctly,
19 the one that has "Berea High Media Center" sticker on
20 it is the one that is IG Pro that was given to the
21 staff. My understanding -- I was not there. I was at
22 Woodmont that year. My understanding is it was given
23 to the entire staff for the IG Pro system. They were
24 to become familiar with it during the 02/03 school
25 year, and then the 03/04 they were encouraged greatly

1 to use that system. 04/05 it was a necessity that
2 they had to use it. And then the next one would be
3 the EXCENT.

4 Q. All right. Both of those things were recovered from
5 Josh?

6 A. From his house. That is correct.

7 Q. Is there any evidence to indicate that those two items
8 were Ms. McBride's?

9 A. What we have is his statement. And he told us, "I
10 still have those at home." They fit very well with
11 the statement he had given us under oath with the
12 Sheriff's Office. So we don't have anything to the
13 contrary that they were not; but, no, I have nothing
14 that has her name listed on it except for the
15 statement he said he got them from her and that she
16 had asked him to do those.

17 Q. Well, when Ms. McBride was suspended and leaving and
18 there were a number of CDs that were left in her
19 classroom, are any of those CDs these two items? I'm
20 trying to understand, Mr. Roach --

21 A. Those were recovered before -- they were recovered
22 either the day that he left campus in her vehicle or
23 the next day. So it was in the middle of the
24 investigation. It was before that she was asked.

25 Q. Is there any way of knowing for certain whether these

1 were her CDs or could these have been two CDs that
2 Josh had gotten at school from another teacher?

3 A. That could have been true. They did not have her name
4 on them, no.

5 Q. Of the two CDs that Josh had that were recovered, we
6 cannot ascertain for certain whether they were Ms.
7 McBride's or as Ms. McBride had said in her statement
8 that Josh could have gotten those from any teacher?

9 A. He couldn't have gotten the EXCENT from any teacher,
10 only one of the special ed teachers, but the IG Pro
11 could have come from any classroom. That is correct.

12 Q. So every teacher had the grading CD?

13 A. The IG Pro. The IG Pro CD.

14 Q. But only the special ed teachers or special-needs
15 teachers had the EXCENT?

16 A. That's correct.

17 Q. When it came to the passwords, are those highly
18 protected?

19 A. They should be to the point where the District has
20 even come to the point now, they ask teachers and
21 anyone who has a password, if someone -- if even a
22 tech logs in their computer, you should go in and
23 change your password.

24 Q. Could he get these things from some other source other
25 than Ms. McBride?

1 A. He should not be able to.

2 Q. I mean, there is a password for her login?

3 A. That's correct.

4 Q. There's a password for her --

5 A. E-mail.

6 Q. -- e-mail?

7 A. That's correct.

8 Q. And then there is a password --

9 A. For her Web site.

10 Q. For the Web site. One password was -- what were those
11 passwords?

12 A. I remember --

13 Q. I remember Tinkerbelle.

14 A. Tinkerbelle was one. It seem like Lobel was one
15 password. He knew that her --

16 Q. And the other one was just simply McBride?

17 A. "MMcBride." He did know that was -- and that would be
18 how you get into NOVELL and e-mail.

19 Q. Okay. When he had her car and they went to Enoree and
20 they picked up some students from Enoree and they
21 brought them back to school, that was the same day
22 that Josh had taken the car. And the question there
23 is whether Ms. McBride knew he had taken the car?

24 A. That's correct. That day that her car was missing.

25 Q. And, apparently, she did not know he had taken the car

1 or she wouldn't have reported --

2 A. That's correct.

3 Q. -- that her car was missing when other students were
4 going out to the parking lot to put some items into
5 her car.

6 A. If I remember the statement correct, she shared with
7 our resource officer, she didn't know if her husband
8 had came -- had come and gotten the car or not but
9 that it was missing.

10 Q. So Josh and the young lady both cut school?

11 A. That is correct.

12 Q. Because she just simply left with Josh?

13 A. That's correct.

14 Q. And then where they went we're not exactly certain but
15 we do know that they went over to Enoree because,
16 according to her, she said I want to go over there and
17 pick up some friends?

18 A. That's correct. And they did bring, I think, two
19 students back with them.

20 Q. When they got back to school, what time was that?

21 A. Again, without looking exactly through all the
22 documentation, it was --

23 Q. Was it P.M. or --

24 A. It was P.M. It was 3:00, 3:30.

25 Q. So, apparently, it was close to getting out or they

1 wouldn't ever let them leave --

2 A. Close to dismissal time.

3 Q. -- Enoree to get in the car. So, apparently, it was
4 dismissal time at Enoree?

5 A. Correct.

6 Q. So they were bringing these students back to Berea
7 High School so that they could get in their car or get
8 their transportation home, and that is when the police
9 officer found the car with Josh in it in that regard?

10 A. That's correct.

11 Q. What kind of person is Josh?

12 A. In terms of student?

13 Q. Well, it seems, Mr. Roach, that a lot of these things
14 are "he said/she said."

15 A. Okay.

16 Q. When it came to the things that he did, accordingly
17 before he encountered Ms. McBride he was making A's
18 and B's, according to his mother. And then once he
19 encountered Ms. McBride then he starts making D's and
20 F's. The mother has said he was doing very well
21 before he met Ms. McBride and the reason that he was
22 doing poorly was because he was doing Ms. McBride's
23 work and not doing his work.

24 A. Right.

25 Q. Would you say that was a true statement?

1 A. I can verify for the 03/04 school year his grades at
2 the beginning of the year before he started missing
3 classes were good. And then once he began to miss
4 classes, they did fall off. For the 02/03 school year
5 I cannot verify that. I was not there.

6 Q. Josh is not a special ed person?

7 A. He is not. He's a very bright young man.

8 Q. And so, really, the only reason he had connection with
9 Ms. McBride was because the year before she was his
10 homebound teacher?

11 A. That's correct.

12 Q. And so there's no one at Berea High School that Josh
13 can communicate with other than Ms. McBride?

14 A. He has a guidance counselor assigned to him. Also --

15 Q. I understand, but the guidance counselor doesn't have
16 the relationship with -- Ms. McBride as Josh did?

17 A. I can't ascertain that.

18 Q. Because if you look at it on one side every time
19 something happened, Josh was with Ms. McBride.

20 A. That is correct.

21 Q. And I think we said we had 31 class absences. Ms.
22 McBride, I think, will state she had three to five
23 from one teacher note and two from the other teacher.
24 And yet we say there are many more times that Josh is
25 out of class and that he is in Ms. McBride's

1 classroom.

2 A. Okay. And you got two school years going on, too.

3 Q. Yes, sir. I understand that. I'm trying to
4 understand the type of person that Josh is because as
5 I read Ms. McBride's statement through and through and
6 I read Josh's statement through and through, there
7 were a number of things in there that I'd look and
8 say, well, this is what Josh is saying, this is what
9 Ms. McBride is saying. They are not exactly
10 coinciding with one another. Matter of fact, there
11 are conflicts. So how am I to determine who is
12 telling the truth and who is not? So that's why I'm
13 trying to understand a little bit about Josh.

14 A. Right.

15 Q. Did he have a behavior record?

16 A. He was not one that was in trouble a lot, no.

17 Q. But he is, apparently, a person that has emotional
18 problems?

19 A. I can't diagnose that. I don't know.

20 Q. From what the guidance counselor's statement is
21 written and from what the teachers had said --

22 A. He did have some issues in the 02/03 school year is my
23 understanding.

24 Q. Everybody had said that Josh has mental problems?

25 A. I haven't read anything that said he had mental

1 problems. I did read that he had some issues the
2 02/03 school year that were diagnosed and that he was
3 going to a counselor for those.

4 Q. He was going to mental health?

5 A. Right.

6 Q. So these times in which Josh -- these last days here I
7 think that in September that we have a string of
8 events whereby Josh is saying that I'm going to run
9 away from home?

10 A. That's correct.

11 Q. So I'm going to bring my stuff to school?

12 A. Right.

13 Q. I'm going to put it in her classroom and then at the
14 appropriate time, then I'm going to run away from
15 home?

16 A. And, according to Josh, Ms. McBride was trying to help
17 him be emancipated. I do have a note from Enoree --
18 Mr. Cleveland had that in his stuff -- that said Ms.
19 McBride had sent a note and asked if Josh -- if they
20 would assist Josh in looking up emancipation or allow
21 him to research that to some degree, talking about
22 emancipation.

23 Q. The school did inform DSS?

24 A. Again, now, what year are you talking? 03/04?

25 Q. Of a potential harm being done to Josh at home?

1 A. The year before 02/03?

2 Q. Yes. I'm trying to ascertain -- Schools have to
3 inform DSS if they suspect or think that a student is
4 being abused at home.

5 A. Correct. And if -- the guidance counselors would have
6 done that.

7 Q. As I look through the statements then DSS was
8 contacted, but DSS decided for some reason or another
9 that they would not investigate that particular --

10 A. That's my understanding also for '02/03.

11 Q. Right. And in Josh being emancipated, Josh is 16?

12 A. At that time. That's correct.

13 Q. In two months he would be 17?

14 A. That's correct.

15 Q. And so the reason that DSS would not take part was
16 because of the proximity that Josh was in being 17, at
17 which time he would automatically be emancipated, if
18 he desired?

19 A. It would have been six months removed from his
20 seventeenth birthday then because that investigation
21 would have taken place in March, April of 02/03 school
22 year. So March, April of '03. His emancipation was
23 being sought after in September of '03, so you're
24 several months removed from that.

25 Mr. Cleveland:

1 Mr. Chairman, as a matter of public legal knowledge,
2 no one is emancipated at the age of 17. They can quit
3 school at the age of 17. I know there are statements
4 in this record from school personnel that say
5 otherwise, but that is simply not a legal fact in
6 South Carolina.

7 Mr. Saylor:

8 Thank you, Mr. Cleveland.

9 Examination resumed by Mr. Sudduth:

10 Q. I'm not stating legal fact. I'm stating the
11 statements that were in the documents that were given
12 to me.

13 A. Right.

14 Q. In looking at Josh, did Josh graduate from Berea High
15 School?

16 A. He did not. He left Berea High School 03/04 school
17 year. Withdrew and went to another program.

18 Q. So we have not had any contact with Josh since that
19 particular time?

20 A. I have not personally. I think -- Again, I don't
21 know. All I can speak for is myself. I have not,
22 since he withdrew from Berea High.

23 Q. All right. If we go back to those last days of Josh
24 in school, Ms. McBride gives him the car or she
25 doesn't give him the car, Josh decides that he's going

1 to take the car anyway. I'm really not concerned
2 about what happened off campus because I would assume
3 that happened on Friday and toward the weekend?

4 A. I think that's correct.

5 Q. Josh -- I'm just trying -- I want to make sure. Josh
6 spent the night at his friend's house that Friday
7 night and he goes over to Ms. McBride's house on
8 Saturday morning?

9 A. That's correct from the statements.

10 Q. Because his friend's mother tells him --

11 A. He's got to go.

12 Q. -- that he's got to go?

13 A. That's correct.

14 Q. I assume that she's not in the house, that she's gone
15 but she called and said "hey, Josh is going to have to
16 go," so Josh goes?

17 A. My understanding she was there that night. She had
18 left that morning, called the house, he was still
19 there, and she told her son he needed to leave.

20 Q. Have you had contact with Josh's mother?

21 A. Since?

22 Q. At any time. I understand she came up there once she
23 found that Josh's grades were not very -- not doing
24 very well.

25 A. That's correct.

- 1 Q. She comes up there to investigate. Have you ever had
2 a conversation with her?
- 3 A. I have.
- 4 Q. Has she talked to you about Ms. McBride?
- 5 A. She did.
- 6 Q. Was this prior to the September events?
- 7 A. No.
- 8 Q. So the only time really that you've got contact with
9 Ms. F [REDACTED] is during -- at the conclusion of these
10 September events?
- 11 A. I, myself, that's correct.
- 12 Q. Yes, that's what I'm asking.
- 13 A. But that was my first year there as principal. My
14 understanding she had met with the school the previous
15 year.
- 16 Q. Were you aware of the previous school year?
- 17 A. I was not. Not until all this came to light.
- 18 Q. So, really, if we put this in time frame, all this is
19 happening at the beginning of the 2003/2004 school
20 year?
- 21 A. It came to a head then. A lot of stuff had happened
22 the 02/03 school year after January '03.
- 23 Q. There is a statement saying that Josh worked with her
24 during the summer?
- 25 A. Right. I think I do remember reading that.

1 Q. If he worked through the summer was it at her house or
2 was it at school?

3 A. It would not have been at school not during the
4 summertime.

5 Q. Now, was a statement made somewhere that Ms. McBride
6 would call Josh up and ask him if he would come up to
7 the school and help her and the statement -- I think
8 this is Josh. See, a number of things I'm talking
9 about, Mr. Roach, Josh is saying.

10 A. And, again, it could be --

11 Q. I just don't have a feel for the student as to --
12 Apparently, he is very much involved with Ms. McBride.

13 A. I think that's a correct statement.

14 Q. But, yet, when it gets down to this, then he seems to
15 be turning against Ms. McBride because he is revealing
16 all of these things. So I don't see the loyalty is
17 there involved in that. I just wondered if you had a
18 handle on that?

19 A. That would be strictly speculation on my part.

20 Q. And that's because you had limited contact because you
21 really didn't get involved with this until really
22 towards the end of September?

23 A. That's correct. I had a month, six weeks there as
24 principal.

25 Q. Last thing. Ms. McBride stated, I think, that the

1 reason you listed six reasons as to why, you know, you
2 felt like she should be terminated. And then Ms.
3 McBride in return said that the principal has malice
4 towards me because I was open and frank about issues
5 including the District's IEP policies, the
6 mistreatment of special ed students, class sizes and
7 Mr. Roach covering up the criminal behavior of
8 students who attended his church and the Berea High
9 School coaching staff. How would you respond to that?

10 A. All those are false.

11 Q. Okay. Thank you, sir.

12 Mr. Saylor:

13 Thank you Mr. Sudduth.. Dr. O'Connor?

14 Examination by Dr. O'Connor:

15 Q. You just made a quick reference to the conversation
16 you with Josh's mom about her reaction to the
17 relationship between Josh and Ms. McBride. Would you
18 say a little bit more because you've just kind of --

19 A. Right. I did meet with her after all the
20 investigation started. She was very adamant about the
21 fact that she did not like Ms. McBride being around
22 her child. She felt like he was -- she was a poor
23 influence on him, et cetera. And, again, I did not
24 have -- I wasn't privy to all the information until
25 this came to light. So I had to go back and find out

1 what had happened in the previous school year, but I
2 did meet with her a couple of times. She was very
3 adamant about she didn't want her child around the
4 teacher, et cetera.

5 Q. What were the reasons that she had?

6 A. She felt like, as I stated earlier, his grades failed
7 because he spent more time helping her, that she was
8 trying to help him run away, that she -- and, again, I
9 haven't read her statement in a long time. But those
10 are two big ones. Her big thing was his grades
11 suffered because of her. And that's -- she directly
12 related that to Ms. McBride and said that him being
13 out of class was a detriment to his grades which it
14 did show.

15 Q. And she felt like Ms. McBride was involved in
16 encouraging him or helping him run away?

17 A. That's correct. She had that feeling.

18 Q. Thank you.

19 Mr. Saylor:

20 Dr. Ray?

21 Examination by Dr. Ray:

22 Q. Mr. Roach, I have one area that I want to ask you
23 about; and that has to do with the absences from
24 class. Remind me, how many absences do we think --
25 it's like 50?

1 A. I can't say that. I know we have documented out of
2 teachers' grade books. Ms. Hills, I know -- right
3 here, I have it with me, is four out of her grade
4 book. And Ms. Kytes' [phonetic] grade book had a
5 couple denoted, as Ms. McBride notes. And I do have
6 Ms. Kytes' statement to the police said that -- and
7 she said to us also that he had been out of class
8 several times with Ms. McBride to the point where she
9 had spoken to Ms. McBride.

10 Q. Okay. I'm curious about the school administration's
11 monitoring of that, and were there conversations with
12 Ms. McBride about this, about this behavior prior to
13 this incident?

14 A. Did not know it until it came up. I have shared with
15 my teachers repeatedly, they are not to keep teachers
16 out of classrooms -- other teacher's classrooms. Not
17 to write notes unless it's a dire emergency. If a
18 student needs to make up a test, they could come at
19 another time, they shouldn't hold them.

20 Q. And given that environment -- this is where I'm kind
21 of having a little bit of difficulty. Given that
22 instruction and that environment, how does this happen
23 especially with the frequency that's alleged in the
24 case? How does that happen in an environment like
25 that without somebody noticing it or somebody taking

1 issue with it?

2 A. Well, like I say, I'd only been principal there six
3 weeks.

4 Q. Right.

5 A. And now it's set practice. What they did previous to
6 that, I can't speak for that. And that could be maybe
7 they didn't -- they didn't see the need to share that
8 with administration. But now I've stressed that over
9 and over again, not to keep kids out of class.

10 Q. So prior to your coming was there a policy of having
11 students like being helpers, assistants, et cetera?

12 A. They did have student aids. That is correct.

13 Q. And would that sometimes be done informally as well as
14 formally?

15 A. Should not be done informally. Should be done
16 formally where they have a teacher sign on their
17 schedule as an aid for that class period.

18 Q. Do you have any knowledge that it was done informally?

19 A. Again, I was at Woodmont that year, so I don't know.

20 Q. Okay. That's all.

21 Mr. Saylors:

22 Thank you. Mrs. Sutherlin?

23 Examination by Mrs. Sutherlin:

24 Q. When did you become aware that this student was a
25 troubled student? When were you first aware of that?

1 A. Can you define troubled for me.

2 Q. Pardon me?

3 A. Can you define what you mean by troubled?

4 Q. Well, from all that I've heard about this, emotionally
5 upset and, you know, who cuts himself --

6 A. Okay.

7 Q. -- on a regular basis is obviously troubled.

8 A. Okay. Right. Not until all this came to light. I
9 had no prior knowledge that he had had some issues the
10 year before with, like I say, cutting himself, et
11 cetera.

12 Q. And you had never discussed this student's problems
13 with any teachers before this all came to light
14 suddenly?

15 A. Discussed his problems with teachers previously? I
16 had no knowledge of it; so I, therefore, could not
17 discuss it, no.

18 Now, we have standard things we tell teachers,
19 that you -- if you have an issue, you need to take
20 this to the guidance office, and they fill out a DSS
21 report and so forth, but I had no knowledge that Josh
22 had any kind of issues the year before.

23 Q. And you hadn't discussed his situation with the
24 guidance counselors or teachers?

25 A. I did not know that, no.

1 Q. I know that Mr. Ray -- Dr. Ray just asked this
2 question, but I too am concerned with how long this
3 situation was going on. If the student would miss
4 classes that many times and his grades were falling
5 and all that, that there was no intervention, that no
6 teacher -- they discussed it amongst themselves but
7 they did not go to the administration to say this
8 student is missing too much class --

9 A. Correct. Right.

10 Q. -- and it just went on and on and on.

11 A. Right. And, again, those teachers did speak with Ms.
12 McBride and a guidance counselors, but it was never
13 brought to administration's attention. Since then we
14 have told teachers that if something of that nature
15 comes up, they need to let us know.

16 Q. Are all of your teachers at Berea computer literate
17 pretty well? Are they more computer literate than
18 their students?

19 A. I don't know that -- Teenagers today are very computer
20 literate. That's just -- that's the nature of their
21 society today. So I don't know if that's a true
22 statement or not. My teachers are very much working
23 towards being proficient, according to District
24 standards, but I can't say that they're all computer
25 literate. I don't know if we'd use that terminology.

1 Q. So would I be safe to assume that at times teachers
2 may ask students for help because younger students
3 tend to be more apt a lot of times than older ones --
4 people to --

5 A. We have had -- now, we have had teachers who have
6 hired former students, college students and so forth,
7 to set up their Web sites which is going to be common
8 knowledge anyway, but never they should ask -- if a
9 teacher asks a student to help them with things that
10 are private knowledge, SASSI, those kind of things,
11 they should not be doing those things. If they are,
12 then they're in violation of District policy.

13 Q. But even without the consent of a teacher, we do know
14 of cases where students can hack into information
15 everywhere including the Pentagon and everywhere else
16 --

17 A. That's correct.

18 Q. -- without any provocation at all. So are you
19 positive that this student accessed the -- all this
20 stuff through Ms. McBride?

21 A. I have no -- I've never had any knowledge of a student
22 who's hacked the system at Berea High School, and he
23 knew more than one password. So it led me to believe
24 that he had not hacked into the computers. If he had
25 hacked into the computers, I would think that he would

1 change the -- he would have been changing things in
2 the computer, but we had no knowledge of anything that
3 had been changed, either a breach in the system for
4 the District or a breach in the system for high
5 school.

6 Q. Had you had any reason to disapprove of Ms. McBride's
7 teaching before all this came to light?

8 A. I had been notified that she had failed ADEPT the year
9 before. So, therefore, I was the one who had to go
10 through and do her ADEPT that year. Other than that
11 did not.

12 Q. Well, failing ADEPT, what does that mean? What does
13 that mean to the teacher?

14 A. Basically, if you fail it for the second year, you are
15 --

16 Q. Is it sort of like a probationary --

17 A. That's correct. She was, technically, on probation
18 for her teaching performance.

19 Q. But they're also given a chance and given assistance
20 to --

21 A. That's correct. That was her second year. She would
22 have received assistance.

23 Q. So that does not always mean termination?

24 A. No, it does not always mean that. That's correct.

25 Ms. Sutherlin:

1 That's all for now, Mr. Chairman. Thank you.

2 Mr. Saylor:

3 Thank you very much. Mr. Meek?

4 Examination by Mr. Meek:

5 Q. Good morning, Mr. Roach. I've got a question for you
6 on Mrs. F [REDACTED]'s statement. She gave that on
7 September the 25th? It's dated September 25th up at
8 the top. While you're looking for it, my question is
9 not pointing everything out, but how did this woman
10 know all these things? I mean how could she cite
11 teachers after teachers and what they did, what
12 McBride said, and what the other teacher said? How
13 did she know that when she gave the statement?

14 A. I don't have a copy of her statement. I have
15 everybody but hers. I can't tell you that. Again,
16 it's -- it would have to be -- I don't know how she
17 had prior knowledge of that. I do not know.

18 Q. Who did she give the statement to?

19 A. Now, Ms. Cochran [phonetic] as it states in her
20 statement was a classroom aid at that time for the
21 Special Ed Department. What was your question
22 specifically? How she knew what now?

23 Q. She points out in here that -- now found out that she
24 had let Josh take her car to go places and she has
25 been writing him passes to get out of Mrs. Hills and

1 Mrs. Knights, Mrs. Kytes' classes. Tuesday Josh
2 wanted to go to Family Court, and Ms. McBride wrote
3 him a pass and gave it to Mrs. Hill to be excused from
4 class. Josh then used Mrs. McBride's car to go there
5 and he returned to school. I'm just saying how did
6 she know all this, know these names. I've been a
7 parent and I've been in situations, and I just
8 wondered how she --

9 A. Well, he only had two teachers at Berea High School,
10 so she would know those teacher's names well, but how
11 she knew those things, I would assume that she -- as
12 she was doing her statement, she had found out from
13 Josh and probably and/or our SRO.

14 Q. I noticed in her -- Mr. Roach, that there were two or
15 three -- I think Ms. McBride admitted that she had
16 written two or three passes or something to that
17 effect, and the teachers had noted that there were
18 other excuses written by Ms. McBride, but there was no
19 -- I guess they didn't keep those.

20 A. Right.

21 Q. How were -- Were they sure that Ms. McBride signed
22 those and that she requested those or could Josh have
23 written his own notes?

24 A. You always have -- that could happen, but Ms. Kytes
25 even in her statement said she went and spoke to Ms.

1 McBride, and Ms. McBride never said I've only got him
2 out of class twice. Those kind of statements were
3 never made, which led me, you know, to believe that he
4 had been in her class several times. The passes, like
5 I say, Ms. Kytes is a stickler, too, for students --
6 making sure they have the right pass, making sure they
7 do those kind of things. That is what she is known
8 for, and so I would think she would know the pass --

9 Q. I just want to feel sure that was -- you know --

10 A. I would think so. Ms. Kytes anyway.

11 Q. Okay. As far as the passwords, I think Ms. McBride
12 admitted in her statement that she had given him the
13 password unknowingly. She didn't even think about,
14 you know, that it also worked for the SASSI or
15 whatever the school system. Is that correct?

16 A. My understanding, if I remember correctly, she did say
17 that he had worked on her Web site for her and she had
18 given him the password. That password seemed to fit
19 another one also. I don't remember if it was the
20 NOVELL login or the e-mail. I think it was the e-
21 mail. E-mail and the Web site were the same.

22 Q. Okay. You said earlier that prior to coming to Berea
23 High School it was not unusual for the teachers to
24 have an aid. What kind of duties did the other aids
25 have? Do you know?

1 A. What they should be is, as any aid would be, they
2 would assist the teacher in -- if the teacher had an
3 errand to go to another teacher, if the teacher needed
4 something done. They should not be grading papers.
5 Same thing. You still have the Privacy Act in there.
6 They should not be violating that with aids.

7 Q. Teach them about the Web site and things like that?

8 A. As I said, I know some teachers have asked students
9 who are computer literate in the past to set up their
10 Web-sites; but that is, like I say, a public domain.
11 So that would not be any kind of violation of the
12 Privacy Act. Basically, the reason why I asked them
13 to stop having aids is because many times those aids
14 would have nothing to do and they would be sitting
15 bored in class and many times would venture around
16 campus. So that's why we kind of stopped the aid
17 process because many times there's nothing for a
18 student to do because they can't grade papers, they
19 can't do those type things.

20 Q. I agree with your policy on that. The second question
21 had Ms. McBride admitted allowing the student to drive
22 her vehicle one time?

23 A. I think one time that she admitted. Correct.

24 Q. And she never admitted that she allowed the student to
25 drive any other time?

1 A. I think that's correct by her statement.

2 Q. In the student's statement, I think he said that he
3 did drive the car on different occasions and was not
4 sure whether Ms. McBride knew that or not. Is that
5 correct?

6 A. I know especially that day his statement said that he
7 had told her he wanted to take her car and he couldn't
8 remember -- He said he didn't -- I don't know if she
9 heard me or not and saw me take the keys the day that
10 he was arrested for taking her car.

11 Q. Something that Mr. Sudduth said earlier that sort of
12 -- I thought about on occasion also. Ms. McBride
13 seemed to be a friend to Josh, a person that he would
14 go to and confide in her on many areas, why he turned
15 on her. I mean, you know, whether it's right or
16 wrong, you could surmise, I could surmise many things
17 out of that, but she's having him arrested for taking
18 her car, so therefore I'm going to get even with her.

19 A. I understand.

20 Q. So, in your mind, you are comfortable that she gave
21 the passwords intentionally for him to go through the
22 IEPs?

23 A. That's what I heard.

24 Mr. Meek:

25 Okay. Thank you, Mr. Chairman.

1 Mr. Saylor:

2 Dr. O'Connor.

3 Examination by Dr. O'Connor:

4 Q. Just one quick follow-up on that about the car. I
5 would imagine, and you tell me if you think it's
6 implausible, but the reason he was giving all this
7 information is because he had been arrested for theft
8 which is a very serious charge.

9 A. That's what we felt.

10 Q. And he was trying to explain himself in a way that put
11 him not as a thief but as someone who had an ongoing
12 relationship that was very different, that would have
13 made it permissible for him to have taken the car.

14 A. That's exactly what we felt.

15 Q. As opposed to sort of a sudden change in their
16 relationship but, you know, that made him --

17 A. Correct.

18 Q. -- but rather a big event happened in his life which
19 is arrest for theft. Is that --

20 A. Correct. That's exactly what we felt.

21 Mr. Saylor:

22 Any other questions for Mr. Roach? Mr. Sudduth?

23 Examination by Mr. Sudduth:

24 Q. Just one. Mr. Roach, you stated that Ms. McBride knew
25 that he knew the login word but that she would not --

1 she did not change it?

2 A. That's correct. She did have -- I mean she said that
3 he -- she had him help her set up her Web site. So,
4 therefore, he knew the logins, but she didn't change
5 them. That's by her own admission.

6 Q. Tinkerbelle was the password for the Web site?

7 A. If I remember correctly, that's correct.

8 Q. And then you've still got the e-mail?

9 A. E-mail is the same.

10 Q. And you still have the EXCENT which I would think is -

11 -

12 A. Is a different one.

13 Q. -- kind of a template for the special ed?

14 A. That's correct.

15 Q. And then you also have the CD that --

16 A. NOVELL login.

17 Q. -- does the grading?

18 A. The CD that does the grading, I don't think -- I don't
19 remember if it had a login or not.

20 Q. So that's two different disks, really?

21 A. That's correct.

22 Q. You have got a special ed disk which is only the
23 special ed teachers have?

24 A. That's correct.

25 Q. And then you've got a grading disk which all teachers

1 have?

2 A. That's correct.

3 Q. In looking back as to what he was saying on that, how
4 secure are these passwords for teachers?

5 A. I've had mine for 14 years and nobody knows any of my
6 passwords.

7 Q. Really, would a teacher ask a student to design her a
8 Web page?

9 A. We have had teachers who have paid college students to
10 design their Web page, but then they would go back in
11 and change the password or they would do a password on
12 their Web page that was -- maybe frivolous and then go
13 in later and change it out.

14 Q. But the Web page is different from the e-mail?

15 A. Oh, very much so. Web pages, you go in, login to it
16 so you can change different things you have on your
17 Web page. They would pull up a teacher Web page. An
18 e-mail is just like anybody in the District. You
19 would login to the District e-mail and be able to send
20 e-mails to anybody in the District.

21 Q. I think what's the most serious on that are the IEPs.

22 A. That is correct. Federal law.

23 Q. That if the student is taking these IEPs home and the
24 student has on his computer at home, he has downloaded
25 the EXCENT which has got the template for the special

1 ed program. So when he's taking these IEPs home and
2 he's working on it, is it just for grades only?

3 A. Even by his own admission, he did several invitation
4 letters. So he was doing several different things
5 with the IEPs.

6 Q. He says he printed off invitation to IEPs for Pedro
7 C [REDACTED] [phonetic]?

8 A. C [REDACTED]. Correct.

9 Q. He said there were two. I can't remember other than
10 Mr. Howard, Ms. Fanning, Ms. Huff and Mrs. Macho
11 [phonetic]. Who is Mr. Howard?

12 A. He was the assistant principal at that time.

13 Q. And Ms. Fanning is the guidance counselor?

14 A. Is one of the guidance counselors.

15 Q. Who's Ms. Huff?

16 A. She was a former guidance counselor who had dealt a
17 lot with Pedro.

18 Q. And Mrs. Macho [phonetic] is a --

19 A. She was the Spanish teacher at Berea High. She was
20 his out class.

21 Q. She's the one who does the out class there?

22 A. That's correct.

23 Q. And he said, "Before I printed, I changed the date and
24 time." Do we have evidence that that occurred or is
25 that just based on what he said?

1 A. That is what time the IEP took place and the date. I
2 can't go in and verify that he changed it.

3 Q. Well, he said he didn't remember the date, but he
4 remembered the time.

5 A. Right.

6 Q. And then Ms. McBride gave him the disk with the
7 school's new grading system. The teacher just type in
8 the daily grades and the system averages the grades.
9 Is that correct?

10 A. That's IG Pro.

11 Q. That's what it does?

12 A. That's correct.

13 Q. She does not know how to use it, so she asked me to
14 check it out and learn how to do it and then return it
15 is what he is saying.

16 A. That's correct.

17 Q. That was one of the things that he returned, that was
18 recovered was that disk?

19 A. As best I can tell by the police statement where he
20 confiscated two disks.

21 Mr. Sudduth:

22 Okay. Thank you, sir.

23 Mr. Saylor:

24 Any other questions? Mr. Meek?

25 Examination by Mr. Meek:

- 1 Q. Could you reiterate exactly what he alleged he took
2 home with him? Can you clear my mind as to what she
3 gave him to take home? And I agree with Mr. Sudduth.
4 I think the most serious is the IEPs. And I'm kind of
5 sitting here in a quandary wondering how I ask you
6 questions without putting words later maybe in Ms.
7 McBride's mouth, but I guess I'm going to have to --
- 8 A. In his statement -- and, again, I can't quote what he
9 said specifically. I'll just have to read his
10 statement. It says, "Last year during the month of
11 April of '03 during spring break, she asked me to work
12 on some of her IEPs that she does for school. She
13 offered to pay me, but did not. She brought me past
14 IEPs to work from at my house; but in order to do that
15 while I was at school, I would login to the computer
16 and look up students' grades to write down so I could
17 add them to the IEPs. There's a section named
18 academics that their grade goes into or login -- and
19 she gives her logins." Let's see, "She provided me
20 with a CD to be able to write the IEPs. The password
21 for the CD was Horizon. I'm not sure if I have the
22 software -- it was EXCENT -- still on my computer
23 because I think I cleared it out. Some of the IEPs I
24 worked on were labeled E and D." Then it goes into
25 talking about specific IEPs. Says, "Sometime last

1 week she gave me a disk for the school's new grading
2 system. The teachers just type in the daily grade and
3 the system averages it. She doesn't know how to use
4 it, so she asked me to check it out and learn how to
5 do it and then return it. I remember it because it
6 has a serial number on it. You have to have it in
7 order to install it. I still have not returned it nor
8 was it installed on my computer at home." That was
9 one of the things that was confiscated. So, again,
10 I'm not sure what -- the one is definitely the IG Pro
11 by his statement. Has the serial number on it. The
12 second one, again, just speculating, it was the
13 EXCENT.

14 Q. Could he have stolen that from her?

15 A. Again, he could have done any of that. That's very
16 possible. It's not labeled her name at all on it.
17 All you have to go on is his statement and the fact
18 that he had them.

19 Q. Okay. Knowing how nosy some students are, some people
20 are, knowing the amount of time that, apparently, he
21 spent in her classroom during school, during class or
22 whenever, could he have obtained that information
23 without her knowledge?

24 A. Could obtain the CDs?

25 Q. Could obtain the CDs, could obtain the information

1 about the IEPs?

2 A. Again, if IEPs are left so students could rumble
3 through, you still have a issue of breach of allowing
4 them to see things. So, I mean, either way we have a
5 issue.

6 Q. If he had access, she didn't have them in a safe
7 place. Is that correct?

8 A. That'd be correct.

9 Mr. Saylor:

10 Dr. Ray?

11 Examination by Mr. Ray:

12 Q. I don't remember if we -- did they confiscate a
13 computer at his home?

14 A. Not to my knowledge.

15 Q. Because there would be a way to determine what was on
16 the computer even though it might have been erased.
17 Right?

18 A. You're talking about his laptop?

19 Q. Yeah.

20 A. I think he said on his laptop he had already erased
21 it. I don't know. I don't think they confiscated his
22 laptop.

23 Q. But we could confirm that probably. They determine
24 what has been erased on computers all the time, so --

25 A. That is correct.

1 Q. Thank you.

2 Mr. Saylors:

3 Mr. Sudduth?

4 Examination by Mr. Sudduth:

5 Q. Just one last question, Mr. Roach. This boy and this
6 girl who left the school, they just simply cut school
7 and left, what is the security? Is there a gate? Was
8 the gate locked? Is there anyone out there watching
9 the gate? I'm interested in knowing how this boy and
10 this girl just decided, hey, we're going to go. They
11 go out there and get in the teacher's car and zoom
12 they take off.

13 A. There is four gates in the front of the school. Two
14 are locked. The only ones that are open are the two
15 middle ones. There are cameras in the front of the
16 school, cameras in the back of the school. Have a
17 resource officer, three assistant principals and a
18 principal. But you -- even with that you cannot
19 guarantee that a student cannot leave campus.

20 Q. This was during lunch?

21 A. My understanding.

22 Q. There's no one in the parking lot during lunch? No --

23 A. There is an assistant principal who stands in front of
24 the school.

25 Q. Is that the only way they can get out?

1 A. They could sneak out from the back of the bottom of
2 the 200 wing.

3 Q. I'm talking about in a car.

4 A. They could walk through the parking lot, get in a car
5 and leave. That's correct. You would not -- I mean
6 you could see them pulling out of the parking lot, but
7 you could not, you know, physically stop them, the way
8 the lay of the school is right now.

9 Q. There's no one there during lunch out in the parking
10 lot supervising?

11 A. There is somebody who stands in front of the school
12 that supervises. Correct.

13 Q. But in spite of their supervising, they still are able
14 to leave by going out that route?

15 A. Again --

16 Q. Did anyone observe them leaving?

17 A. No, not that day.

18 Q. So students can leave and not be noticed?

19 A. I think you can have that at any school in the United
20 States if they want to get out. I could have -- I
21 could stand in the parking lot at the gate. You know,
22 if a parent comes in, demands to see me right then, I
23 have to go in for five minutes and that student could
24 leave at that time. So I can't guarantee that a
25 student could never leave campus. If I could do that,

1 I'd be principal of the year.

2 Q. Well, we are just talking about -- Mr. Roach, I was
3 talking about during lunch because that appeared to be
4 the time --

5 A. Same thing. I mean, we always have every area covered
6 that you could possibly have. Have the principal in
7 front of the school --

8 Q. The schools that I worked at, you couldn't leave.

9 A. You're not supposed to leave ours either.

10 Q. Unless you went by in a vehicle. Now, you can go out
11 and get on your feet and leave.

12 A. Correct.

13 Q. But you can't go out and get in a car in the schools
14 that I've worked at without the person -- if there's a
15 person out there. If there's no one out there, then
16 fine. But if you've got all the gates locked except
17 that one gate --

18 A. Two gates.

19 Q. -- everybody comes in and comes out?

20 A. That's correct.

21 Q. Okay. Thank you, sir.

22 Mr. Saylors:

23 Mr. Meek?

24 Examination by Mr. Meek:

25 Q. Thank you. Mr. Roach, just for clarification do

1 students leave quite regularly going to Enoree from --
2 A. We have students going to Enoree. And my assistant
3 pretty much knows most of the ones, 99 percent of
4 them. He knows 90 percent of the students who go to
5 Enoree every day. If those that are in question, he
6 verifies them to make sure.

7 Q. Okay.

8 A. And we catch many students leaving campus. Students
9 even in today's time still think that they're entitled
10 to the right to leave to go eat lunch. We deal with
11 that on a constant basis.

12 Q. You mean they're not?

13 A. Sir? They are not.

14 Q. Thank you.

15 Mr. Saylors:

16 Okay. Mr. Roach, thank you very much.

17 Mr. Sudduth:

18 Excuse me.

19 Mr. Saylors:

20 Yes, sir.

21 Examination by Mr. Sudduth:

22 Q. One additional. We've got 30 plus notes that are in
23 question as I read somewhere about the passes.

24 A. Okay.

25 Q. So there were time after time after time where this

1 student has a pass to go to Ms. McBride's class or a
2 note excusing a student from being in another class.
3 Being absent from classes was a tremendous problem.
4 Was that ever given to an assistant principal or was
5 all these absences from class being handled through
6 the teacher and guidance?

7 A. Okay. The year that I was a principal, the first year
8 there, I documented there's only four from one teacher
9 and, I think, three or four from another teacher.
10 But, no, those never came to the assistant principal.
11 Now, I think the 30-something you think are in
12 question spans over a two-year period. So I'm not
13 privy to the ones that happened before I became
14 principal.

15 Q. Okay. Thank you, sir.

16 Mr. Saylor:

17 Mr. Cleveland.

18 Ms. Sutherlin:

19 Mr. Chairman:

20 Mr. Saylor:

21 Yes, ma'am.

22 Examination by Ms. Sutherlin:

23 Q. Mr. Roach, do you -- are we basing our case on the
24 fact that the student said that he had in his
25 possession all of this private information? Did

1 anyone ever check to confirm that?

2 A. Check to confirm --

3 Q. And that's pretty serious, even for the District, that
4 IEP situation. And, yet, is all we have to prove this
5 his word?

6 A. We have the disks that we confiscated. We have all
7 the passwords that were verified that he knew. We
8 have documentation that he was out of class from
9 teachers in their grade books. I have not been able
10 to denote anything that he said or denounce, I guess,
11 is a better word.

12 Q. So as far as all the information that he claims he
13 had, he still has it?

14 A. In terms of passwords? Those passwords are null and
15 void now.

16 Ms. Sutherlin:

17 And is there a possibility that the student who seemed
18 to be pretty clever at getting out of doing what he
19 didn't want to do, could he have changed the dates and
20 used those excuses over and over again for a long
21 time?

22 Mr. Saylor:

23 Let Mr. Roach reply to Ms. Sutherlin.

24 Mr. Roach:

25 I can speak for one teacher very much so. Ms. Kytes.

1 Again, her reputation precedes her. Those notes would
2 have been taken from him. She just didn't keep them.
3 She'd noted in her grade book, I know, on three or
4 four different occasions. But I can speak with all
5 sincerity that, no, he would not be able to use a pass
6 more than once for her. Now, Ms. Hills it could have
7 been, but even her grade book, she denotes that it was
8 taken from Ms. McBride. Ms. Kytes even spoke again to
9 Ms. McBride, so I know that that was breached there.
10 So she had evidence that that went on.

11 Mr. Saylor:

12 Anybody else? Mr. Cleveland. Mr. Meek.

13 Examination resumed by Mr. Meek:

14 Q. Thank you. Did anybody ever verify whether the child
15 was beaten in the home?

16 A. It was never verified. I mean he had the accusations,
17 but it was never verified. Of course, DSS chose not
18 to pursue that as they do many times. Again, that
19 would be strictly speculation on my part.

20 Q. One other question I wanted to ask you earlier, and it
21 sort of slipped my mind. As my mind gets older, it
22 slips more. Is it common or uncommon for a teacher to
23 allow a student to drive their vehicle?

24 A. I would hope that would be very uncommon. I've even
25 told teachers not to take students home because of the

1 Q. And he also says that he drove it over to Chris' house
2 and picked Chris up. Correct?

3 A. And came back to school was my understanding.

4 Q. Came back to school with Chris?

5 A. That's correct. Which would be late afternoon, after
6 school's already out, et cetera. All of that took
7 place supposedly after school.

8 Q. And that's entirely consistent with statements given
9 by Chris and by Chris' mother. Correct?

10 A. That's correct.

11 Q. And does he also say that he drove it to -- drove the
12 car to Family Court?

13 A. I think that was the day in question. He wanted to go
14 to Family Court about the emancipation, the day the
15 car was missing.

16 Q. Well, I might suggest you read the statement more
17 carefully and see what it says.

18 A. Okay. You are correct. That was -- he does say he
19 drove it to Family Court and referenced emancipation
20 papers.

21 Q. And then he drove it on September 25th to go to Legal
22 Aid. Right?

23 A. Correct. According to his statement.

24 Q. So that's four times that he says he drove her car?

25 A. Correct.

1 legal precedent that it sets and puts them in a bad
2 situation.

3 Q. You don't know of anybody else at Berea that --

4 A. Anyone else to drive their vehicle? Not to my
5 knowledge. I have had a few teachers who have asked
6 me can I take so and so home. I always ask them to
7 get in writing from the parent that they can take them
8 home so, therefore, they're covered. If they have
9 another student in their car to take another student
10 with them, not to put themselves in that kind of
11 predicament.

12 Q. I guess that would be good common sense to do that.

13 A. I think it's good common sense myself.

14 Mr. Saylor:

15 Anything else? Mr. Cleveland.

16 Examination resumed by Mr. Cleveland:

17 Q. Thank you, Mr. Chairman. Mr. Roach, have you bothered
18 to count up how many times Josh drove Ms. McBride's
19 car?

20 A. I think he says a couple of times. I have not
21 bothered to count those up, no.

22 Q. He says that he drove it to the Teacher Resource
23 Center in the previous year with Ms. McBride in the
24 car?

25 A. That was his statement. That's correct.

1 Q. Have you seen the statements from Chris B [REDACTED]
2 [phonetic] and his mother, Linda B [REDACTED]?

3 A. I have.

4 Q. And do they say anything about Ms. McBride being at
5 their house with Chris?

6 A. According to them, they said that Ms. McBride brought
7 Josh to their house on that Friday night, if I
8 remember the statements correctly, said that he was --
9 he had run away from home, asked if he could stay
10 there that night.

11 Q. Now, do you know what Friday night that was?

12 A. That would have been -- Oh, I don't remember. I
13 haven't read the statements that closely in a while.
14 Been two years removed. It would have been the Friday
15 before all this happened.

16 Q. And all this happened on September 25th?

17 A. That's correct.

18 Q. By "all this" you mean that's the day that Josh
19 allegedly stole the car?

20 A. That's correct. It all came to a head.

21 Q. So that would be Friday, September 19th. Correct?

22 A. That would be correct.

23 Q. All right. So what's the sequence of events on
24 Friday, September 19th, according to Josh and Chris
25 and Chris' mother?

1 A. Of course, he missed class again. And it says in here
2 that he went to Ms. McBride's room, fixed her computer
3 by adding a device that enables computer to be shown
4 on TV. Says school got out. He told Ms. McBride he
5 was going to Wal-Mart to get something. Asked if he
6 could use her car. She replied it was all right and
7 told me where the keys were. So he left to go to Wal-
8 Mart. He was gone 30 minutes, came back, got his
9 clothes, went to her classroom, asked if she was ready
10 to go. She replied yes. He said she already knew
11 that I was not going to go home. She gave me a ride
12 to Chris B [REDACTED]'s house. Said she went inside, spoke
13 with his mom, told Chris' mom I was running away and
14 that I needed to stay there. Chris' mom got mad at
15 first, then she calmed down and said okay for me to
16 just hide in Chris' room. If she knocked on the door
17 to hide so she wouldn't get in trouble. According to
18 all these statements taken, too, his mom began looking
19 for him that night. Supposedly, Chris' mother did not
20 tell Ms. F [REDACTED] where he was at. Said spent rest of
21 the night there. Chris' mom told me the next morning
22 I'd have to leave. Says she called about 10:30 and
23 asked if I was still there. Told me to leave. He
24 rode his bicycle to Ms. McBride's house, said he got
25 there between 11 and 12. I was there when she called

1 Deputy Oshlater [phonetic]. She then called the
2 Sheriff's Office and told them I was there. She came
3 -- they came and picked me up and took me to the Law
4 Enforcement Center, and later my mom picked me up
5 there.

6 Q. Okay. Now, that incident happened on September 19th?

7 A. That's correct.

8 Q. Is this the same day that Chris first went over and
9 picked, I mean, that Josh first went over and picked
10 Chris up?

11 A. I can't answer that. I don't know for sure without
12 going through all the statements. I don't remember.

13 Q. Well, you look at those statements until you can
14 answer the question.

15 A. Okay.

16 [Witness Reviewing Documents]

17 It was the same day. That's correct. They went to
18 Wal-Mart together.

19 Q. This appears to have been, doesn't it, to be the
20 incident that Ms. McBride describes in her statement,
21 when she says, "Last Friday Josh was in my classroom
22 at fourth block. Josh had started moving my computer
23 to the front close to 3:30 p.m. I told him to finish
24 it up on Monday. He left. He came back a short time
25 later very angry. He grabbed my cell phone and called

1 Chris. He was angry with Chris for leaving without
2 him. He hung up. The phone rang right back. It was
3 Chris. They talked and Josh calmed down and left. A
4 few minutes later Josh and Chris came to my room.
5 Josh told me that Ingles, I understand that Josh and
6 Chris say it was Wal-Mart, was holding a video for him
7 and asked me to let him drive up there to get it. I
8 gave him the keys to my black Blazer and told him to
9 come straight back. He did." Is that not consistent
10 with Linda B [REDACTED]'s statement that said, "Last Friday
11 after I picked up my son Chris from school, he told me
12 that Josh was going to come, they were going to go to
13 Wal-Mart to buy a movie. Chris had already asked me
14 if Josh could spend the night, and I gave him
15 permission. Sometime around 5:00 p.m. Josh came to
16 the door and got Chris. They left in a black SUV.
17 They were gone about an hour and came back with Ms.
18 McBride." So far everybody's consistent. Do you
19 agree?

20 A. That's correct.

21 Q. Then, according to Ms. McBride's statement, "I took
22 both boys to Chris' house. I went in with them. We
23 discussed Josh's wanting to run away. Josh talked
24 about trying to go live with his aunt. Chris' mom and
25 I talked about Josh. Chris' mom was upset because

1 Josh mentioned running away." That's Ms. McBride's
2 statement. Does that appear to be the same as when
3 Chris E [REDACTED] says, "At the end of the day I was
4 supposed to stay here and leave with Josh and Ms.
5 McBride, but I went home with my mom. Then Josh came
6 and picked me up in Ms. McBride's Blazer. Josh was by
7 himself. We both went back to school and spoke with
8 Ms. McBride for a little bit, then we both left and
9 went to Wal-Mart in Ms. McBride's Blazer. We tried to
10 buy a movie, but they would not let us buy it, so we
11 stopped, got gas, then returned to school. Then Ms.
12 McBride took both of us to my house. We all three
13 went inside. She talked to my mom about how his
14 parents beat up on Josh. We talked about how his
15 parents are and that he could stay the night. She
16 knew the next day he was supposed to go to an aunt's
17 house for a little bit. Ms. McBride left." Does that
18 appear to be the same incident to you?

19 A. It does.

20 Q. Do you know of any reason why Josh would need to know
21 about Ms. McBride's students' IEPs?

22 A. There should be no reason.

23 Q. Do you have any reason to believe or even suspect that
24 Josh stole the EXCENT software from Ms. McBride's
25 classroom?

- 1 A. He would have no reason to have it.
- 2 Q. Do you have any reason to believe he would have stolen
- 3 it from any other special education teacher in the
- 4 school?
- 5 A. There would be no need. He had no benefit in having
- 6 it.
- 7 Q. How many other special education teachers do you have?
- 8 A. There's six self-contained and three resource.
- 9 Q. So it would be one of those nine people?
- 10 A. That's correct.
- 11 Q. All those nine people had that EXCENT software?
- 12 A. That's correct.
- 13 Q. Mr. Meek made a reference to Josh turning on Ms.
- 14 McBride. Do you remember that?
- 15 A. I do.
- 16 Q. In your opinion, is it not at least as likely that Ms.
- 17 McBride turned on Josh?
- 18 A. One could construe that, yes.
- 19 Q. Josh went into Ms. McBride's classroom and got her
- 20 keys on September 25th. Is that correct?
- 21 A. Josh went in her classroom?
- 22 Q. Yes.
- 23 A. Yes.
- 24 Q. And why was he getting those keys?
- 25 A. Said he was going to Legal Aid.

1 Q. Do you know why he was going to Legal Aid?

2 A. To try again the emancipation process.

3 Q. And you earlier referred to a note that Ms. McBride
4 wrote regarding Josh and that emancipation process,
5 didn't you?

6 A. That's correct. From Enoree.

7 Q. Is that a copy of the note?

8 A. That is correct. It's from Mr. Dinkins, his teacher
9 at Enoree. It's from Ms. McBride. It says, "Would
10 you please allow Josh to use your computer to look up
11 forms for emancipation so he may print them and search
12 for a job. We're trying to get him out of a bad
13 situation. Thanks."

14 Q. Now, that note on the front, that other piece of
15 paper, what is that?

16 A. This is from Mr. Banning, the principal at Enoree. It
17 says, "Bill, here is the note. Sorry I don't have a
18 date. It was in Josh's file."

19 Q. So why do you happen to have that note from Mr.
20 Banning?

21 A. During the investigation I asked Enoree if they had
22 any notes on file so we could verify over there if he
23 had missed time also.

24 Q. All right. And Mr. Banning sent you this note?

25 A. That's correct.

1 Q. We'd like to offer this as Exhibit 2.

2 [Marked Exhibit No. 2]

3 Examination resumed by Mr. Cleveland:

4 Q. Now, according to that note, Ms. McBride certainly
5 knew that Josh was trying to become emancipated,
6 didn't she?

7 A. Yes, sir.

8 Q. And then according to Josh, he went into -- According
9 to Josh, he one day went to Family Court in Ms.
10 McBride's car for some reason or another?

11 A. That's correct.

12 Q. Do you have any idea if Family Court can handle an
13 emancipation process?

14 A. I don't have any knowledge of that. I don't know
15 about Family Court.

16 Q. Would it surprise you to learn that Family Court,
17 while they handle those things in the courtroom, they
18 don't hand out forms for that purpose?

19 A. I can believe that.

20 Q. In light of that, does it make sense that a day or so
21 later Josh would again take Ms. McBride's car and go
22 to Legal Aid for the purpose of becoming emancipated
23 from his parents?

24 A. If he could not have done that the day he went to
25 Family Court, yes, I would think that would make

1 sense.

2 Q. Does it make sense to you that Josh would walk into
3 Ms. McBride's classroom, take her keys, drive away
4 with another student and then just, apparently, very
5 casually drive back onto the campus of Berea High
6 School if, in fact, he had stolen that car?

7 A. No. I would think he felt like he had permission to
8 do so.

9 Q. Does Josh not say that he told Ms. McBride what he was
10 doing, that he was leaving?

11 A. He does say that. He said, "I told her I was going to
12 Legal Aid."

13 Q. Do you know the name of the student that went to Legal
14 Aid with him?

15 A. It's in his statement Christina C [REDACTED]

16 Q. Do you know what class Christina C [REDACTED] was supposed
17 to be in at the time she left with Josh to go to Legal
18 Aid?

19 A. I knew that at the time. Today I do not.

20 Q. Do you have any reason to question that it was Ms.
21 Hills' class, the same class that Josh was supposed to
22 be in during that period?

23 A. I could believe that.

24 Q. You're not saying it's true, you just don't have any
25 knowledge one way or the other?

1 A. I don't. And I tried to read the statement to see if
2 it would jog my memory, but I cannot recall that.

3 Q. Do you know if Ms. Hill noted the absence of these two
4 students and said anything to anybody about their
5 absence?

6 A. According to Josh in his statement, it was okay
7 because he had said that Ms. McBride needed him.

8 Q. Josh says he said that to whom?

9 A. Ms. Hill. In his statement it says, "I went and
10 talked with Ms. Hill. She agreed it would be okay."

11 Q. But you're not aware whether Ms. Hill said anything to
12 anybody about the absence of these two students from
13 her class?

14 A. I do not recall that, no.

15 Q. Do you know if on the afternoon of September 25th,
16 when Ms. McBride said that she didn't know where her
17 car was, are you aware if she earlier sent a student
18 to the parking lot to get something out of her car?

19 A. Earlier that day?

20 Q. Yes.

21 A. I think that is correct.

22 Q. Do you know if that student -- if she sent that
23 student to the parking lot before or after Josh left
24 with her car?

25 A. I do not recall that.

1 Q. If it was after -- if she sent the student to the
2 parking lot to get something from her car after Josh
3 left, the student probably couldn't have gotten in the
4 car without the keys, could he?

5 A. That would be correct.

6 Q. So it's entirely possible that Ms. McBride sent a
7 student. Is it consistent with everything you know
8 that Ms. McBride sent a student to the parking lot to
9 get something out of her car, and then the student
10 came back and reported there was no car?

11 A. I think that's the way it worked out.

12 Q. So it is entirely possible that Ms. McBride knew in
13 advance there was no car there and in order to cover
14 herself, sent a student out who would later come back
15 and report that the car was not there. Is that not
16 consistent with your determination?

17 A. That's correct.

18 Q. And yet the student couldn't have gotten anything out
19 of the car because, in fact, there were no car keys to
20 give to the student. Is that right?

21 A. Correct.

22 Q. And why were there no car keys?

23 A. Because Josh would have taken them if it was after the
24 time he left.

25 Q. And it's entirely consistent that Ms. McBride would

1 have known that Josh was leaving with the car because,
2 in fact, she knew that he had been unsuccessful in
3 going to Family Court to be emancipated, is that not
4 right, according to Josh's statement?

5 A. According to Josh's statement that is correct.

6 Mr. Cleveland:

7 I don't have any other questions, Mr. Chairman.

8 Mr. Saylor:

9 Thank you very much, Mr. Cleveland.

10 Mr. Thomas:

11 I have a question. I'm still a little confused about
12 what I can do and cannot do. Mr. Cleveland's done a
13 great job with incredible leading questions. Because
14 we're not operating under court rules, I can't object.
15 Yet, I think what he says is going to be easily
16 refuted. The question I have is what can I do? She's
17 not qualified to ask the kind of questions that
18 counsel is so able to do. Clarify that for me, if you
19 would, please, sir.

20 Mr. Saylor:

21 Mr. Thomas, it is my understanding that you're allowed
22 to advise Ms. McBride and ask -- and help her in
23 asking questions. Am I correct?

24 Mr. Cleveland:

25 Mr. Chairman, that's true. Mr. Chairman, the

1 superintendent has no objections to -- we do have a
2 law. We are trying not to set a precedent, but we
3 have no objections to Mr. Thomas' working fully with
4 Ms. McBride. That's not what -- that's not the point
5 of pointing to state law, but we do have a state law
6 that does limit Ms. McBride's rights here so -- but
7 there are no objections to Mr. Thomas assisting in a
8 limited but meaningful way in Ms. McBride's case.

9 Mr. Saylor:

10 It would also be my understanding that if there's any
11 points of clarification that Ms. McBride needs to
12 bring it up at the time she presents her case.
13 Anything that Mr. Roach has said, she's welcome to
14 rebut at that time. Am I correct? Mr. Cleveland, is
15 that a correct assessment?

16 Mr. Cleveland:

17 That's certainly correct, Mr. Chairman.

18 Mr. Saylor:

19 Does that answer your question, Mr. Thomas?

20 Mr. Thomas:

21 Just so that I may ask in a similar way that Mr.
22 Cleveland has asked questions of Mr. Roach, I may ask
23 questions of Ms. Mann-McBride?

24 Mr. Saylor:

25 That is not my understanding, sir, no.

1 Mr. Thomas:

2 What are you allowing me to do then?

3 Mr. Cleveland:

4 Mr. Chairman, if we need to take a recess for Mr.

5 Thomas and --

6 Mr. Saylor:

7 I was fixing to ask do we need to take a break.

8 Mr. Cleveland:

9 -- Ms. McBride to work together, that's -- Mr. Thomas
10 wants to write questions for her, whatever, that's
11 fine.

12 Mr. Saylor:

13 Let me do this because we want to make sure that this
14 is fair. Let's take a 15-minute break because the
15 rest of the Trustees need to take a break. And if you
16 need a couple more minutes, that's fine. But I would
17 like for you to discuss these issues and maybe the
18 three of us need to clarify some of Mr. Thomas'
19 concerns. Is that fair, Mr. Cleveland?

20 Mr. Cleveland:

21 Yes, Mr. Chairman.

22 Mr. Thomas:

23 As I'm understanding and have understood from the
24 beginning, but after the redirect of Mr. Roach, it
25 became apparent to me that the School District had the

1 great advantage of a wonderful trial lawyer.

2 Mr. Saylor:

3 Well, if it's necessary to allow Ms. McBride to ask
4 Mr. Roach questions while he's still sworn and sitting
5 in this seat, I have no problem with it; but I'm going
6 to request that the two of you make those kind of --
7 Dr. O'Connor?

8 Dr. O'Connor:

9 Yes. I think that just as Mr. Cleveland helped bring
10 points of information forward that did not come up in
11 the testimony, I would certainly welcome the
12 involvement to let him write down questions that she
13 should make sure to ask --

14 Mr. Saylor:

15 I have no problem with that.

16 Dr. O'Connor:

17 -- to make sure that all points are discussed and are
18 covered in the same way, as long as we're not
19 interacting with the attorney as if he's presenting a
20 formal case, rather that he's interacting with her in
21 a way that allows her to make sure any point that she
22 wants to make or question that she needs to ask can be
23 allowed.

24 Mr. Saylor:

25 And, again, that's a fair point. But I want to ask

1 counsel to deal with Ms. Mann.

2 Mr. Meek:

3 What would be the difference in allowing Mr. Thomas to
4 ask the questions instead of Ms. McBride? We're not
5 setting a precedent. We can overrule ourselves any
6 time we want to. That's not a precedent statement,
7 no. A lot of times the question may come up while
8 they're questioning that Mr. Thomas will not have time
9 to take up --

10 Mr. Saylor:

11 Well, again, if this is -- We're -- As chair I'm
12 following the advice of legal counsel for the School
13 District. They believe -- our legal counsel believes
14 that because there is some gray area attached to how
15 this specifically would be -- a case would be
16 addressed, that's why we are treading with caution.
17 However, I'm going to ask counsel to visit with each
18 other; and, if they can come up with a compromise that
19 both feel comfortable with, I have no problem with
20 that.

21 Mr. Meek:

22 I make a motion we go out of executive session.

23 Ms. Sutherlin:

24 Second the motion.

25 Mr. Saylor:

1 I have a motion to go out of executive session for
2 what reason?

3 Mr. Meek:

4 Can't make a motion in executive session.

5 Mr. Saylors:

6 Okay. I have a motion to go out of executive session
7 and a second. Any discussion? Dr. O'Connor?

8 Dr. O'Connor:

9 Yeah, I don't really understand.

10 Mr. Meek:

11 Because I cannot make a motion in executive session.

12 Mr. Saylors:

13 He's correct.

14 Dr. O'Connor:

15 I think we've already -- If it's for the same reason
16 that came up earlier, then I would have the same
17 response now.

18 Mr. Meek:

19 We're just going to have a vote on it, though.

20 Dr. O'Connor:

21 If we're going to have a long discussion, then I think
22 we ought to decide whether we want to have that
23 discussion.

24 Mr. Meek:

25 I've got a simple motion. It's up to everybody else

1 if they want to discuss it.

2 Mr. Saylor:

3 Okay. All those in favor of the motion as stated say
4 aye.

5 [Trustees responding]

6 All opposed no. Motion carries and we're now out of
7 executive session.

8 Mr. Thomas:

9 Mr. Chairman, since we're out of executive session, a
10 quick question before we -- we haven't adjourned. Are
11 we out of executive session for a break or --

12 Mr. Saylor:

13 We're out of executive session because one of my
14 colleagues has an intention to make a motion and we're
15 prohibited to make motions in executive session.

16 Mr. Meek:

17 Mr. Chairman, I make a motion that we take a break,
18 recess for about 15 minutes.

19 Mr. Sudduth:

20 Second.

21 Mr. Saylor:

22 We have a motion to go on a 15-minute recess, break.
23 Any discussion?

24 Dr. O'Connor:

25 Why would we go out of executive session to take a

1 break? I don't get that. I want to know why before I
2 say yes or no.

3 Mr. Saylor:

4 We had to go out of executive session to make a
5 motion. We cannot make a motion in executive session.

6 Dr. O'Connor:

7 But we didn't need a motion to take a break.

8 Mr. Saylor:

9 For whatever reason, we went out of executive session.
10 That motion was on the floor.

11 Dr. O'Connor:

12 I want a break. If we have to vote to get a break,
13 then I'll vote for that.

14 Mr. Saylor:

15 All those in favor?

16 [Trustees responding]

17 All opposed?

18 And we all will reconvene at 11:25.

19 [OFF RECORD]

20 Mr. Saylor:

21 Mr. Cleveland, it is the chair's understanding that
22 you and Mr. Thomas have come up with an agreement that
23 you both feel comfortable with. Would you please let
24 us know what's going on.

25 Mr. Cleveland:

1 I think, Mr. Chairman, for starters Mr. Thomas asked
2 that we -- that Ms. McBride present her case now and
3 we go back and pick up with other superintendent
4 witnesses because he has a meeting that he needs to
5 attend, and that's okay to do that. Ms. McBride has
6 organized herself in the way that Mr. Roach has and
7 plans to present her side of the story pretty much on
8 her own. If there's some clarification things that
9 Mr. Thomas feels the need to emphasize in the way that
10 I did with Mr. Roach, then by way of assistance that's
11 certainly acceptable. Is that fair enough?

12 Mr. Thomas:

13 That's fair enough.

14 Mr. Saylors:

15 I need a motion to go back into executive session
16 then.

17 Ms. Sutherlin:

18 I so move.

19 Mr. Saylors:

20 We have a motion and a second to go back into
21 executive session for a personnel matter hearing. All
22 in favor?

23 [Trustees responding]

24 Mr. Saylors:

25 All opposed? And we are back in executive session.

1 Mr. Meek.

2 Mr. Meek:

3 I have a couple of questions here.

4 Mr. Cleveland:

5 Mr. Chairman, we do need to get Ms. McBride so that

6 Mr. Thomas can participate with her -- assist her.

7 Mr. Saylor:

8 Mr. Meek, your questions for Mr. Roach, can they wait

9 until after Ms. McBride offers her --

10 Mr. Meek:

11 They could, but following up with what Mr. Cleveland

12 said --

13 Mr. Saylor:

14 I'm going to request that the number of questions we

15 keep it very brief because --

16 Mr. Meek:

17 I have just a couple of small little questions.

18 Mr. Saylor:

19 Yes, sir. Go ahead.

20 Examination by Mr. Meek:

21 Q. Okay. Mr. Roach, Mr. Cleveland made the point that

22 Ms. McBride could have sent a student out there

23 without her keys just to look for her car and say --

24 there's no indication either way, is there?

25 A. I don't have any knowledge of either.

1 Q. As far as you know, there's no indication either way?

2 A. Right.

3 Q. Secondly, somewhere through all these statements, he
4 was mentioning about his aunt two or three times. Did
5 we ever follow up on that? Was the aunt ever involved
6 -- did he ever go live with her as far as we know?

7 A. Again, being two years removed, I don't remember
8 specifics on that. Did say that she was -- he was
9 going to stay with an aunt on the weekend. I'd be
10 hard-pressed to tell you exactly.

11 Mr. Saylor:

12 Yes, please step over to be sworn. Watch the cable.

13 Ms. McBride:

14 All righty.

15 ** ** *

16 The witness was sworn to tell the truth, the whole truth
17 and nothing but the truth of his/her own knowledge
18 concerning the matter herein.

19 ** ** *

20 Mr. Saylor:

21 If you would be seated, please, and state your name
22 for the record.

23 SHERRIE MANN McBRIDE, having been duly sworn, testified as
24 follows:

25 Ms. McBride:

1 Well, I'm now Sherrie Mann; but because at the time of
2 my dismissal it was McBride, everything's been handled
3 under that name.

4 Mr. Saylor:

5 Okay.

6 Ms. McBride:

7 You will have some letters there from Sherrie Mann,
8 and that's why.

9 Mr. Saylor:

10 Okay.

11 Ms. McBride:

12 Where to begin. I, first of all, want to thank each
13 and every one of you for this opportunity to appear
14 here today. It's been a long two years. And I want
15 to tell you what happened. I want to talk about the
16 events that led up to these occurrences and why I feel
17 like I deserve to have my job back.

18 To tell you a little bit about me, briefly, I
19 taught special ed for three years. I was actually a
20 social studies teacher who could not find a job out of
21 school. I took the job reluctantly because I knew
22 nothing of special ed, but I fell in love with that
23 job and I did it well. And my annual reviews will
24 prove to you that I did that job well. I had a
25 rapport with the students, both at that level and with

1 children who were advanced, because I also was the
2 head sponsor of student government at Berea High
3 School for those same three years, and I also enjoyed
4 that job.

5 Being able to have that level of students taught
6 me a lot about how to deal with advanced students.
7 And the boy that I had would have been an advanced
8 student except he was very troubled. And I want to
9 thank you for pointing that out here today because
10 I've been unable to get that point across. And I feel
11 like I've, you know, other people are starting to see
12 that, and I appreciate that. I tried to discuss that
13 with the police the day that I was arrested, and it
14 seemed to go over their heads.

15 I also want to clear up one other thing. Let me
16 finish about the -- I have been teaching out of field.
17 I'm a little disturbed about what my rights are versus
18 being an annual or returning continuing teacher. I
19 entered into this contract with the School District
20 with the understanding that I would have a contract
21 that renewed itself every single year, regardless of
22 what it said on that contract. I went to school.
23 Those courses were paid for by the School District of
24 Greenville County. I received all the requirements.
25 I went to school, earned all the requirements that I

1 needed to be LD certified. That, however, is not what
2 I taught. The reason I got that certification first
3 is because I already had a lot of classes that went
4 toward that certification and it was quick. I could
5 get that one in a hurry and be certified in that area.
6 As has been mentioned here today, I taught EMD, and I
7 was in the process of getting that certification and
8 had begun to take courses at Furman. Okay. The law
9 clearly states that no teacher, especially since no
10 child left behind is not supposed to teach out of
11 field for more than two years; and, yet, I was in my
12 fourth year teaching out of field. And I was asked to
13 do that because I was good at what I did, and I feel
14 passionate about that. And I don't like the fact that
15 I'm sitting here today hearing that -- what her rights
16 are versus annual. It was okay. I had every right in
17 the world as long as I was willing to teach special ed
18 even though I was teaching that out of field. And I
19 was glad to have the opportunity. I'm not going to
20 sit here and say it was forced down my throat. I was
21 glad to have that opportunity.

22 Mr. Thomas:

23 Go to the sequence of events.

24 Ms. McBride:

25 I met Josh in 2001 when I was approached about taking

1 his homebound. His guidance counselor at the time was
2 Gwen Huff, H-U-F-F. She was wonderful at what she
3 did, and she warned me when I took this homebound.
4 And she explained to me this child was returning to
5 the public school system after being at the Charter
6 School.

7 She said that he had had a relationship with a
8 male teacher at the Charter High School and had
9 attempted suicide. And she really -- she warned me
10 not to be at home with the child by himself even
11 though the child professed to be homosexual and
12 involved with a male teacher, just to be careful of
13 this family. And so I took it with that understanding
14 and tried to always be on guard and be cautious where
15 he was concerned, and the homebound went beautifully.
16 If there was any time the father was leaving the home,
17 I also left the home, for that very reason. The child
18 is the one who actually explained to me as the
19 homebound went by that he cut himself, that he and his
20 mother had --

21 Mr. Thomas:

22 What does cut himself mean?

23 Ms. McBride:

24 He was a mutilator, self-mutilator. Sorry. If
25 there's anything that I'm not clear about, I would

1 like to clear that up because I think sometimes I
2 assume that you know more about the case than you
3 really do. So if I'm not clear -- but he was a
4 mutilator. And that was all new to me too. I had
5 never had a student who cut himself or, you know, I
6 had heard briefly about it because my undergrad degree
7 is a psychology degree, but I was unfamiliar with it
8 other than that.

9 And I took, you know, the homebound with the
10 understanding that there was going to be some problems
11 here but never dreamed that it would propel to this
12 level. During that homebound everything went fine. I
13 did not meet the mother until the last day of his
14 homebound, and that's because I went and picked the
15 student up.

16 He had a computer class at the time. There had
17 been some problems in that computer class that we were
18 not able to resolve with my being the go-between
19 between the student and the computer teacher. So with
20 the parent's permission I picked that child up on the
21 last day of school. We were gone approximately 45
22 minutes and everything went fine. He went and talked
23 to Derek Miller who was the computer person at the
24 time. They worked on an issue that he could go home
25 and fix and return the stuff to him. I had no further

1 contact with Josh F [REDACTED] until the next school year.
2 And like with a lot of homebound students, he came by
3 my class often. They attach themselves to teachers
4 who have taught them in their homes.

5 I have -- you know, I did homebound on numerous
6 occasions. Especially girls who have children, they
7 will bring you pictures of that baby. They feel like
8 they share a more progressed relationship with the
9 teacher than one that just taught them at school.

10 Anyway, in -- as the year progressed, Josh had
11 problems developing. The mother, apparently, was
12 getting out of control herself at home because she had
13 been arrested a couple of times for getting in fights
14 in the neighborhood.

15 And Josh would come by and air his griefs about
16 those kinds of things, and then he -- After Christmas
17 of that year, it would have been in February, towards
18 the end of February of 2002, Josh came to my room one
19 day. And he said, I've got to show you something.
20 And this was at the beginning of -- I had fourth block
21 planning this period, and he knew that. And when the
22 students were gone, he came into my room, took off his
23 jacket and said, "I've got to show you what I've
24 done." I could already see the blood. He had cut
25 himself. And this was -- you know, I knew that he had

1 done that at home or -- I didn't know he'd even done
2 it recently. I understood that was part of the
3 problem that had, you know -- see, he had been at
4 Greenville -- not Greenville Mental Health, but
5 Columbia before the homebound started. And I thought
6 that was the last time he had actually cut himself.
7 So come to find out, he is still an active cutter.
8 And he informed me he had done the same thing to his
9 legs.

10 So I was supposed to be covering another class.
11 I had like 10 minutes that I had to go cover a class
12 for a teacher who was out, and I grabbed my team
13 leader across the hall. She was the person who I had
14 -- who had been my mentor and who had been my team
15 leader the whole time I had been at Berea. Lynn Fox.
16 And she came and got Josh and I said, "Lynn, you've
17 got to come see this. I've got to go cover a class.
18 I can't handle it." The reason I got her also or knew
19 that it would be okay to pull her from a class, is not
20 only did she have an aide, but she had a student
21 teacher at the time. So there was two other people in
22 that classroom. And I said, "Lynn, this kid has just
23 cut himself. I can't believe this."

24 In questioning him, we found that he had stolen a
25 magnifying glass from our biology department, took it

1 apart and had cut himself with the glass from that
2 magnifying glass in the bathroom.

3 Lynn took the situation over from there, and I
4 went on to cover the class. And when I came back to
5 my room, he was in there with Kim Fanning, the
6 guidance counselor. And she was not actually supposed
7 to be his guidance counselor at that time. She was
8 the eleventh grade, and he was actually a tenth grader
9 at this time, but Ms. Hunt was not there that day, and
10 so Ms. Fanning took the situation under control. And
11 she was speaking with him. And we talked at length
12 with Josh about -- he wanted to discuss the fact that
13 he couldn't get along with his parents because he
14 professes to be gay. And the conversation centered
15 around that. And when we --

16 At some point during the conversation, Kim
17 decided we would walk him to his car, and we did not
18 tell his mother. I know she signed a statement that
19 says we told his mother that he cut himself at school
20 that day, but that did not happen. In fact, I was
21 very concerned about that. And did I do anything
22 about it? No. I did talk to Lynn about it, my team
23 leader, because I was shocked that we did not tell his
24 mother about it. But it was with the understanding
25 that he would himself tell his mother. That's what he

1 told Ms. Fanning he would do.

2 So a couple days later Josh in my room
3 threatening to cut himself again.

4 Mr. Thomas:

5 Is this still in 2002?

6 Ms. McBride:

7 This is still in 2002, end of February. And he's
8 becoming a bigger problem for both of us and really
9 needed to be back on homebound, but that didn't happen
10 either. And he didn't want to be on homebound. He
11 would argue that point. And he had originally become
12 homebound because of panic attacks. And then he even
13 explained to us that he was cutting himself to avoid
14 the panic attacks. And still he's not put on
15 homebound. So it was just, you know, out of control.
16 And I don't think anybody really knew how to handle
17 the situation. And Kim was new to the guidance
18 department. And I don't know what should have taken
19 place at that point other than the fact that I was
20 just appalled that -- that there was no intervention
21 so to speak.

22 Mr. Thomas:

23 He wasn't in your class?

24 Ms. McBride:

25 He was not in my class at this point.

1 Mr. Thomas:

2 How did he get to your class?

3 Ms. McBride:

4 The following week I was approached by Kim Fanning.
5 This happened in an IEP meeting. It actually -- we
6 were setting up for an IEP meeting and there was just
7 three of us in the room. And this was not for the
8 boy. It was for a student. And our job coach was
9 there at the meeting. Her name is Donna Darnell. The
10 three of us were talking about Josh and about his
11 problems and those kind of things. And Kim brought up
12 in that meet -- or in that little -- it wasn't a
13 meeting. It was just the three of us talking, that
14 she had been in touch with the doctor, the boy's
15 doctor, and that they felt that it would be best if
16 they placed that boy under my supervision when he is,
17 you know, threatening to cut himself. And she goes on
18 to say that, you know, we're going to try for a little
19 while half -- she didn't call it half days. That's
20 what we use in special ed, but she did say that -- for
21 two classes a day that he would, you know -- he could
22 go get his work and work in your room and return that
23 work back to those teachers.

24 And from what I understood that was the general
25 consensus between her, the guidance department, the

1 boy's mother, the boy's doctor and the teachers that -
2 - the two classes he wouldn't be in. I never said,
3 "Okay, is this okay with his mother, is this okay with
4 whoever." I just did my part. I thought it had been
5 decided. She was part of the administration. I said
6 okay. I was more than willing to help. And I -- you
7 know, I didn't feel like it would be a problem for
8 that to happen.

9 So he started coming to my room for those two
10 classes a day, and he was doing his work in the class.
11 And he would take that work and turn it in. On the
12 days that he had tests, he would go get the test, come
13 back, do the test in my room, and go turn that test
14 back in. And this went on for probably a month and a
15 half or so because when progress reports came out --
16 the last final progress report came out around mid
17 April, he wanted to -- his mother was up there.

18 On this day was the day that I realized we all
19 dropped the ball. And Crystal Hunt came to my room.
20 She said to me, "Is Josh F [REDACTED] in your classroom
21 today." I said, "Yeah, he's in here." She said,
22 "Under whose direction," or "Under whose approval," I
23 believe is the way she said it. And I said, "The
24 guidance department." She said, "I don't think." And
25 I said, "Well, from my understanding, he's supposed to

1 be in here these two periods a day." And she said,
2 "Not under our approval." And I said, "Ms. Fanning
3 said he's supposed to be in here two periods a day."
4 And so at that point Crystal was adamant that I better
5 get to her office and I did so because she's a strong
6 personality, and she left no doubt that I needed to
7 get up there as fast as I could. And so I got someone
8 to come cover my class, and I went up there. And when
9 I got there, the mother was in her office in hysteria,
10 threatening to kill herself. She was just absolutely
11 irate, out of control. It never came up about -- you
12 know, she never said why have you been letting this
13 child come to your class. I didn't know this kid was
14 not -- you know, she never said I didn't know my son
15 was in your class. It never came up. It was more
16 about calming this woman down and finding help for
17 her. And Ms. Hunt scolded her a couple times. She
18 said, "You need to calm yourself down." You know, no
19 wonder Josh is like he is and blah, blah, blah. And
20 so that's what it centered around. And then once she
21 was calmed down, the meeting came to an end. It was
22 later that it was addressed with me that I had dropped
23 the ball by letting this child come into my room. And
24 she told me, she said, "Do you know we cannot do
25 this." And I said, "Well, I didn't know. I did not

1 know the mother didn't know. I did not know that, you
2 know, you did not know. I didn't understand." You
3 know, and she said we could really be in a lot of
4 trouble here and I should be glad that Dr. East
5 [phonetic] didn't know. And I said, well, you know, I
6 am glad that, you know, that we're not in trouble, but
7 I didn't know. In other words, I had a hard time
8 trying to understand how I could be in trouble when I
9 was just doing what I felt like I had been instructed
10 to do. And that's the way that conversation ended.
11 But no, I never said a word about it to Dr. East
12 [phonetic] because I just, like they, wanted it to go
13 away. And the boy was not in my room for the rest of
14 the school year. He would come by. He would complain
15 about not being in my room, but he was never permitted
16 to be back in my room the rest of that school year.
17 Of course, there was only another, what, six weeks of
18 school left after that.

19 Mr. Thomas:

20 And during the summer tell them what communication
21 there was between you --

22 Ms. McBride:

23 There was no communication during the summer. There's
24 something in a letter that says we communicated over
25 the summer. That is not true. The boy did call my

1 cell phone the first week of school before school
2 started back. He knew that we would be there setting
3 up the room. I had plantars fasciitis when school let
4 out the year before, and I had -- My mother helped me
5 clean up my room and another student who wasn't at
6 Berea anymore was there and helped me clean up my
7 room. I had to move rooms, and they helped me move my
8 room. He was very upset about my letting this student
9 come help me move my room. And I think that's what
10 that backs up to just to clear that up.

11 Mr. Thomas:

12 Who was he?

13 Ms. McBride:

14 Josh. Apparently, the --

15 Mr. Thomas:

16 The other student.

17 Ms. McBride:

18 Well, the other student was a female.

19 Mr. Thomas:

20 Was Josh upset that someone else was involved with
21 you?

22 Ms. McBride:

23 Josh was very upset that this student had been
24 permitted to come up and help me move my room at the
25 last -- this was the last week of school. And I felt

1 bad that my mother had to come do that. Like I said,
2 I was on a cane and my --

3 Mr. Thomas:

4 Did you ask Josh to help you --

5 Ms. McBride:

6 I did not. I did not.

7 Mr. Thomas:

8 -- to change rooms?

9 Ms. McBride:

10 I did not. I never asked Josh to help me change
11 rooms. Did not need him there. Because the things
12 that needed to be done were things that I needed for
13 my mother --

14 Mr. Thomas:

15 Who was the principal during 2002?

16 Ms. McBride:

17 Dr. East.

18 Mr. Thomas:

19 Did you have any problems with Dr. East?

20 Ms. McBride:

21 None. And --

22 Mr. Thomas:

23 Principal Roach became principal then?

24 Ms. McBride:

25 This was the problem. At the end of that school year,

1 in addition to all this, an announcement was made by
2 Dr. Harner a good month before school was over that we
3 would have a new principal. It would be Bill Roach.
4 And Bill came onto the job then. He was not an acting
5 principal. But Dr. East, basically, moved out and he
6 moved in. And he started making a lot of adjustments
7 to the school, including moving -- he broke -- I don't
8 understand this. He broke up the special ed
9 department but moved everybody else, you know, closer
10 -- in closer proximity.

11 Mr. Thomas:

12 Did you get along with Dr. Roach?

13 Ms. McBride:

14 None at all. It's Mr. Roach. Mr. Roach. And, no, I
15 -- Mr. Roach and I have had lots problems over the
16 years and --

17 Mr. Thomas:

18 What about the previous principal?

19 Ms. McBride:

20 None.

21 Mr. Thomas:

22 No problems?

23 Ms. McBride:

24 No, but he's aware -- Dr. East was very aware of the
25 problems that existed between me and Principal Roach.

1 Mr. Thomas:

2 Did you try to change schools upon learning that Roach
3 would become principal?

4 Ms. McBride:

5 I did. I did. There was a freeze on that summer, and
6 I was unable to transfer. I did put in for a transfer
7 immediately when it was made. And Dr. East even made
8 the comment to me, said, "I thought you'd be the first
9 one here to put in your transfer after that
10 announcement." And I said, "I'm not?" because it was
11 the same day. Said, "No, you're second." So I was
12 the second person who put in for a transfer on the day
13 the announcement was made. I was unable to interview
14 for any jobs until July the 1st, the middle of the
15 summer. And I did interview for three jobs. I have
16 letters from those principals that I interviewed with.
17 And I did not get a job out of those and had no choice
18 but to go back to Berea High School when school year
19 started. And it was very reluctant. It was very
20 difficult for me to do. And it was something that not
21 only my mother and my best friend, who is also a
22 veteran teacher of this district, was aware of but
23 also Lynn Fox who is, you know, was a very good friend
24 and my team leader, they all knew that it was very
25 difficult for me to come back and work at that school

1 knowing that there was going to be problems. I was
2 sick about it.

3 Mr. Thomas:

4 In September -- take us now into September. How was
5 it that Josh got into your classroom after all that
6 had happened previously? How was he back at all?

7 Ms. McBride:

8 Josh came to my classroom the second week of school
9 and started threatening to cut himself at school. And
10 I honestly did not know how to handle the situation.
11 On the first day that he, you know, he came in there
12 hysterical. He had been fighting with the students at
13 Enoree about them teasing him about being gay. I
14 said, "Josh, don't let your personal business out
15 unless you can take the heat. It's your own fault,"
16 because he -- he wants to parade around and act, you
17 know, proud to be that way and then could not handle
18 the heat once that happened. And this was an on-going
19 problem not only at Enoree but also at Berea High
20 School. And he started threatening to cut himself.
21 And on this particular day Kim Fanning was not there.
22 So, yes, I did make a call to keep him with me until
23 she came back. And he went straight to her. He did
24 not miss that whole class. He went straight to her
25 when she returned to campus. And as far as I know it

1 was addressed. I don't know what happened after that
2 particular day.

3 On a couple other occasions that she was not in
4 her office, he came to my room threatening to cut
5 himself and, yes, I did write him a note. And I said
6 three to five because I'm not sure if he was out of
7 both classes on those days or if he was only out of
8 one class on those days. But if I kept him for both
9 classes then there would be five passes because, you
10 know, he missed two classes.

11 He got more and more in the habit of being in my
12 room just because the other teachers were letting him
13 come to my room. Just come. Ms. Kytes, regardless of
14 what her statement says, did not -- she initially said
15 his grades are dropping and he is not in class very
16 much, but she got very spoiled to him not being in the
17 class because he was very controversial. He was often
18 not wanting to be in her class and would get a ruckus
19 started to get out of her class. And she was all too
20 glad to send him to me and have me to have him.

21 In fact, the week after I was arrested, his
22 parents were back up there the following week and had
23 a meeting with Officer O to have several students from
24 that class arrested for causing him mental anguish at
25 school.

1 This kid was out of control and nobody was doing
2 anything about it and that's the truth. And he, you
3 know, came to my room a lot and even Ms. Hills -- I
4 don't think it's in this statement that you have
5 before you, but she talked to my criminal lawyer. She
6 specifically came down, and she explained to them,
7 this kid was out of control, he was coming to class
8 every day threatening to kill himself, he would cry to
9 go to Ms. McBride's class. What am I supposed to do?
10 And she said, "Sherrie, I asked him," she said, "just
11 let him go. What should I do?" I said, "Well, I
12 guess just let him come. I don't know. I don't know
13 what to do." Because the fact is we were told the
14 year before not to let him be there, but yet here he
15 is threatening to cut himself, and I'm supposed to be
16 the one who's supposed to be able to keep him safe. I
17 was caught between a rock and a hard place, and that
18 is the truth.

19 Mr. Thomas:

20 Tell us about -- tell us about how -- before we go
21 into the incident itself beginning, I guess, Friday.
22 Tell us how you think -- did you let him have your --
23 access to your Web site?

24 Ms. McBride:

25 I did, but that was the year before. He did set up my

1 Web page the year before, and it was a common practice
2 for students to do that. I had heard of another
3 student doing it. One of the teachers at Berea High
4 School, a former administrator, Joe Rice, his son --
5 people were paying his son to come in and set up their
6 Web-sites. So I thought nothing of him doing it. I
7 even asked the media specialist, Mr. Bauer, if that
8 would be okay. So I had administrative approval, as
9 far as I was concerned for him to do it. And,
10 frankly, I didn't have time to do it. So I did let
11 him set it up. I did all the wording myself because,
12 I mean, I am the teacher, but he did -- is the one who
13 actually set up these different panels, the pages, the
14 coloring, the buttons, all that, the links, all those
15 kind of things were set up. I had gotten married the
16 year before, and he scanned some pictures of my
17 wedding because that was supposed to be my big news
18 about me on the Web site was that I had gotten married
19 the summer before.

20 Mr. Thomas:

21 So he helped you a lot with the Web site?

22 Ms. McBride:

23 He did. He ---

24 Mr. Thomas:

25 Did you give him passwords that would let him access

1 IEP?

2 Ms. McBride:

3 No. Well, see, the IEPs --

4 Mr. Thomas:

5 Go ahead and explain.

6 Ms. McBride:

7 This child never touched IEPs. He never touched any
8 IEPs that were completed IEPs with student's names on
9 them. Never. Never. And he knew -- and that's why
10 he's using that against me because he knew that's the
11 one thing he'd better not put his fingers on. And,
12 yes, they were in my area. He never touched them that
13 I ever saw. Never. What he is talking about EXCENT
14 for is because I had my laptop and I had my computer
15 at school. Everybody had the same access to -- the
16 same sign-on to EXCENT on their personal computers
17 Because it was -- The company that made the software
18 is called Horizon. That was the password. And I also
19 want to clear up, there's no way he could have a copy
20 of EXCENT unless he stole it from someone else or
21 somehow burned a copy of it because we're only given
22 one copy of EXCENT in the spring to do IEPs, and we
23 all share the same disk. Four people shared that
24 disk. And then it's picked back up by the
25 coordinator. I didn't even have a disk this year. I

1 didn't even have one.

2 Mr. Thomas:

3 2003?

4 Ms. McBride:

5 Of 2003. In other words, the disk that I had that he
6 ever saw was from the previous spring when we did
7 IEPs. That was turned in to Special Ed Services.
8 There was no CD anywhere around there for EXCENT. So
9 there's no way he could have had a copy of that, and I
10 used it -- you know, before -- I'm not the one who
11 turned it into the coordinator. I think Lynn Fox is
12 the one who turned it in to the coordinator. So
13 there's no way he could have had it.

14 Mr. Thomas:

15 Well, you heard the testimony about what he did have.

16 Ms. McBride:

17 Okay.

18 Mr. Thomas:

19 What did he have?

20 Ms. McBride:

21 Well, they say that he had a copy of Intergrade Pro
22 which was supposed to be the proposed -- I don't know
23 that it is even the grading system, but it was
24 proposed to be the new grading system in upcoming
25 years. They didn't ever establish to me when that

1 would be. We all had a copy of that. Mr. Bauer
2 burned every teacher a copy.

3 Ms. Thomas:

4 "We all had." Who's "we"?

5 Ms. McBride:

6 All the teachers at Berea High School had a copy of
7 that CD. If he had my CD, it's unbeknown to me. I
8 never gave it to him. I'm not saying that he could
9 not have taken it from my desk because he did have
10 access to -- you know, he sat at my desk a lot. He
11 worked at my computer a lot, but he never had -- you
12 know, and I even asked Mr. Mitchell the first time I
13 was down here two years ago to please confiscate that
14 computer. I asked him to please -- I had two
15 computers at home, a laptop and a personal PC, that I
16 would be glad to turn those over to the District and
17 verify that I had never even used that Intergrade Pro.
18 I still have those two systems. And you are welcome
19 to pull the hard drives and to verify that I had never
20 used Intergrade Pro. Never. I don't know what it
21 looks like. I've never put it into a machine. And
22 that is the truth. And if he has it, like I said, I
23 don't know why he has it because we were not even
24 using it. We had not had any instruction on using it.
25 Mr. Bauer was -- I don't know if he had jumped the

1 gun, so to speak, why we all had it, but we all had
2 it. And so you know -- My brother was with me when I
3 cleaned out my room. CDs were left there, lots of
4 CDs. Scott feels that it was probably there because
5 he saw the Greenville County emblem on the top of the
6 case. And I don't remember there being another case
7 that had that on it. So I believe that it was left in
8 my room, but I'm not -- I can't attest to that because
9 I'm not sure and I did not see it myself, but he's
10 here today if you would like to ask him what he saw.
11 And I brought him to the informal hearing as well, so
12 --

13 Mr. Thomas:

14 Right. Let's keep going now with the -- have you said
15 all you can say about how he might have gained access
16 with passwords and things like that?

17 Ms. McBride:

18 Well, there seems to be a big misconception.
19 Tinkerbelle was my sign-on -- was my password for my e-
20 mail. And I did let him set up my Web site with
21 Tinkerbelle. All of that you have to get inside of
22 NOVELL to use. He would not have had access anyway.
23 It's not that I even gave it that much forethought,
24 but to me it was just not anything he was going to
25 have access to. So what did it matter what the

1 password was. You had to be inside of NOVELL to do
2 all the things that they're saying that he did. And
3 on the day that I was interrogated for five hours by
4 the police, NOVELL never came up. It was SASSI. They
5 kept saying that he had been on SASSI, he had been on
6 SASSI. And I said, "What did he do on SASSI," but
7 they could never substantiate to me what it was that
8 this child had done. It's like he's got access to
9 this and he's got access to that and he's -- and I
10 said, "What has he done? I don't understand what it
11 is that I'm being accused of here." And if he knows
12 anything about, you know, what comes off of SASSI, I
13 print these sheets to do the IEPs by. And I think he
14 saw me -- he did, I know for sure, see me do that.
15 And he even requested to do that. And I said, "No, I
16 have to do this myself," because I, as a teacher,
17 could not risk him changing grades. And I don't know
18 that he wouldn't. There was a lot of things I let him
19 do on my computer, but I certainly never let him have
20 access to anything that I would have to be, you know,
21 concerned with. I had other aids who will tell you
22 that these are not things that I allowed aids to have
23 access to. When these students took drivers ed, part
24 of the time they needed teachers to take them as aids.
25 I've had plenty of aids who worked at my desk and they

1 never had access to these things. So where he got it,
2 I do not know; but I do know that in a sworn
3 deposition --

4 Josh, before all this happened was suing Charter
5 -- Charter private school for the relationship that he
6 supposedly had, you know, with this child. It wasn't
7 a child. It was a teacher who was 18 years old. And
8 they had been dating before but afterwards it become a
9 problem. I don't understand that. But anyway,
10 there's a deposition here that they took on January
11 the 22nd from his mother. And in this deposition she
12 speaks of them being able to break into people's e-
13 mails. And I would like to turn this into you.

14 Mr. Thomas:

15 Submit it as evidence.

16 Ms. McBride:

17 I will submit it as evidence. I had it at the
18 informal hearing but wasn't sure if I could do that.
19 And I asked Pat Mitchell to read it, but he declined
20 to do so. So here is a sworn deposition from her that
21 says that they have the ability to do that. I don't
22 know how they have the ability to do that.

23 Mr. Thomas:

24 You need to submit it as Exhibit Number -- your
25 Exhibit Number 1.

1 Ms. McBride:

2 Exhibit Number 1. Okay. Do I give this to Wade or --

3 Mr. Cleveland:

4 You need to give it to the court reporter.

5 Ms. McBride:

6 You know what, I'm actually giving you the wrong one.

7 That was coming up later. That's two.

8 Mr. Cleveland:

9 What part of this do I need to look at?

10 Ms. McBride:

11 It's on that page. I know. I did good on this one.

12 I had it all highlighted. I didn't realize that that
13 was going to come up today, but it is -- it's on that
14 page. Let me -- You want me to read over it again?

15 She speaks of going into this e-mail. She actually
16 was breaking into her son's e-mail in this deposition
17 and said that she -- And I was looking before and I
18 just couldn't find it, but it's here because I read
19 it. Trust me. Well, look over here.

20 Mr. Thomas:

21 Withdraw the request for now.

22 Ms. McBride:

23 I'll just withdrawn the request for now and I will
24 find that for you because it's here. Okay. I've got
25 the other ones highlighted for us.

1 Mr. Thomas:

2 Bring it back up to resubmit it.

3 Ms. McBride:

4 Okay. If I have time, I will find that and resubmit
5 it. Okay.

6 Mr. Thomas:

7 Let's go to the days of what took place. Real
8 quickly, before we forget it, tell us how you keep
9 your keys on your desk.

10 Ms. McBride:

11 I have two keys. I had a set of keys and I had a
12 spare key that I kept in my desk at all times. On the
13 day that Josh stole my car, and that was on the 24th,
14 it was during fourth block. I had two of my students
15 go to take items to put them in my car. One was a
16 planter full of dirt. That's why I asked my student
17 to do it because he was well built and a young man,
18 and he was capable of doing it, and he had taken other
19 heavy things. He's also the one that a lot of times
20 they would call to come move books. Mr. Howard had
21 had him help move books. Ms. Jeffrey -- Jeffrey
22 W [REDACTED] [phonetic]. And another student was carrying
23 a monitor that was my personal monitor I had at
24 school. And he took and put that -- they took those
25 items to put them in my car. Well, they were back in

1 a minute and could not put them in my car because my
2 car was not in the parking lot. And I knew these
3 students knew my car. And I even asked Jeffrey, I
4 said, "Well, was it," that day I had driven the
5 Blazer. And he said, "It's not there." He just said,
6 "Your car's not there." And I said, "Well is the
7 Tracker there?" And he said, "I didn't see it." He
8 said, "There is a Tracker down there, but it's not
9 yours." So he did look. And I said, "Are you sure
10 it's not my Tracker?" And he said no. I said -- and
11 I was the very first classroom on the front of the
12 school. So I stepped outside, even though my aid was
13 nowhere to be found. That was a common problem with
14 him. I stepped out on the front step, looked in the
15 parking lot and the car was nowhere to be seen. And
16 so I came back and sent someone to get my aid to watch
17 my class. And I went to the parking lot with the
18 students to look. And I was just blown away by the
19 fact that there was no car there because I thought
20 that maybe my husband had swapped out cars which he
21 had done on occasion. Not often. But he would get
22 the other car to wash it or whatever. No car. There
23 was no car. And Mr. Howard -- Jim Howard can confirm
24 that those two boys had administrative approval to be
25 in the parking lot to take those items to my car.

1 because Jeffrey W [REDACTED] was sent to Jim Howard and got
2 permission to do that. And Jeffery does remember
3 that. He told me so. So --

4 Mr. Thomas:

5 Clarify for the Board the issue of the two sets of car
6 keys.

7 Ms. McBride:

8 Okay. I kept that extra one there for that specific
9 purpose in case I needed it. And also, I've been
10 known to lock my keys up a few times. So it was just
11 handy having it there. I still have that spare key
12 even though the car has been total loss. Also I was
13 very upset after the boys stole my car, and I was in
14 the front office because there was a faculty meeting
15 going on. And I wanted to speak with Mr. Roach when
16 he came out of that meeting. In the meantime the
17 parents of this boy pull up in front of the school
18 which she had already expressed a displeasure with me
19 when the boy was being arrested and Officer O made me
20 go back into the school.

21 Mr. Thomas:

22 Officer O is?

23 Ms. McBride:

24 Officer O is the RSO at Berea High School.

25 Mr. Thomas:

1 Did you press charges?

2 Ms. McBride:

3 Reluctantly. I really did not want to because I knew
4 that this was serious, and I really felt like he was
5 more or less on a joy ride. I was not happy with him,
6 and I knew that it had to be addressed. I wanted mom
7 up there, and I wanted something done about it.

8 Mr. Thomas:

9 Did anybody push you?

10 Ms. McBride:

11 I really didn't want to --

12 Mr. Thomas:

13 Did anybody push you?

14 Ms. McBride:

15 Officer O let me know in no uncertain terms that I was
16 to press charges against this boy or it would be
17 assumed that I did not -- that he did not take the
18 car, that I had loaned him my car. And that's what
19 really upset this mother. She was irate that I was
20 pressing charges against this kid.

21 Mr. Thomas:

22 Tell the board what happened to you the next day
23 relative to Sheriff's Officers coming to the school.

24 Ms. McBride:

25 The next morning I was free for planning, but right

1 after second block started, Mr. Roach pulled me from
2 my classroom and took me to the guidance counselor,
3 one of their conference rooms, where there was two
4 officers. One was Shea Smith -- Sergeant Shea Smith
5 and other was Leslie Lambert, who was with the
6 District as well. And she didn't really question me a
7 lot. He questioned me for well over an hour. And I
8 explained just like I have to you today that this was
9 a troubled child, that I was only trying to help him,
10 that there was no way that I was interfering, you
11 know, with his parents. They asked had I helped him
12 in running away from home. This was the first I had
13 heard that I was supposed to be the one who had
14 assisted him in running away from home. And they said
15 that I had -- wanted to know had I written 30-
16 something passes. I said, "No, I would like to see
17 those passes," and --

18 Mr. Thomas:

19 Is that true? 30-something passes?

20 Ms. McBride:

21 No. I wrote three to five passes. And I can't be
22 completely -- I know that there was three different
23 days that I requested for him to be but out of class,
24 but these were early on. I mean, we're only a month
25 into school when I get arrested, but these were

1 happening, you know, the end of the first week,
2 beginning of the second. By the third and fourth week
3 he is showing up in my room whenever just because they
4 can't do anything with him. And the guidance
5 department has told him it's fine for him just to go.
6 And Cathy Hills, like I said, came down and spoke with
7 my criminal attorney at the time, Pat Paschal, and
8 confirmed that the guidance department was the one who
9 was telling these teachers to send him to my room.

10 Mr. Thomas:

11 Were you that day charged with criminal charges?

12 Ms. McBride:

13 I was.

14 Mr. Thomas:

15 What were the charges?

16 Ms. McBride:

17 I was charged with enticing a minor from school. They
18 said that I had been writing passes permitting him to
19 leave during school hours, which is a falsehood. A
20 complete falsehood. I never, ever -- the three passes
21 that I wrote for him, he was in my -- under my care
22 until he was turned over to Kim Fanning. Now, that's
23 not to say that he did not show up in my room a lot of
24 times without a pass, and I did let him stay because
25 it was -- like I said, we had had the conversation and

1 I know they talk about his grades being terrible, but
2 in Cathy Hill's statement, she said he had excellent
3 grades in her class, and that she was letting him go
4 to my classroom.

5 Mr. Thomas:

6 You explained all this to the officer?

7 Ms. McBride:

8 I did. I explained --

9 Mr. Thomas:

10 And were you charged anyway?

11 Ms. McBride:

12 I was charged anyway for that, and I was also charged
13 for contributing to the delinquency of a minor because
14 they said that I had been letting him leave things in
15 my classroom. And I said, "I let all students leave
16 things in my classroom, and he was no exception. In
17 fact, there was a filing cabinet behind my desk that I
18 kept, you know, student's items because they were
19 constantly leaving things in my classroom. I had
20 students who went to Enoree who left their musical
21 instruments there. I had students who -- I mean, I
22 did teach special ed. And who, you know, did not feel
23 that they were -- you know, they would take things off
24 that I knew they needed for my class. So it just
25 easier to keep them there than it was to risk them

1 running off with them and not having them for the
2 class.

3 Mr. Thomas:

4 Were you arrested?

5 Ms. McBride:

6 I was arrested.

7 Mr. Thomas:

8 Were handcuffs put on you?

9 Ms. McBride:

10 Handcuffs were put on me at Berea High School.

11 Mr. Thomas:

12 Were you fingerprinted?

13 Ms. McBride:

14 I was fingerprinted.

15 Mr. Thomas:

16 Did they take photographs of you?

17 Ms. McBride:

18 I did.

19 Mr. Thomas:

20 Were you incarcerated?

21 Ms. McBride:

22 I was.

23 Mr. Thomas:

24 You were later released on bond?

25 Ms. McBride:

1 I was.

2 Mr. Thomas:

3 Were you on the news that night?

4 Ms. McBride:

5 I was.

6 Mr. Thomas:

7 Was that humiliating to you?

8 Ms. McBride:

9 It was humiliating to me.

10 Mr. Thomas:

11 Tell us what happened to the criminal charges.

12 Ms. McBride:

13 They were all dropped. The solicitor told me that he
14 had reviewed the case and that after speaking with the
15 witnesses in the case that he found it all to be
16 bogus, a facade, and he dropped the charges against
17 me.

18 Mr. Thomas:

19 Did you receive a letter, however, from Dr. Harner
20 concerning your employment?

21 Ms. McBride:

22 Yeah, I actually received that right after I was
23 arrested. It's actually dated the day after my arrest
24 date, and it listed the five reasons that I was let go
25 and most --

1 Mr. Thomas:

2 Five of six?

3 Ms. McBride:

4 Six reasons. Excuse me. And those six reasons
5 coincide with the reasons that I was arrested other
6 than, you know, they grilled me about passwords and
7 those kinds of things, but I don't think they could
8 charge me with anything, you know, concerning a
9 password.

10 Mr. Thomas:

11 Quickly for the Board, go down the list of -- The
12 Trustees, I'm sure, want to hear the reasons. Tell us
13 exactly the facts about the six items listed on Dr.
14 Harner's --

15 Ms. McBride:

16 Okay. We touched on some of them.

17 Mr. Thomas:

18 It's a September 26, '03 letter. Is that correct?

19 Ms. McBride:

20 Mm-hmm [affirmative].

21 Mr. Thomas:

22 All right. One by one quickly.

23 Ms. McBride:

24 The NOVELL District e-mail I think I cleared up, that
25 if he got the password -- if he has the password to

1 NOVELL, which I'm not convinced that he does. To me
2 that has never been substantiated. But if he does he
3 got it on his own and I don't know how. And I can't
4 explain that. Tinkerbelle -- I did get him to set up
5 my Web page. As I said, it was the same as my e-mail,
6 but he could not access those unless he had the sign-
7 on to NOVELL, which he did not get from me.

8 Mr. Roach, in the informal hearing, tried to
9 explain to Mr. -- to Mr. Mitchell that I had taken him
10 to my house and let him set up some kind of an e-mail
11 at my house, and that did not happen. He did go by my
12 house with me one day. I don't know if we want to get
13 into that just yet. Let me come back to that.

14 Mr. Thomas:

15 Go down the items and then we can come back to that.

16 Ms. McBride:

17 I will. Okay.

18 Mr. Thomas:

19 Number two.

20 Ms. McBride:

21 Number two, the CD we discussed. I never gave him any
22 CD, District owned or otherwise, ever. If he had
23 Intergrade Pro, he stole it from me or some other
24 teacher. He does not -- I don't think he could have
25 EXCENT. I don't see how he could have that. That is

1 checked out from special ed and turned back in. And
2 this is the first I've heard about it today.

3 Removed or allowed student to be absent from
4 other classes. I admitted that I wrote three to five
5 passes. All were events when this child was in my
6 classroom threatening to cut himself.

7 Mr. Thomas:

8 With the knowledge of other teachers?

9 Ms. McBride:

10 With the knowledge of other teachers and the guidance
11 department. And it was never a big secret. And --

12 Mr. Thomas:

13 Did you ask for that responsibility?

14 Ms. McBride:

15 I did not. And I was having a hard time dealing with
16 it because now I was faced with a principal that I had
17 no communicate -- I was unable to communicate with.
18 Because in the past -- you know, I was hating myself a
19 little bit for not resolving it under another
20 principal because now -- you know, he kept trying to
21 get me to go talk to this principal and see if I could
22 get him to let him be an aid. I said, "That's not his
23 policy and I'm not talking to Mr. Roach about, you
24 know, any of that." I just wanted somebody to help
25 this kid. And Ms. Fanning did too. I mean, she's a

1 good teacher, a good guidance counselor and her heart
2 is in the right place, and she was just trying to do
3 the right thing for this kid. Yes, she made some bad
4 calls. Yes, I made some bad calls. There's a lot of
5 things I would do different. And I'm sure there's a
6 lot of things she would do different and that a lot of
7 the others would do different, but in no way did
8 anybody try to interfere or have any malice in mind
9 whatsoever.

10 Mr. Thomas:

11 Okay, next?

12 Ms. McBride:

13 Allow student to drive her car. Two occasions this
14 child was permitted to drive my car. On the first one
15 I was in the car with him. This happened on the 8th.
16 We went --

17 Mr. Thomas:

18 Of September?

19 Ms. McBride:

20 Of September. And somebody said a minute ago the
21 previous year he had driven my car and he went to
22 student resources. None of that happened the previous
23 year. This child never left campus with me until
24 September the 8th. His mother was going to be at the
25 hospital all night. He wanted to ride with me to

1 resources that day. I didn't realize it had left Wade
2 Hampton High School at the time, and he had been after
3 me all day to go do that. He had actually helped me
4 make a list of items from the video department. We
5 had it pulled up on line. We were reading about
6 videos, and he did, he helped a lot with those kinds
7 of things. He enjoyed it. It made him feel special.
8 And a lot of times I felt like I had to create things
9 for him to do to keep him busy and happy because he
10 was there. And on this given day he had been in there
11 at lunch. He was not out of class on this day, but he
12 had been in there at lunch when I was doing it, and he
13 came back later in the day and wanted to go with me
14 to Wade Hampton High School. So I let him ride with
15 me over there. We went out and spoke to his mother.
16 And that's when he brought -- he is the one who
17 brought up -- and like I told Mr. Mitchell, if there
18 was anything that I could take back, it would be the
19 fact that I let him drive my car. Even though I was
20 in the car and his mother approved it. He even said,
21 "Mom, I want to drive." You know, "Tell her I'm a
22 good driver." And she informed me that he is a good
23 driver and that he did have a license because I asked
24 about that. And as far as I know, he had a license.
25 This is the first I've heard that there may not be a

1 driver's license today. And he did drive us over to
2 Wade Hampton High School. They were closed down. So
3 we went to Teacher's Choice which is just a little
4 further down from Wade Hampton High School on Wade
5 Hampton, and we were in there until closing time, and
6 we met my mom at The Rainbow to eat supper which was
7 planned.

8 Mr. Thomas:

9 With the permission of mother?

10 Ms. McBride:

11 With his mom's permission the whole time, and she was
12 supposed to be at the hospital; but, apparently, she
13 got home early and the dad was mad that she let the
14 boy go home with a teacher and she was irate when I
15 got home with him. And she was threatening to kill
16 herself again. She was just out of control. I mean,
17 there's just no calming her down. I was in the house
18 with her for a good 30 minutes, but my husband's with
19 us at this point because I don't live far away. And
20 we swung by there and picked him up because I was late
21 getting him, and we were going to Ingles when we left
22 there. So it was all planned. And I went by and
23 picked him up. We were only at my house five minutes.
24 Until that day Josh F [REDACTED] had no idea where I
25 lived. Until September the 8th, he had no idea.

1 Mr. Thomas:

2 But then he showed up -- let's go to Friday real
3 quickly. He showed up on that Friday?

4 Ms. McBride:

5 He did. He showed up on Friday and -- Well, he
6 actually was at school on Friday. He had been in my
7 classroom setting up a --

8 Mr. Thomas:

9 Excuse me. Was that Friday --

10 Ms. McBride:

11 This is Friday the 19th. This was before I was
12 arrested.

13 Mr. Thomas:

14 Before the Wednesday of the arrest. Is that right?

15 Ms. McBride:

16 That's correct. That's correct.

17 Mr. Thomas:

18 All right.

19 Ms. McBride:

20 He was in my room setting up a TVater [phonetic]. And
21 he was very good at stuff like this and his family is.
22 His dad is very technical minded. Their house is full
23 of computers, and he was setting that up for me, and
24 he spent a good part of fourth block doing that. And
25 Ms. Hill had let him come to my class that day. And

1 that's why he even started it. It had just been
2 laying there. But he didn't finish it. He wanted to
3 finish it. And I said, "Josh, we'll just finish it up
4 on Monday." My intent was to go home and put on my
5 paint clothes and come back. I had been painting in
6 my classroom on Fridays because I had not intended to
7 be at Berea High School when it started. So I didn't
8 get a lot done over the summer. And I had also moved.
9 I had been like bumped out of my room, and
10 everything's packed up in boxes to the ceiling. I had
11 a mess. And I had to get that straightened out before
12 school started. So I was spending my Friday nights --
13 I painted my filing cabinets. I painted one wall in
14 my room to match those filing cabinets. I had hung,
15 you know, curtains. I had been doing things on Friday
16 nights because it would give the fumes time to get out
17 of the school over the weekend. And so that was my
18 intent to go home and do that. I never agreed to take
19 this kid home or anything else. He takes it upon
20 himself to send his ride away and comes back to inform
21 me he sent his ride away. And I -- Another teacher
22 and an aid were in my classroom. And I, basically,
23 went off on him. I said, "Josh you don't just, you
24 know, make plans, you know, of your own free will." I
25 said, "Who are you to decide what you're going to do."

1 I said, "I told you we would do this on Monday. So,
2 why did you send your ride away." And he knew that I
3 was very upset, but he got on the phone with this --
4 the friend that he was supposed to be riding home with
5 and they worked it out. And in a minute he took his
6 stuff, and I thought he was gone. But then he shows
7 back up, and he does have Chris. So, apparently, he
8 had my key or took my keys or something at that point
9 if he really did go to the B [REDACTED] house and get a car.
10 I was in my room dealing with another issue. We had
11 an aid who was distraught that day and demanded to go
12 home because of some problems that she was having.
13 And she happens to be my very best friend, so --

14 Okay, anyway. I'm sorry. I tend to --

15 Mr. Thomas:

16 That's okay.

17 Ms. McBride:

18 Okay. So on that particular day he ended up showing
19 back up with this kid and informing me that I needed
20 to take him home. And so I told him just to go wait
21 in the hall and we'll do something. He said, "Well,
22 there's a video that they're holding for me." He had
23 mentioned that early in the day. At Ingles across the
24 street. It was supposed to be a gift for his
25 boyfriend. And so he wanted to know if he could run

1 across and pick that up. And I said -- I even
2 remember saying to Lynn, the mentor, the one who was
3 my team leader. I said, "I guess it will be okay,
4 since it's just across the street." Ingles is not
5 really just across the street, but it's like across
6 the highway and only like, you know, a tenth of a mile
7 or so from the high school. So he was permitted to do
8 that on that one occasion. I loaned him my car for a
9 very brief moment to go across the street. And this
10 was after school hours. At no point have I ever
11 loaned any child my car to go anywhere especially
12 during school hours except on this one occasion. And
13 that is the truth. And if I could take it back, you
14 better believe I would because it created all this
15 confusion. And if there's one thing I could take
16 back, that would be it.

17 Mr. Thomas:

18 What about the runaway issue? He showed up at your
19 house.

20 Ms. McBride:

21 He showed up at my house the next day. A lot of
22 people say in the morning because I said I had just
23 gotten up. The truth is I had had a migraine headache
24 the night before, and I have medication for that, and
25 I took medication for that, and I was after one

1 o'clock waking up that day just because I had taken a
2 strong pain reliever. And I didn't go to bed until
3 after midnight. So when I woke up, I start listening
4 to my voicemail on my phone which had been turned off.
5 And I had umpteen hundred messages from this child
6 wanting me to come pick him up. He had run away from
7 home, that he -- he was the B [REDACTED]'s house and didn't
8 go home and wanted me to come and -- and, you know,
9 please come help me, please come get me.

10 Dr. O'Connor:

11 I was just concerned about whether or not it's
12 appropriate --

13 Reporter:

14 Could you speak up, please. I'm having trouble
15 hearing.

16 Dr. O'Connor:

17 Yes, I'm asking if it's appropriate that other people
18 just came in the door in the middle of her statements
19 as it's --

20 Mr. Saylor:

21 Mr. Cleveland.

22 Mr. Cleveland:

23 Mr. Chairman, that's Josh F [REDACTED] and I believe his
24 mother maybe. And his mother. Entirely appropriate.

25 Mr. Saylor:

1 Thank you.

2 Dr. O'Connor:

3 Thank you.

4 Mr. Thomas:

5 Please continue.

6 Ms. McBride:

7 Okay. So on that afternoon, when I listened to these
8 voicemails that was, you know, the first to me that it
9 had been confirmed that the child had run away from
10 home because the day before -- I mean, Josh talked
11 about running from home a lot, and it was well-known
12 at Berea High School. Ms. Hills, you know, complained
13 about that too. She even shared with my criminal
14 lawyer that he was obsessed with running away from
15 home. He also was constantly wanting someone to call
16 DSS about his parents. He was always going to Officer
17 O trying to show him bruises, and he would try to get
18 me to see the bruises. And I'll be honest with you, I
19 never saw any evidence that that child had been hit.
20 Never. I did agree -- he wanted me to talk to Ms.
21 Fanning. He also asked me the day that I took him to
22 this woman's home to confide in her the situation of
23 his home life, and I did confirm that there were
24 problems and that he wanted specifically for me to
25 confirm that she had said that she was going to --

1 that the mother constantly complained of killing
2 herself and that she had --

3 Mr. Thomas:

4 What did you do when he showed up at your house?

5 Ms. McBride:

6 I called Officer O. And that's what I had told Ms.
7 B[REDACTED]. Ms. B[REDACTED] was concerned the day before because
8 Josh had been talking about running away from home and
9 had said that he thought he would do it that weekend.
10 And I said, "You know what if you need for me to call
11 Officer O, you call me." And I gave her my cell
12 number. And she even called me that Friday night when
13 I was in my classroom and told me that she was talking
14 to Charlie Garrett about getting Josh some help to get
15 him removed from the home and all this stuff. And I
16 was like, well, that's good or whatever. I was just
17 painting my classroom. And I just kind of took it all
18 with a grain of salt and let it go until he shows up
19 at my house the next day. And I didn't know he was on
20 my front porch until I listened to these messages
21 where Chris is the last message on there. He's like,
22 "Ms. McBride, Josh is on his way to your class -- on
23 his way to your house and he's riding his bicycle, and
24 my mom kicked him out, and you've got to help him,"
25 and blah, blah, blah.

1 Mr. Thomas:

2 Who did you -- When you called Officer O, what did he
3 tell you to do?

4 Ms. McBride:

5 He told me to call the Law Enforcement Center, and so
6 I called the Law Enforcement Center and --

7 Mr. Thomas:

8 Do you have all those records from your phone?

9 Ms. McBride:

10 I do. My brother has the recorded messages that he
11 left throughout the night begging me to come and get
12 him, that Ms. B [REDACTED] was kicking him out and his aunt
13 wouldn't take him and all these kind of things. It
14 was common knowledge for him to talk about running
15 away from home, and I have never denied that he
16 constantly talked about it. The year before, there --

17 Mr. Thomas:

18 Did the Sheriff's Office come to your house?

19 Ms. McBride:

20 They did.

21 Mr. Thomas:

22 Did they pick him up?

23 Ms. McBride:

24 They did.

25 Mr. Thomas:

1 All right. Tell us then at that point in time were
2 you out of it because he had been picked up?

3 Ms. McBride:

4 I thought. I thought that that was the end of it.

5 Mr. Thomas:

6 Anything happen Sunday, Monday on this issue? Did he
7 show back up at school?

8 Ms. McBride:

9 No. Well, he came by and said that his mom was real
10 to use his word pissed that I had called the police to
11 come and get him because I should have called her to
12 come and get him, and one thing I want to point out is
13 this witness statement they took from the B [REDACTED] lady
14 is the one who kept this kid even though the mother
15 was coming to the house all night asking for him, you
16 know, where is my son. And she denied that he was
17 there. And Josh admits that in his statement. And
18 why they took her statement after Josh said she was
19 the one sending the police away, I'll never understand
20 and -- I mean, this whole thing has been botched from
21 day one. And everybody had a motive to, you know, to
22 not have to serve a purpose in here as long as they
23 were going to put it off on somebody, and I'm that
24 somebody.

25 Mr. Thomas:

1 We sort of got off track a little bit because it was
2 kind of an appropriate time to do it. Let's start
3 where you left off in the Harner letter to you of
4 dismissal.

5 Ms. McBride:

6 Well, we got down all the way to allowed student to
7 drive her car. This about allowing student access to
8 confidential information. We had a template called,
9 "I'm a Sample." There was very generic information
10 that don't even have student's names. It either says
11 he or she. Once you set one up to say either he or
12 she, you copy and paste, copy and paste, copy and
13 paste. And that is what he did. That is exactly what
14 he did. And it was never -- you know, there's nothing
15 that you can do with a student's -- I think somebody
16 pointed that out earlier today and I appreciate that.
17 There's nothing you can do with a student's IEP
18 because anything that is on an IEP is old news or
19 whatever. That is for me to do evaluations and to
20 update every quarter. That's all you can do with it.
21 And those were in my possession. They were in my
22 briefcase. Mr. Roach confiscated my briefcase on the
23 day that I was arrested, but when it was returned to
24 me, the IEPs were in there and I, ultimately, had to
25 get them back to him. But that's all that I've ever -

1 - you know, I don't know what that's about other than
2 that. You know, I did print things off from SASSI,
3 and I still have sheets that I printed off from SASSI.
4 I should have brought those.

5 Mr. Thomas:

6 Go to the next one.

7 Ms. McBride:

8 Inappropriately interfered with the student's
9 relationship with his parents. As I said before, I
10 never, you know, tried to help him run away from home.
11 I never asked him, you know, told him it would be in
12 his best interest to run away from home, how can I
13 help you run away from home. Yes, I knew that he had
14 said he was going to be leaving items at school. I
15 did not approve of that. When he brought his laptop
16 to school, I did have him lock it up. He wanted to
17 give it away to his boyfriend because he was mad at
18 his parents or whatever. I would not let him do that.
19 And, you know, it's like I said before, my goal was
20 only to help him and to keep him from cutting himself.
21 It was never to interfere in a relationship. And I
22 never tried to turn him against his mother. I never
23 tried to, you know -- I don't know what the -- why,
24 you know, they feel that way, but it was -- Until the
25 day that I was arrested or the day before was the

1 first time I knew that his mother was unhappy with me.
2 She had never told me to stay away from her child.
3 Yes, the year before she wanted him back in his
4 classes, and that happened. He went back to his
5 classes.

6 Mr. Thomas:

7 All right. Is there anything else in the letter of
8 dismissal that you need to speak to?

9 Ms. McBride:

10 No. No.

11 Mr. Thomas:

12 This is -- I'm showing you now the statement from the
13 mother Ms. F [REDACTED] -- Mrs. F [REDACTED]. Now, there are
14 some items in there that --

15 Ms. McBride:

16 Let me enter this right quick before you do that.
17 This is the sworn deposition that Josh F [REDACTED] gave
18 in that very same court hearing at Greenville Tech,
19 and in this deposition he is questioned extensively
20 about my knowledge of him running away, and he clearly
21 says here that I took him to the B [REDACTED] house which
22 does contradict the signed statement that he gave to
23 the police because in that statement he says that I
24 took him to that woman's house and aided and abetted
25 him in running away from home, but in this deposition

1 he clearly says that I in no way knew that he was
2 running away, that he gave me no details other than
3 the fact that that's where he was supposed to be going
4 for the day. Let me show that to you because it is
5 highlighted. And I would like to enter that. There's
6 a lot of other valuable information in that document,
7 too. I would hope that maybe you would read it.

8 Mr. Saylor:

9 This document -- these two documents that you are
10 entering into evidence are depositions from a
11 different case?

12 Ms. McBride:

13 Yes. It was a case that he brought against the
14 Charter High School, an involvement with a teacher
15 there. There was a case brought.

16 Mr. Saylor:

17 We don't need the details.

18 Ms. McBride:

19 Okay. I'm sorry, I don't know.

20 Mr. Saylor:

21 Mr. Cleveland, those documents are not part of the
22 record we have.

23 Mr. Cleveland:

24 No, they're not, Mr. Chairman; but there's no problem
25 with introducing this one statement. I would just

1 point out that it does not say what Ms. McBride
2 characterizes it as saying. She said that in it Chris
3 said she knew nothing about his running away from
4 home.

5 Ms. McBride:

6 No, Josh --

7 Mr. Saylor:

8 Mr. Cleveland, I'm going to ask that if want to -- we
9 need to make that determination on our own without --

10 Mr. Cleveland:

11 I have the right to comment on the evidence before it
12 is introduced, and it can not be introduced for the
13 purpose that she's stated because it does not state
14 what she said it says.

15 Ms. McBride:

16 Can I read it?

17 Mr. Cleveland:

18 Absolutely.

19 Ms. McBride:

20 It says: Question. Okay. Did Ms. McBride get in any
21 trouble for taking you to Chris' house? Yes, ma'am.
22 She did. What kind of trouble did she get into? She
23 was arrested for contributing to the delinquency of a
24 minor. And what did she do to cause you to be
25 delinquent? Because she took me, she aided me, she --

1 in running away. It's kind of choppy. In running
2 away. That is what they said. They said that she is
3 a schoolteacher, that she wasn't supposed to be
4 friends with me like that. So that's -- so that's how
5 she got into trouble. She was trying to help you out?
6 Yeah. Well, do you support the state charges against
7 her? No, I don't think she should be charged with
8 contributing to the delinquency of a minor for taking
9 me up there. And when -- You're right. That's the
10 wrong page, isn't it? Sorry. I thought that that was
11 the right page.

12 It says in here that -- Okay, here we go: That
13 morning she was still, you know, irritated, mad. He's
14 talking about his mother here. Okay, let me go down
15 to and did you tell Ms. McBride why you needed to go
16 to Chris' house? I just told her that my mom was very
17 upset and she was like, okay, she said, I'll take you
18 up there then. Which is also not true. I was irate
19 about having to take him because I had other plans.
20 So I guess that she was doing this for you as a
21 friend? Yes, ma'am. Do you feel like she did
22 anything wrong by taking you up there? No, I asked
23 her to do it because I didn't go into great detail. I
24 did not tell her why. So she really didn't know after
25 all. Or he don't use after. She really didn't know.

1 And I'm using after all. There's the right page. I'm
2 sorry.

3 Mr. Cleveland:

4 I have no objection to introducing the document, but
5 not for the purpose that she states because it says
6 what it says.

7 Mr. Saylor:

8 That's absolutely true, Mr. Cleveland. I appreciate
9 your points. And you want the entire document
10 included as evidence?

11 Ms. McBride:

12 I think it would be beneficial to you the Board.

13 Mr. Cleveland:

14 Mr. Chairman, I definitely object to introducing the
15 entire document from another case. I've never seen it
16 before.

17 Ms. McBride:

18 Then I'll probably need it back because there's a
19 couple other points we could probably make. It's a
20 valid document for a couple of other points. It's in
21 direct contradiction to both his statement --

22 Mr. Thomas:

23 Just for the purpose of that one page and that one
24 point she's trying to make, Your Honor -- Mr.
25 Chairman.

1 Mr. Saylor:

2 Mr. Cleveland, if you have no objection then to that
3 one single page being admitted into evidence?

4 Mr. Cleveland:

5 That's page 105, Mr. Chairman?

6 Mr. Saylor:

7 Okay. Then for the record, page 105 only is going to
8 be entered into evidence?

9 Mr. Cleveland:

10 That's page 105 of the deposition of Josh F [REDACTED]
11 dated January 22, 2004.

12 Ms. McBride:

13 Okay.

14 Mr. Cleveland:

15 Mr. Chairman, we need to make sure we get that at some
16 point if it's entered.

17 Mr. Saylor:

18 Yes.

19 Mr. Thomas:

20 Mr. Chairman, at this point I think we have now
21 concluded the questions or the issues that were
22 brought up by Dr. Harner upon the firing. One or two
23 minor points that I think probably need to be
24 clarified. I'm not sure what other witnesses are
25 going to testify. We, perhaps, could wait until she -

1 - we see what Mr. Cleveland's going to further present
2 concerning the statement of Mrs. F [REDACTED]. Will she
3 be allowed to come back up and personally testify
4 further if there is refutation --

5 Mr. Saylor:

6 You're presenting testimony currently. If you would
7 like to conclude at this time and then she will be
8 allowed to lead, to ask questions, to ask other
9 witnesses --

10 Mr. Thomas:

11 That's great. Thank you, Your Honor. I'm sorry I
12 keep saying that. It's out of habit. I apologize.

13 Ms. McBride:

14 I do want to address one other thing.

15 Mr. Thomas:

16 One last document I want to show you is a document
17 that was brought up and put into evidence, and it's a
18 document -- I'm not sure what the exhibit number is on
19 it from Mr. Dinkins. Could you comment on that?

20 Ms. McBride:

21 Yes. I've never heard about this. And I'm shocked
22 that if Bill had it that it wasn't at the informal
23 hearing. I don't understand, you know, what it's
24 about. That's not my signature. It does resemble my
25 signature. The B looks a little bit like mine. That

1 S is way bad. This is not a document that I wrote or
2 signed.

3 Mr. Thomas:

4 Is that a forgery?

5 Ms. McBride:

6 It is a forgery. It is a --

7 Mr. Ray:

8 I'm sorry. What document, what document are we
9 talking about?

10 Ms. McBride:

11 This is something that Bill or somebody brought today
12 from Enoree.

13 Mr. Saylor:

14 Let me ask you if you would please read the statement.

15 Mr. Thomas:

16 The statement is, "Mr. Jenkins, would you please allow
17 Josh to use your computer to back up forms for
18 emancipation so he may print them and search for a
19 job. We are trying to get him out of a bad situation.
20 Thanks." And then McBride's signature. That was
21 presented as -- And I'm not sure --

22 Ms. McBride:

23 And it is a forgery. I promise you.

24 Mr. Thomas:

25 So you had nothing to do with making such a request --

1 Ms. McBride:

2 That's correct.

3 Mr. Thomas:

4 -- of Mr. Dinkins letting Josh go to make inquiries.

5 Is that right?

6 Ms. McBride:

7 That's correct.

8 Mr. Thomas:

9 -- on a computer for emancipation purposes?

10 Ms. McBride:

11 That's correct.

12 Mr. Thomas:

13 You've never seen that document before today?

14 Ms. McBride:

15 Never. One other thing. Yeah. It was brought up
16 about ADEPT. Yes, I failed ADEPT. You have to meet
17 seven points, or you did. I know that ADEPT is no
18 longer in place, but you had to pass seven things to
19 pass ADEPT. And there was two things that I did not
20 pass. And it was really revealed to me, and I have a
21 hard time telling you this because I don't want to
22 make it sound like I'm -- You know, I definitely, like
23 any teacher, had room for improvement. And I don't
24 want to dismiss it and make it sound like it's not
25 something that needed to be addressed. But I was told

1 in confidence by two of those ADEPT people that they
2 did not want to fail me, that I had, in their opinion,
3 passed those seven standards. Those two people are
4 Debbie Howard and Debbie Henson. And they both told
5 me that they felt I had passed it, but that Nancy Lee
6 preferred that I not pass it and go through ADEPT
7 again. And earlier that same year Debbie Henson had
8 shared with me that I had a big mouth and it was going
9 to cause me problems. And she pointed out in that
10 meeting that this is what she meant. And that's the
11 way it was relayed to me. I went to Dr. East about
12 that when it happened. I went to my team leader Lynn
13 Fox about -- when it was happening. And Dr. East, you
14 know, advised me to please downplay that, not to make
15 a big deal out of it. I said, "It's just not right."
16 He said, "Well, just don't worry about it. Just do
17 ADEPT again." I mean, if you're going through ADEPT
18 and you have nothing to hide, it's no problem. In
19 other words, just do it and get it over with, but I
20 felt like I had already -- I felt like I -- In other
21 words, how are you supposed to take it when two people
22 who have taught special ed are sitting there who are
23 veterans of this District and say to you, you -- you
24 really did a good job. And they had a hard time
25 failing me. And I don't understand why the two of

1 them could not override Nancy Lee, but they let me
2 know that that was just the way that it was. And,
3 like I say, I'm not acting -- I don't want that to
4 come across as that I was the best special ed teacher
5 there ever was, but I definitely, you know, had room
6 for improvement and needed to improve.

7 Mr. Thomas:

8 What other courses did you have to take at Furman to
9 do all that you were supposed to do?

10 Ms. McBride:

11 I was -- I had taken EMD, one EMD class. I had two
12 more to take and to pass. I had already taken the
13 practicum because I had been teaching out of field for
14 four years. So I had -- a year's practicum is worth
15 credit towards that certification. And I had
16 completed the practicum work, but I needed two other
17 classes, and I would have had had that certification
18 as well.

19 Mr. Thomas:

20 Anything else?

21 Ms. McBride:

22 That's it.

23 Mr. Saylor:

24 Mr. Cleveland, do you have any questions you would
25 like to ask?

1 Mr. Cleveland:

2 Yes, Mr. Chairman, I would.

3 Mr. Thomas:

4 Mr. Chairman, I apologize. I really do apologize.

5 Y'all have been so patient and kind and articulate in

6 your questions. I've got to be in Columbia at a

7 finance committee meeting. I was supposed to have

8 been there at one o'clock. I'm going to be

9 substantially late, but I certainly appreciate Mr.

10 Cleveland allowing her to go sort of out of order.

11 And I thank the members. Thank y'all very, very much.

12 And I must absent myself. Thank you.

13 [Mr. Thomas not present from this point]

14 Mr. Saylor:

15 Mr. Cleveland:

16 Examination by Mr. Cleveland:

17 Q. Thank you, Mr. Chairman. You say you're Ms. Mann?

18 A. I am, but it's fine. I'm used to the other at this
19 point.

20 Q. I may slip up. Ms. Mann, you acknowledge that Josh
21 was in your classroom, you said, during the spring of
22 2002, but I suspect you mean the spring of 2003?

23 A. It was -- Oh, yeah, 2003. I'm sorry, you're right.

24 It was the -- yeah, that's correct. Spring of 2003.

25 Q. All right. And you said that he was there on whose

1 instruction?

2 A. The guidance department. Well, it's not like she
3 said, "Okay, we're putting him in there and you take
4 him." She said, "I've talked to his doctor and we
5 feel like this would be the best thing for Josh."
6 And, like I said, Kim was trying to help this child as
7 I was. And so, yes, I just agreed. But it's not like
8 she said, "Well, we've made this decision and," you
9 know. But I understood it to be a joint decision and
10 that he -- it was fine for him to be there. I didn't
11 just go in and take him out of his classes and say,
12 "Okay, he's going to stay with me, you know, now," or
13 whatever.

14 Q. So it was Ms. Fanning that put him in there?

15 A. Well, I mean -- yeah, it was relayed by Ms. Fanning
16 that she was the one who had been in touch with the
17 boy's doctor. That's correct.

18 Q. And Ms. Fanning wanted him to be in your classroom for
19 two --

20 A. That's correct.

21 Q. -- for a half a day for the rest of the year?

22 A. Well, those two classes, yes. I used half a day
23 because that's a term we used in special ed, but it
24 was just for those two classes. Yes, sir.

25 Q. Okay. And you didn't have any concern about the fact

1 that he was completely missing instruction in those
2 two classes?

3 A. I did not address that, no, until it was brought to my
4 attention. He did -- Ms. Devlin -- she's not Ms.
5 Devlin. When she was my teacher, she was Ms. Devlin.
6 Willie Miller did mention to me on one occasion just
7 before progress reports came out that he was going to
8 have some low grades in her class. And that was the
9 first that it had really been brought to my attention
10 that he, you know, was struggling in her class. I did
11 not know that he was failing. And he never failed
12 those classes from my understanding. From what I
13 understand, he passed those classes.

14 Q. What was he doing while he was in your classroom?

15 A. Well, he mainly -- I mean, he did his work. But he
16 helped me a lot. He was there a lot. He enjoyed it.
17 He's an environmentalist. He's really into the
18 environmental thing and I was teaching science all day
19 at that point and so he -- mostly the things he
20 participated in or that he wanted to do, you know,
21 were in that realm of that. He also graded papers.
22 Regardless of what Mr. Roach said, the aids that we
23 had in the past did grade papers. And this was before
24 the big privacy act, then though we had a privacy act
25 in place. But during my student teaching at several

1 different schools, it was common practice for aids to
2 check papers and those kind of things for a test.

3 That is --

4 Q. Was he your aid?

5 A. No, but he was allowed to participate as an aid. He
6 was not an assigned aid at this point. And he never
7 was. But it was understood that at the end of that
8 year that he was going to be an assigned aid the next
9 year. And that never happened because the policy
10 changed.

11 Q. So tell me again how he spent an entire half day five
12 days a week in your classroom? What he was doing?

13 A. Well, he -- he did a lot of things on the computer
14 that he wanted to do. Like I said, he was always
15 taking these soil samples from places around
16 Greenville and having them tested. And he would look
17 things up. He wants to be an environmental lawyer and
18 he would -- he spent a lot of time on the computer
19 learning about environmental law. And I was fine with
20 him doing that. He printed lots of stuff because I
21 had to replaced my print cartridge a couple times and
22 told him he was going to have to quit printing so much
23 because I couldn't afford it, but -- And he did -- he
24 did things for me too. He did things for me. He did
25 things that he wanted to do and he did school work.

1 Q. What kind of things did he do for you?

2 A. Like I said, he graded papers. And, I told you, he
3 did do copy and paste with the IEPs. And he -- I'm
4 trying to think what else he did. We looked at videos
5 a lot of times that we looked on the -- like at the
6 Resource Center to pick out videos for lesson
7 planning. He was -- he enjoyed it. He was good at
8 it. And it gave him something to do. And he was a
9 big help to me. And I've never said that he wasn't,
10 that he -- he really was a big help to me, but I did
11 not take him out of his classes and make him my aid
12 and say, okay, this is what you're going to do, blah,
13 blah, blah. That didn't happen.

14 Q. Tell me about what he did -- what he was copying and
15 pasting in the IEPs?

16 A. Well, the IEPs in the District are very cookie cutter.
17 About 70 percent of the IEP is identical to every
18 other IEP. During the spring --

19 Q. Let me ask you about that. 70 percent of all IEPs are
20 equal -- are the same?

21 A. Well, at that grade level. Let me clarify that. At
22 that grade level. I don't know about an elementary
23 IEP or a middle school IEP; but at the high school
24 level we have an IEP that's supposed to be typical of
25 a ninth grader, we have an IEP that's typical of a

1 tenth grader. And at that grade level, they're all
2 alike.

3 Q. You don't make any effort to individualize those IEPs?

4 A. I won't say any. I said 70 percent.

5 Q. Okay. So what was Chris doing, I mean, Josh doing
6 with those IEPs?

7 A. He don't have the IEPs. He had -- he did have access
8 to EXCENT. He was like copying -- like copy/paste,
9 copy/paste, copy/paste of like the information that is
10 on all the IEPs. The old IEPs serve no purpose on a
11 new IEP. So, I mean, there's nothing to put on them
12 or whatever.

13 Q. So let me -- So he had access to EXCENT?

14 A. Mm-hm [affirmative].

15 Q. You told me that he -- I thought you said earlier that
16 if he had it, he must have stolen it. Explain what
17 you mean by that.

18 A. Well, how could you -- In other words, EXCENT -- as
19 far as I know -- I mean, we get in the spring. And
20 that was not in my possession for anybody to have.
21 And the next fall, I would not have seen that CD again
22 until the spring.

23 Q. I'm not talking about the fall. I'm talking about the
24 spring of 2004?

25 A. But he -- I know, but did he have it then?

1 Q. I'm asking you.

2 A. Well, I didn't give it to him. In other words, I had
3 the thing to put it on my -- my laptop, but it got
4 passed on to other teachers. We did not have our own
5 individual copies of that CD. That CD was to be
6 shared at the department. The coordinator drops it
7 off, the coordinator picks it up. And they give you a
8 pickup date. So if you don't get it on your personal
9 PC or whatever by that day, then you don't get to use
10 it, you know.

11 Q. So you had it on your laptop?

12 A. I did.

13 Q. And you then gave him your laptop --

14 A. And I'm not -- and I think I may have put it on -- he
15 may have put it on that laptop. I'm not real sure,
16 because it was in my classroom. I think I may have
17 told him he could put it on that laptop.

18 Q. So he downloaded the EXCENT software to your laptop?

19 A. Right.

20 Q. And you then gave him your laptop?

21 A. I did.

22 Q. And what was the purpose of giving him that laptop?

23 A. Because he was copying and pasting all that stuff.

24 Q. What was he copying and pasting?

25 A. Well, if I had a copy of "I'm a Sample" with me

1 because it's all highlighted in there. I was just
2 trying to think if -- There's sections. There's this
3 chunk of stuff on every page that once you type it in
4 and set up one prototype, all you had to do is
5 highlight it, copy/paste, copy/paste; but it is very
6 time consuming because you have to pick it out and do
7 it in several areas throughout the entire thing. And
8 it's something he had seen me doing and he wanted to
9 do it and I let him do it and he -- You know, to me it
10 wasn't any different from the other duties or whatever
11 the things that really weren't his duties, but things
12 that he did in my classroom. It was not that
13 different.

14 Q. What was he trying to accomplish for you by working on
15 these IEPs?

16 A. Well, I had to have five of them set up -- and I've
17 heard that come up before -- by the end of spring
18 break. And I did go on a cruise for spring break that
19 year. And I had to have five of them set up. And the
20 things that he did was to prepare them to put in the
21 information that I had to go back and put in after I
22 tested my students. See, you have to test them to
23 enter that information. There's no way to put
24 information until that student's been tested and then
25 you have to -- there's on the back four pages of, you

1 know, objectives for the upcoming school year. And
2 based on that student you go in and you pick out
3 objectives to set up for that student. So that's
4 something I -- he could not do that. He could not do
5 that and he could not enter any kind of performance
6 levels because those kids had to be tested.

7 Q. Did those IEPs that he was working on have any names
8 on them?

9 A. No, they're prototypes. They were in the computer
10 where it was just being, like I said, copying and
11 pasting. It said he. There was some setup for "he."
12 And then there was a bunch set up for "she" that, you
13 know, in other words, you pick out -- when I go in to
14 put in personal information, I would pick out did I
15 want one for a girl or one for a boy.

16 Q. So you're telling me that the way you prepared these
17 individualized program for your students was that you
18 just copied from a template all of the information and
19 put it in for those students to have as their
20 individualized programs?

21 A. Right.

22 Q. And you let Josh do that?

23 A. I did.

24 Q. Did you give any thought to the need to individualize
25 those programs in any way?

1 A. We're not allowed to. Special Ed Services dictates
2 what has to be in there. The only thing that's
3 allowed to be individualized are their performance
4 levels and their objectives for the upcoming year.
5 It's a well-known fact that that's not the -- it's not
6 -- you're not allowed to deviate from that.

7 Q. But Josh had no idea whose IEPs he was working on?

8 A. No, but he knew all the students in my room. Bill
9 before testified that -- I mean, he knew which
10 students I had in my room and those were the students
11 who were on my roster. And I was not an English
12 teacher or a science teacher that year. We had the
13 same students all day long. Those students no longer
14 rotated. And a lot of them were the same students I
15 had had the year before when Josh was in there. And
16 he had a great rapport with my students. He -- they
17 respected him because of his knowledge. He was good
18 at teaching them or clarifying things for them that
19 they didn't understand. And he, like I said, he knew
20 them very well. And, you know, the student that I had
21 in there, Tim, I called him Lionel on occasion. But
22 if he saw his name on anything, I mean, it would not
23 surprise me if he saw it. I mean, their names were on
24 things on my desk all the time. And I gave Josh, you
25 know, free reign to be at my desk and to do, you know,

1 whatever. I trusted him. But not -- I didn't turn
2 over, you know, my -- I mean, he never was allowed to
3 answer e-mails or go enter grades or do the things
4 that y'all are saying or that I heard.

5 Q. I don't know that anyone said he answered e-mails.

6 A. Okay. Well, none of that happened.

7 Q. Did he answer e-mails?

8 A. No, not that I know of. In fact, I didn't know that
9 he had even been in, you know, into my e-mail or
10 whatever that the claim is. This is the first, you
11 know, knowledge I've -- in other words, I -- when they
12 said he had the password to my e-mail, then I started
13 trying to think. And it did occur to me at that point
14 that it was the same as my Web page that he had set
15 up. But it didn't seem like a problem. I mean, it's
16 -- like I said, it's inside NOVELL.

17 Q. And you say that he only drove your car two times?

18 A. With my permission. And the first time I was with
19 him. You know, we went over to Wade Hampton High
20 School and back and we went by mom's, like I said, to
21 eat with my mom.

22 Q. And his mother told you that he was a good driver and
23 it was okay if he drove your car?

24 A. Yeah. Well, he told me on the way over there, though,
25 that she had lied to me, that he had just gotten a

1 speeding ticket the week before. And I said, "Well,
2 Josh, that don't make you a bad teacher. But you just
3 have to watch your speed limit or whatever because it
4 changes when you're driving alone." And I said, "You
5 know, perhaps that's what happened." So, you know, I
6 guess it's --

7 Q. So did Josh's mother tell you that he had a driver's
8 license?

9 A. She did. That he was able to drive and -- Can I ask?
10 Does he not have -- did he not have a driver's
11 license?

12 Q. I'm asking the questions. You will get your chance.

13 A. It's the first I had heard. I just am blown away by
14 that.

15 Q. And then the other time that you -- and that day that
16 you went to get those resource materials at Wade
17 Hampton, Josh -- how did Josh come to be in the car
18 with you?

19 A. His mom --

20 Q. Whose idea was it?

21 A. Well, he wanted me to go ask his mom when she come up
22 to the school that day. She was going to the
23 hospital. She had a very sick brother and had been at
24 the hospital a lot with him or that's what Josh said
25 and that he wanted to go with me to get these resource

1 materials. And he did help me go through a lot of
2 material that day. He knew what I was looking for.
3 We had pulled up the resource Web site and went
4 through a lot of videos. And he is the one who read
5 through those and wrote down the ones he thought would
6 be good for me to go back and read. And, I mean, he
7 is very bright and very helpful and I did utilize
8 that. I mean, he -- and -- what was your question?
9 Did I answer your question? I am completely --

10 Q. I asked whose idea it was for him to go with you to
11 get the resource material.

12 A. It was his idea. But he wanted me to go ask his mom.
13 And I wanted to call her and he didn't want me to call
14 her and ask her. He wanted to wait until she got up
15 there. And I did kind of think that was odd. But
16 then I thought, well, maybe she wasn't at home because
17 this happened earlier in the day. And then he came
18 back after school and wanted to know if I would go out
19 and ask her, and I did go out and ask her. And she
20 was fine with him going. She said for him to be home
21 at eight. I noticed in one of the statements, it said
22 that he was supposed to be home at seven. And that's
23 not true. I mean, he -- he was supposed to be home at
24 eight. We were late calling her. I have my phone
25 records. And he called her about -- I think it's like

1 four minutes after eight and told her that we were
2 nearby. We were at my house picking up my husband, so
3 that he was a few minutes late. And she was irate
4 with him. Told him to get home. And she slammed the
5 phone down on him. I could hear her screaming on my
6 cell phone. And when he hung the phone up, he told me
7 that she was very upset. And so I hollered for my
8 husband to come on, that we needed to go. And they
9 only live like a mile from my old house. They only
10 lived like a mile away or something like that. It's
11 not far, just a few blocks.

12 Q. Her statement says that you begged her to let him go
13 with you. Is that not true?

14 A. No. Why would I beg? I mean, I'm sorry, I -- You're
15 asking the questions.

16 Q. What was the reason Josh came to your house that
17 night?

18 A. I had had -- Charter had come out and set up the
19 modem, but they had not set up my e-mail account, and
20 I had been complaining about that. And he was going
21 to do something to do that, but I had also been -- you
22 know, we was talking about eBay and a lot of other
23 things, but there was not time for that. We were
24 late. And so we were literally at my house for two,
25 three minutes. I mean, we were there no time. We

1 walked in, he called his mom, she was very upset, I
2 hollered for my husband to come on, we had to go, and
3 he came on and we left. And it was just that few
4 minutes.

5 Q. So why did you tell me about -- what did you tell me
6 just now about the Charter and the modem and the eBay
7 account?

8 A. Well, I had -- In other words if we were going -- We
9 did go by there and he was going to look at those for
10 me and see if he could open them. That was -- he was
11 going to show me how to open them. He was also going
12 to show me where you go on eBay to set it up, in other
13 words, like this is how you create an account. But
14 there was not time for that. So that's why I told you
15 that -- it was our intention, when I went by to pick
16 up my husband, that he would run in the house and show
17 me how to do those two things. That was it. Until
18 that day, as far as I know, he never knew where I
19 lived.

20 Q. So she didn't -- he didn't -- he ended up not doing
21 any of those things?

22 A. No, he didn't. We didn't have time, like I said.

23 Q. You said a second ago that today's the first you've
24 heard about EXCENT as part of this case?

25 A. No, no, about him having a CD for it. I knew he had

1 had access for it. I gave it to him. And I gave him
2 the password "Horizon" to sign onto it on the laptop
3 because it was the same one. It was just blank
4 software. And it was the name of the company.
5 Everybody had the same one. Now, if you sign onto
6 EXCENT on -- inside NOVELL, it was your last name.
7 And mine happens to still be my same last name. And I
8 think somewhere in there he puts SMcBride and it was
9 not. My sign-on for school had changed to SMcBride,
10 but it was still SMann to sign on to EXCENT with
11 Special Ed Services. And the sign-on to my laptop or
12 any personal PC, it was always "Horizon" because it
13 was the generic, you know, sign-on.

14 Q. You heard Mr. Roach's testimony that he took the
15 information that Josh gave him, as far as your user
16 name and your password, and accessed everything using
17 the information Josh gave him.

18 A. I heard.

19 Q. Do you question that?

20 A. Well, I don't -- At this point, I mean, you know, I
21 don't understand how or where it came -- where he got
22 it from other than the fact that he was on my computer
23 and if there was some way for him to have gotten it
24 there. I don't know. I don't -- In other words, he
25 was never given access to do the things that you would

1 need to be inside NOVELL to do. In other words, my
2 computer was there. A lot of students got on my
3 computer. There was a classroom sign-on and there was
4 an administrative sign-on. And, you know, if I ever
5 left it on for him -- inside NOVELL, it would have
6 been when we were in EXCENT downloading because what
7 you have to do is you have to bring information and
8 you import and export information. So when you set up
9 prototypes inside of EXCENT, that had to be exported.
10 And so it was exported from the laptop and imported
11 into the computer at school for me to do the things I
12 needed to do on it. And he did do that.

13 Q. You said that on the day you gave your car, September
14 19th, to Josh to go pick up a video from, you said,
15 Ingle's.

16 A. Mm-hm [affirmative].

17 Q. You said that Josh had sent his ride away that day?

18 A. Mm-hm [affirmative]. Well --

19 Q. And, yet, in your statement -- let me finish the
20 question.

21 A. Okay.

22 Q. -- you said that Josh was angry with Chris for leaving
23 him that day. Which is true?

24 A. It is.

25 Q. Which is true?

1 A. They both are.

2 Q. Well, how did that come about?

3 A. He -- See, he was supposed to be leaving to go home
4 with Chris and Chris -- he wanted Chris to stay and
5 Chris would not stay.

6 Q. Stay where?

7 A. At the school with him. And Chris was in the car with
8 his mother and they -- he was calling him from a cell
9 phone somewhere like down in the road, but still in
10 line to get out of school.

11 Q. Who was in the road?

12 A. Chris and his mother, the B [REDACTED] were in their car,
13 and Josh used my cell phone to call them. And he was
14 very upset and used some profanity, telling Chris --

15 Q. What was he upset about?

16 A. Because Chris wouldn't stay with him and then he was -
17 - after I was mad and wanted him to go because, see,
18 now I'm mad too. And I told him that you should have
19 went on ahead with them because I have plans to be
20 here to paint my classroom and blah, blah, blah. And
21 so he called Chris and tried to get them to come back
22 and get him. And he said, no, you come down here
23 where we are, we can't come back. And because they
24 wouldn't come back and get him, he was very irate with
25 Chris because Chris left with his mother. And, as far

1 as I knew, he went on home. But then when they came
2 back together, I thought that he must have got out
3 after all. But then after reading the statements,
4 apparently, at some point he took the car and went and
5 got Chris. I guess when he got the video or before
6 that time. I'm not sure, you know, after two years
7 what that sequence of events are. But that was
8 supposed to be his ride for the day. And I was upset
9 that he did not take that ride. And then he was upset
10 that he -- with Chris because Chris chose to go ahead
11 without him and his mother wouldn't come back and get
12 him.

13 Q. But you didn't question him about it at the time?

14 A. About what?

15 Q. All those inaccuracies of the two stories. You didn't
16 question Chris about why did you -- where did you go,
17 why did you come back with Chris, what's going on?

18 A. No, no, I didn't. No, I didn't realize that there was
19 going to be problems and that -- you know, to me it
20 was just -- you know, I thought Chris got out and that
21 I would be taking both the boys home to Chris' house.
22 It was just that simple. But I had other things going
23 on and I didn't want them in the classroom because at
24 this point there's a pow-wow going on in my classroom
25 with other special ed teachers about a situation that

1 was going on with one of the aids.

2 Q. Chris is right in the middle of all this using --
3 being angry on your cell phone?

4 A. No, no, no. All that was before. And, like I said,
5 he went out. And it's when he came back in that all
6 this started to take place. And that's why, you know,
7 I made the snap judgment for him just to go on over
8 and pick up the video because, I mean, I should -- you
9 know, in my heart, feel like I should have been in the
10 car with him because, you know, before when he had
11 permission, I was in the car with him and on this
12 occasion I was not. And, like I said, if there's one
13 thing I could take back, that would be it because, you
14 know. But, like I said, I made a snap decision for
15 him to go across the street and right back. And I
16 never dreamed that it would amount to all of this and
17 everything. I -- you know, it was poor judgment. And
18 I don't -- I don't deny for a minute that it should
19 not have happened. And if I could take it back, I
20 would.

21 Q. Why did you take Josh and Chris over to Chris' house?

22 A. Because that was his ride and Chris' house and where
23 he was supposed to be going. In other words, as far
24 as I knew, that's where I was supposed to take him.
25 That's who was picking him up that day.

1 Q. Did you have any conversations with Chris' mother --

2 A. I did.

3 Q. -- about Josh running away from home?

4 A. I did. I did. I went in. And Josh was like, "Well,
5 tell her, tell her how my mama threatened you with my
6 daddy and all this" because the night that I took Josh
7 home she was like, "Oh, Buddy's going to get you.
8 Buddy's going to get you." And, see, I said, "I'm not
9 afraid," you know, "everything is okay. Just calm
10 down and we will talk to your husband." His name was
11 Buddy. "And we'll straighten all this out." And she
12 just kept up about she was going to kill herself and
13 all this and -- and he wanted me to tell all that to
14 Ms. Fanning the next day. And I did make Ms. Fanning
15 aware of all that. And then that came up. That was
16 the conversation that he wanted me to be sure and tell
17 them. And he wanted me to tell them that -- that they
18 did beat him, too. But that had never been
19 substantiated. And, as far as I know, they have never
20 hit him. I have never seen a bruise on him and even -
21 - he went to Officer O on numerous occasions and tried
22 to show him marks that I couldn't see and that Officer
23 O couldn't see.

24 Q. Now, tell me, who is Buddy?

25 A. Buddy is their -- is his daddy. See, I always call --

1 his father. Excuse me.

2 Q. Josh's father? Josh's father is Buddy?

3 A. Josh calls him Daddy and then she called him Buddy,
4 but it's Mr. F [REDACTED].

5 Q. And what's he got to do with Chris B [REDACTED] and Chris
6 B [REDACTED]'s mother?

7 A. What's who got to do with it?

8 Q. Buddy.

9 A. I'm lost. Oh, oh, Josh just wanted me to tell him --
10 he -- I think he wanted me to confirm to the boy's
11 mother that the situation at home was what he had been
12 telling her that it was. And so there were things
13 that I confirmed to her that, yes, this had happened
14 and that had happened about, you know, the night I
15 brought him home and that his mother is always
16 threatening to commit suicide if that's what -- Josh
17 had, you know, brought that up. And I confirmed to
18 her that he talked about running away from home a lot.
19 And that's why I felt like that deposition would be
20 important to you because that -- there's a lot in
21 there about him trying to get teachers at Charter High
22 School to call DSS about his parents and about him
23 being beaten and about, you know, the same thing that
24 was going on at Berea High School was going on at
25 Charter High School. And it's all in there.

1 Q. Why did Josh come back to your house the next day?

2 A. I don't -- Well, apparently Ms. B [REDACTED] -- see, she was
3 fine with him staying. When he was talking about
4 running away from home, and he was talking about it,
5 you know, while we were there, that he had a bicycle
6 there, he wanted to go to his aunt's. Going to his
7 aunt's had been his latest thing.

8 Q. Where did his aunt live?

9 A. I have no idea. I think Travelers Rest, though, but
10 don't hold me to that. But he wanted to go and live
11 with her. And he had talked to Ms. Fanning about it.
12 He had talked to Officer O about it. Everybody, you
13 know, knew that that's where he wanted to be and that,
14 ultimately, he wanted DSS to remove him and put him
15 there. And he didn't -- he said that he -- she was
16 going to take him and he was going to run away that
17 weekend and all this. And I -- I told Ms. B [REDACTED] then,
18 I said, "He talks like this all the time." I was
19 letting her know that, you know, I don't -- I said,
20 "but if you get concerned, you call me and I will call
21 Officer O." I offered that to her. I gave her my
22 cell number, and she did call me that Friday night in
23 my classroom and told me that she had been in touch
24 with Charlie Garrett and was seeing about getting the
25 boy removed from the home. And I was like, like I

1 said before, "Okay, you know, good," and went back to
2 my painting. I was in my classroom until after 11 --
3 I was there until like 11:30, when the team came back
4 from Greer High School, well, the band came back from
5 Greer High School.

6 Q. Why was Chris' bike underneath your house on September
7 --

8 A. I think it's Josh's bike.

9 Q. I mean Josh's bike. Sorry.

10 A. Yeah, and -- Josh's bike -- Apparently, he was on my
11 front porch for a couple hours. Like I said, I was
12 asleep. Our doorbell had been unhooked. My husband
13 worked the third shift and he unhooked the doorbell
14 which drove me crazy. But if he rung the doorbell, we
15 wouldn't know that. If he knocked, I wouldn't know
16 that 'cause I was back in the back. Now, my husband
17 was in the living room. And to be honest with you, if
18 he knew that he was out there, I'm not sure that he --
19 he was probably hoping he would leave whoever he -- I
20 had other students who lived in the neighborhood who
21 were by often and -- or would come by and knock on the
22 door or whatever and it bugged him. So I'm sure that
23 he --

24 Q. Bugged Josh?

25 A. Bugged my husband.

1 Q. Oh, sorry.

2 A. That we were always getting callers to the door. And
3 so I'm not completely convinced that he didn't
4 probably know that Josh was there at some point, but I
5 did not know he was there until I woke up and listened
6 to these messages. So I don't know how long he was on
7 my front porch. Josh told me at that point he had put
8 the bicycle under my floor. And I did give permission
9 for him to leave the bicycle there. The officer said
10 he can't take it with him. Josh said, "I don't care,
11 you can have it." I said, "Well, he can leave it
12 there. That's fine. It's not a problem." But at no
13 time did I tell him to put it under there. I was
14 asleep when he arrived at my home and, apparently,
15 left it there. And that was pointed out in the
16 informal hearing. My brother is the one who really
17 brought that up in the informal hearing and -- and --
18 and in that statement from Mr. Paschal, his summary,
19 it says that I stated in the informal hearing that I
20 told the boy to put the bike under my house. And that
21 did not happen. Yes, I did give him permission to
22 leave it there and it stayed there until he had the --
23 the officer who arrested me come picked the bike up.

24 Mr. Cleveland:

25 That's all I have right now, Mr. Chairman.

1 Mr. Saylor:

2 Ladies and gentlemen, it's now one o'clock and I know
3 that the Trustee, Ms. Mann, have got questions for you
4 as well.

5 Ms. McBride:

6 Okay.

7 Mr. Saylor:

8 And there are other witnesses that need to be called,
9 but we need to take a break so our minds will all be
10 fresh.

11 Ms. McBride:

12 Okay.

13 Mr. Saylor:

14 However, I do have a logistical challenge in the fact
15 that two of the Trustees sitting here have made it
16 known that they have obligations that are going to
17 require them to leave around three o'clock. With that
18 in mind, Mr. Cleveland, we're going to take a 30-
19 minute break. And I do hope that that is convenient
20 for everyone here, but we will take 30 minutes, and we
21 will reconvene about 1:30 and pick up from there. Is
22 that okay? Thank you very much.

23 Mr. Cleveland:

24 That's fine, Mr. Chairman.

25 [LUNCH BREAK]

A F T E R N O O N S E S S I O N

commencing at approximately 1:30 p.m.

Mr. Saylor:

Okay. Ladies and gentlemen, I'd like to call us back to order and remind everyone that we are still in executive session.

At this time, Ms. Mann, we're going to ask you to step down for a few moments, and we're going to ask -- Mr. Cleveland, would you please call Mr. F[REDACTED]. Let's go ahead and get him right now.

Mr. Cleveland:

Sure. That's fine.

Mr. Saylor:

Mr. F[REDACTED] if you could approach the court reporter, please. Just be sworn, please.

** ** **

The witness was sworn to tell the truth, the whole truth and nothing but the truth of his own knowledge concerning the matter herein.

** ** **

Mr. Saylor:

I want to thank you for coming in today, and I appreciate you taking the time to be with us.

Mr. Cleveland?

1 Mr. Cleveland:

2 Thank you, Mr. Chairman.

3 JOSHUA F [REDACTED], having been duly sworn, testified as
4 follows:

5 Examination by Mr. Cleveland:

6 Q. Josh, would you state your name for the record,
7 please?

8 A. It's Joshua Lee F [REDACTED].

9 Q. And you used to attend Berea High School?

10 A. Yes, sir.

11 Q. Were you there during the 2000 -- Well, you tell
12 me. Do you know, remember what year you started
13 there?

14 A. I believe it was 2002.

15 Q. And prior to that time you were at Greenville Tech
16 Charter School?

17 A. Right.

18 Q. And you had a criminal incident at Greenville Tech
19 Charter School?

20 A. Yes, sir.

21 Q. And as a result of that had a lawsuit against
22 Greenville Tech, did you not?

23 A. Yes, sir.

24 Q. And that criminal incident involved a sexual
25 matter?

1 A. Yes, sir. It did.

2 Q. And then after you left Greenville Tech Charter
3 High School you enrolled in Berea High School. Is
4 that right?

5 A. Yes, sir. I did.

6 Q. So Ms. McBride was your homebound teacher?

7 A. That's correct.

8 Q. Do you recall when that was?

9 A. I'm not exactly sure, but I do believe it was in
10 2002 when I started at Berea. My doctor placed me
11 on homebound.

12 Q. After you left Greenville Tech were you on
13 homebound or did you go to Berea first and then go
14 on homebound?

15 A. I do believe I went to class for maybe about a
16 week or so and then was put on homebound.

17 Q. And so you got to know Ms. McBride during that
18 time she was your homebound teacher?

19 A. Right.

20 Q. In the spring of 2003, that would have been the
21 spring before you were accused of stealing Ms.
22 McBride's car, were you ever in Ms. McBride's
23 classroom during that spring of 2003?

24 A. Yes, I was.

25 Q. And how did you come to be in her classroom?

1 A. Well, I had -- I was in one of my math classes and
2 I had asked if I could go speak with Ms. McBride
3 because I was upset that day. And I had talked to
4 her. And then she talked to Ms. Fanning. We had
5 all talked together. And Ms. McBride was going to
6 let me stay in her classroom. She just thought
7 that she would let me stay there. And then the
8 next day I came back and stayed. And then after
9 that, I just started staying just about everyday.

10 Q. How did you get out of your regular classes?

11 A. She would write me passes to get out or she would
12 go and talk to my teachers.

13 Q. Did Ms. McBride write the notes for you and sign
14 them?

15 A. Yes, she would write the notes. And sometimes she
16 would tell me to write a note and she would sign
17 it because she would be busy doing something in
18 class.

19 Q. Was this during the morning or the afternoon or
20 what -- what time of day?

21 A. It varied. But normally it was in the afternoons.

22 Q. How often did it occur? Was it once a week, twice
23 a week, every day?

24 A. I think at the beginning it was just maybe a few
25 times a week. And then, eventually, as the year

1 went on it became everyday. And she no longer had
2 to write passes for Mrs. Miller's class. Because
3 I was out so much, she just went and talked to
4 Mrs. Miller. And Mrs. Miller gave permission for
5 me to stay out where she didn't have to write
6 notes any longer.

7 Q. So you were not going to Ms. Miller's class much
8 at all?

9 A. Right. I would go there to pick up my work. And
10 she would give me my work and ask me if I was
11 having any problems understanding it.

12 Q. What did you do in Ms. McBride's classroom?

13 A. I would play on the computer or grade her
14 students' papers.

15 Q. When you say "play on the computer," what were you
16 doing on the computer?

17 A. Just games or going to Web sites.

18 Q. Did you -- Later on during that school year 2003,
19 did you have any reason to assist Ms. McBride with
20 IEPs?

21 A. Well, she told me that she was going on a cruise
22 and that she wasn't going to have time -- she had
23 to have five reports ready. I don't know who was
24 going to look at it or why. But I know that she
25 had to have five of them done. And with her going

1 on the cruise, she was afraid that she wasn't
2 going to have enough time to get them done, so I
3 did them for her. I put in everything except for
4 the students' goals. I had to put in their names,
5 Social Security numbers, what their condition was
6 mentally, what was wrong with them, had to put in
7 their grades under a menu called Academics.

8 Q. Where did you get the grades?

9 A. I got them off the school computer. The computer
10 at school. I had to look up the grades for each
11 class and write them down. And then when I would
12 go home, I would put them into the computer
13 program.

14 Q. So you accessed the grades while you were at
15 school?

16 A. Right.

17 Q. And then you went home and did it?

18 A. I would write them down. I would write their
19 grades down.

20 Q. Well, if this was during spring break, how -- how
21 did you ---

22 A. I did it before we went on the spring break, had
23 the grades.

24 Q. You said you had the students' names and Social
25 Security numbers?

- 1 A. Right. From the previous IEPs that were done. I
2 just copied them over.
- 3 Q. You say you copied the previous IEPs over, tell me
4 exactly what you did, what material you were
5 taking off those previous IEPs?
- 6 A. I would take the previous IEP; and in the part
7 where it said, "name," I would just re-enter their
8 name into the new IEP along with their Social
9 Security number, what their disability was and so
10 on.
- 11 Q. And did you have to enter their grades?
- 12 A. Right. You --
- 13 Q. From -- Go ahead.
- 14 A. From the current school year, I believe you would
15 upgrade for that.
- 16 Q. How did you have access to the software that
17 enabled you to access the IEPs?
- 18 A. Ms. McBride had brought it over to my house, and I
19 installed it on my home computer.
- 20 Q. Do you remember the name of that software?
- 21 A. Not really. I did at the time but not now.
- 22 Q. So when she brought it to your house, she brought
23 the --
- 24 A. Disk.
- 25 Q. -- disk over?

1 A. Right. Along with the IEPs.

2 Q. You say she brought the IEPs. Were they on a disk
3 or did she bring something else?

4 A. No, they were -- they were in the paper form.

5 Q. Paper form?

6 A. Right.

7 Q. Do you recall what those IEPs looked like, what
8 kind of folders they were in or anything like
9 that?

10 A. Well, they weren't in any kind of folder. They
11 were just stapled together, I believe; and, like I
12 said, I know they have one page for academics and
13 I think the last few pages were the students'
14 goals for the next year, what they hope to achieve
15 as far as them progressing.

16 Q. And you didn't do the goals part?

17 A. No, I did not.

18 Q. Just the grade?

19 A. Right.

20 Q. Did you know what an IEP was before that time?

21 A. No, I did not.

22 Q. Did Ms. McBride say anything to you about the
23 confidentiality of this information?

24 A. Well, she just said that those were -- that I
25 didn't need to tell anybody I had seen it because

1 that was something that students weren't supposed
2 to see.

3 Q. Do you recall the names of the people whose IEPs
4 you saw?

5 A. Well, I did her entire class's IEPs; but I
6 remember one in particular of a boy named Tim.
7 And his name was Lionel, but he didn't like anyone
8 to call him that. I didn't even know that his
9 name was Lionel. I thought that maybe his first
10 name was Timothy and that's why everyone called
11 him Tim, but it wasn't. So I can remember him
12 clearly because I found that as a shock.

13 Q. Did you ever hear Ms. McBride call Tim Lionel in
14 her classroom?

15 A. No, I did not.

16 Q. Did you assist Ms. McBride in any other way while
17 you were in her classroom?

18 A. Sometimes -- Well, one time I helped move her
19 computer to the front of the room. One time I
20 helped put a projection device onto the computer
21 or the TV. It was one of them. I remember
22 hooking up a projection device; and, basically,
23 other than that, I would help do some lesson
24 plans, come up with things for students to do.

25 Q. Did you have access -- did you have any of Ms.

1 McBride's passwords as a result of the work you
2 did to help her?

3 A. Well, I had the password to the grading system and
4 the one to do the IEPs and to her Web site. The
5 Web site was the same one as the e-mail. You
6 know, I figured that out for myself one day.

7 Q. Did you ever access her e-mail?

8 A. By accident one time, I think.

9 Q. You designed her Web site for her?

10 A. Right.

11 Q. And is that why you had that password?

12 A. Right. It was the same.

13 Q. How did you access the -- how did you get access
14 to the grades, the students' grades?

15 A. She had pulled it up for me one time and showed me
16 how to load it and everything, put in the
17 password.

18 Q. Do you recall what her password was for that grade
19 system?

20 A. Not now. But it is in the police reports.

21 Q. Are you familiar with a grading system called IG
22 Pro?

23 A. Not particularly. Not that I can remember.

24 Q. Did you ever see a school district grading system
25 on a disk?

1 A. I know that that -- I think I know what you're
2 talking about. It -- it was a new thing that the
3 system had come up with, the School District, and
4 I'm -- If I'm correct and what I can remember, I
5 think that was what Ms. McBride wanted me to teach
6 her how to use, but not exact. I can't really
7 remember. It's been so long.

8 Q. Did she give you a copy of that disk?

9 A. Yes, I believe she did. I believe that was the
10 disk that Officer Oshlater [phonetic] had
11 recovered from my home.

12 Q. You gave a statement to the police around
13 September 25th, 26th of 2003. Do you remember
14 that?

15 A. Yes, I do.

16 Q. When's the last time you looked at that statement?

17 A. I think it was last week.

18 Q. Did you read it?

19 A. I read parts of it, yes.

20 Q. Is there anything in that statement that you
21 recall, when you re-read it, that is not true?

22 A. No.

23 Q. How many times did Ms. McBride let you drive her
24 car?

25 A. From what I can remember, it was probably about

1 three.

2 Q. Do you remember where you went on those three
3 times?

4 A. I remember the first time she was with me. We
5 went to the Teacher's Outlet. The second time was
6 --

7 Q. Did you drive -- you drove during that time?

8 A. Yes, I did.

9 Q. Let's stop for one second. We'll come back to the
10 other times. Let's talk about going to the
11 Teacher's Outlet. How did that outing come to
12 occur?

13 A. Well, I knew that she needed some supplies for her
14 classroom, some things; and I was willing to go
15 with her. So we waited until my mom got there to
16 the school, then we went outside and asked her if
17 it would be okay if I went.

18 Q. Did your mom say it was okay?

19 A. Yes, she did.

20 Q. Did your mom give you permission -- give Ms.
21 McBride permission to let you drive?

22 A. No, she did not. She did not know I was going to
23 be driving.

24 Q. Did you have a driver's license at that time?

25 A. No, I did not.

1 Q. Did you have a permit?

2 A. Yes, I did.

3 Q. And so you went with Ms. McBride, and did you
4 drive out to Wade Hampton High School?

5 A. Yes, sir. I did.

6 Q. Were you able to get what you wanted at Wade
7 Hampton High School?

8 A. No, we did not.

9 Q. And where did you go after that? Do you remember?

10 A. We went to the Teacher's Outlet, I believe, which
11 is a little further down Wade Hampton.

12 Q. Did you drive out to the Teacher's Outlet?

13 A. I believe so.

14 Q. What did you do after you left the Teacher's
15 Outlet?

16 A. We went back to Ms. McBride's. She was wanting me
17 to set up her e-mail account and eBay account.
18 But as she had said earlier, we didn't have time,
19 because it was already past time for me to get
20 home.

21 Q. Did you go straight from the Teacher's Outlet to
22 her house?

23 A. No, I had -- we had went and got something to eat
24 with her mom.

25 Q. With Ms. McBride's mom?

1 A. Right.

2 Q. Well, what time were you supposed to be home that
3 night?

4 A. I believe I was supposed to be back at seven
5 o'clock.

6 Q. Who said you had to be back at seven?

7 A. My mom did.

8 Q. Do you know what time you got back?

9 A. It was maybe 15 after eight.

10 Q. Was your mom upset about that?

11 A. Yes, she was.

12 Q. Why was she upset?

13 A. Because she had given me a time to be home and I
14 wasn't home when she had said.

15 Q. Did Ms. McBride know what time you were supposed
16 to be home?

17 A. Yes, she did.

18 Q. What's another time that you drove Ms. McBride's
19 car?

20 A. When I went to pick up Chris B [REDACTED] [phonetic] and
21 when we went to Wal-Mart to get some videos.

22 Q. Okay. Does September 19th sound like the right
23 date, or do you remember when you went to pick up
24 Chris B [REDACTED]?

25 A. I know that it was a few days before I was

1 arrested.

2 Q. And you were arrested --

3 A. Sometime just before then.

4 Q. And you were arrested September 25th of 2003. Is
5 that --

6 A. I believe so.

7 Q. So this day you went to pick up Chris B [REDACTED] how
8 did that -- how did you come to have her car that
9 day?

10 A. She allowed me to use it because I was supposed to
11 be riding with him back to his house, and he went
12 ahead and left. So I went over there to pick him
13 up.

14 Q. Did you tell him to leave?

15 A. No.

16 Q. Why did he leave?

17 A. I have no idea. I -- I cannot remember, but I do
18 know that he did leave and I did go over there to
19 pick him up. And after I picked him up, we went
20 to Wal-Mart to get some movies, and then I put
21 some gas back in Ms. McBride's car that I had
22 used, and then we went back to the school.

23 Q. When you went back to school, what did you do?

24 A. We went to Ms. McBride's house and she was in a
25 meeting with a few other teachers. So we had to

1 wait on her to get through.

2 Q. When she finished, did you talk to her? Finished
3 the meeting, did you talk to her?

4 A. Yes. And she was going to -- she asked if we
5 found what we were looking for as far as videos,
6 and I -- I believe we told her no, and she went to
7 take us back to his house.

8 Q. What was the purpose of her -- of your going back
9 to Chris' house?

10 A. Because I was going to run away.

11 Q. Did Ms. McBride know you were going to run away?

12 A. I believe so because I had been talking about it
13 and I was keeping my clothes and things in her
14 filing cabinet in her room.

15 Q. What kind of clothes were you keeping in her
16 filing cabinet?

17 A. Pants, shirts, my laptop, pictures.

18 Q. Did you take those things with you that day to
19 Chris' house or did you leave them in her
20 classroom?

21 A. I took some of them with me, but I did not take
22 them all.

23 Q. Did Ms. McBride have any conversation with Ms.

24 B [REDACTED] when she got over to the house?

25 A. Yes, she did. She had a conversation to let her

1 know that I was running late. And Mrs. B [REDACTED], she
2 was okay with me staying there for the night.

3 Q. Did Ms. McBride offer to take you to her house?

4 A. To Ms. B [REDACTED]'s?

5 Q. No, Ms. McBride's house.

6 A. I'm sorry, I didn't under -- could ---

7 Q. Did Ms. McBride offer to take you to Ms. McBride's
8 house that day?

9 A. Did she offer to take me to her house?

10 Q. Mm-hmm [affirmative].

11 A. Oh, no.

12 Q. Did you ask to go there?

13 A. No.

14 Q. Did she give you any reason why she couldn't take
15 you to her house?

16 A. No, she did not.

17 Q. So you went to Chris' house, and Ms. McBride
18 dropped you off. Why did you go back to Ms.
19 McBride's house the next day?

20 A. Because Chris' mom said that I had to leave.

21 Q. So why did you go to Ms. McBride's house?

22 A. Because I thought that she would let me stay
23 there.

24 Q. Did you talk to Ms. McBride when you got to her
25 house on September 20th?

1 A. Yes, I did.

2 Q. What did you say to her?

3 A. I told her that Chris' mom had told me that I
4 couldn't stay there anymore, and me and her, we
5 were -- we sat down at the kitchen table and
6 talked, and she wanted to know if she could call
7 Officer O. And I told her yes, that she could.
8 And she called him and he advised that we contact
9 the Sheriff's Department and talk to them. And
10 she asked me if it would be okay if she called the
11 Sheriff's Department, and I said yes.

12 Q. Did Ms. McBride know that you were -- that you
13 wanted to be emancipated from your parents?

14 A. Yes, she did.

15 Q. And how did she know that?

16 A. I had spoken with her about it.

17 Q. Did she ever write you a note to allow you to
18 access a computer for purposes of learning about
19 emancipation?

20 A. I had written the note and she had signed it.

21 Q. Let me show you this copy of a document that's
22 marked as Exhibit 2. Have you ever seen that note
23 before?

24 A. Yes, I have.

25 Q. Did you write that note?

1 A. Yes, sir. I did.

2 Q. Did you sign that note?

3 A. No, sir. I did not.

4 Q. Who signed it?

5 A. Ms. McBride did.

6 Q. Are you sure about that?

7 A. Yes. I do believe so.

8 Q. You heard Ms. McBride say that was a forgery?

9 A. Right.

10 Q. Did you see her sign it?

11 A. Yes, I do believe so.

12 Q. Did you ever use Ms. McBride's car to go to Family
13 Court to discuss emancipation with them?

14 A. Yes, I did.

15 Q. Was this done during the school day or after
16 school day?

17 A. This was done during school in the afternoon
18 before school let out.

19 Q. What did you learn when you got to Family Court?

20 A. That you could not -- there was no form to fill
21 out for emancipation, that you had to get a
22 lawyer.

23 Q. And did you later use Ms. McBride's car on another
24 occasion to go someplace else to --

25 A. To --

1 Q. -- discuss emancipation?

2 A. Right. To try and get a lawyer at Legal Aid.

3 Q. So you tried to go a Legal Aid?

4 A. Right.

5 Q. Did you actually make it to Legal Aid?

6 A. No, I did not. I could not find it downtown.

7 Q. Okay. So that's the date of September 25th then
8 that you --

9 A. Had gotten arrested.

10 Q. -- got arrested?

11 A. Correct.

12 Q. Is that the same day you tried to go to Legal Aid?

13 A. I went to legal -- the day that I got arrested, I
14 had just went to Legal Aid. So I had actually
15 used her car four times because it was Friday --
16 because I believe I got arrested on a Monday, and
17 I believe that it was a Friday when I tried to go
18 to Family Court.

19 Q. Well, I don't know if those dates are right or
20 not, but I think September --

21 A. I know that there was a few days difference in
22 between the time when I went to Family Court and
23 between the time I tried to go to Legal Aid.

24 Q. So you went to Legal Aid because Family Court
25 couldn't help you?

1 A. Right.

2 Q. Did Ms. McBride know that Family Court couldn't
3 help you become emancipated?

4 A. I believe I had mentioned that to her, that you
5 had to contact an attorney.

6 Q. Now, the day that you took her car to go to Legal
7 Aid, did you ask her if you could take her car
8 that day?

9 A. No, I did not.

10 Q. Did you say anything to her about taking her car?

11 A. No, I did not.

12 Q. How did you come to be in her car?

13 A. I told her that I was going to be leaving. And
14 one of my friends Christina she was with me. And
15 we were both in Ms. Hills' class together, had
16 left together to come down there. And I told her
17 that I was going to go try and find Legal Aid and
18 talk to a lawyer.

19 Q. Told who that?

20 A. Ms. McBride. And her keys were up on top of her
21 desk and I had them clipped on my belt buckle or
22 in my hand. It was one or the other. I know that
23 they were visible. And she didn't say anything to
24 me about the keys. I just figured it was okay
25 because she knows that I don't drive and that I

1 didn't have a car of my own. So I assumed that
2 she knew that I was using her vehicle to go down
3 there.

4 Q. You say that you don't drive. Well, you drive
5 now, I guess?

6 A. Right. Yeah.

7 Q. But you did not have a driver's license at this
8 time?

9 A. No, I did not. I had a permit.

10 Q. When you went to -- drove to Chris B[REDACTED]'s house,
11 when she let you have the car then, did you have a
12 permit or a license?

13 A. A permit.

14 Q. And when you drove to the Family Court, did you
15 have a permit or a license?

16 A. Permit.

17 Q. And when you drove to Legal Aid you still,
18 obviously, had a permit. Right?

19 A. Right.

20 Q. Now, you say -- do you believe that Ms. McBride
21 knew where you were going that day?

22 A. Yes. She knew that I was going to Legal Aid.

23 Q. How did she know that?

24 A. Because I believe that I had told her that's where
25 I was going.

1 Q. Were you in the room when you told her? Were you
2 in her classroom?

3 A. Yes, I was.

4 Q. Was Christina with you at that time or was she
5 waiting in the hall?

6 A. I can't -- I can't really remember whether she was
7 in there or not.

8 Q. Christina was just going along for the ride?

9 A. Right.

10 Q. Where did you find Ms. McBride's car keys?

11 A. They were on top of her desk.

12 Q. Just lying on top of her desk?

13 A. Just lying there.

14 Q. Did you just go over and pick them up?

15 A. I'm not really sure. I think that I had them
16 before that afternoon when I went back to let her
17 know that I was leaving. I think that I had
18 already had them.

19 Q. And why would you already have her keys?

20 A. I kept them with me sometimes.

21 Q. You don't know if you had them or not?

22 A. I know that I had them during lunchtime, I
23 believe, that I had already had them. And I know
24 when I went back, I still had them because before
25 I went to lunch, I do believe I got them off of

1 her desk because I know they were on the desk and
2 I took them. Now, whether she seen me take them,
3 I don't know.

4 Q. If you already had the keys, why did you go back
5 to her classroom?

6 A. To let her know that I was leaving. And Christina
7 took her book bag and put it in there.

8 Q. Did Ms. McBride see Christina put her book bag in
9 her classroom?

10 A. I'm sure she did.

11 Q. Did y'all discuss this in any way? Was it any big
12 deal or did you just --

13 A. No, it wasn't a real big deal.

14 Q. So you just went in, told her you were leaving,
15 and off you went?

16 A. Right.

17 Q. And go ahead and tell us what happened after that.
18 We know you didn't get to Legal Aid because you
19 couldn't find it. So what did you do?

20 A. So we -- Christina wanted to go by one of her
21 friend's houses, and her friend wasn't there. And
22 she suggested we go by Enoree Career Center, pick
23 up some more of her friends and take them back
24 with us. So we went and picked up her friends.
25 And when we got back at Berea, the police were

1 waiting.

2 Q. And what did the police do?

3 A. They arrested me and told me that I was being
4 charged with grand larceny auto, I believe.

5 Q. And is that why you gave a statement to the
6 police?

7 A. That's correct.

8 Q. Did the police take you some place?

9 A. They took me downtown to the Law Enforcement
10 Center.

11 Q. Who actually took you?

12 A. Officer Oshlater [phonetic].

13 Q. So the SRO at Berea took you down to the Law
14 Enforcement Center?

15 A. Right.

16 Q. Did you talk to Officer O on the way down there?

17 A. I did. When I had been arrested, my mother showed
18 up at the scene and saw me sitting in the police
19 car and went up to Officer O and asked --

20 Q. Why did your mother show up?

21 A. Well, she was waiting to pick me up at the back of
22 the school and I never showed up, so she came to
23 the front to look for me and seen the police car
24 sitting there, and me in the back, and got out and
25 asked Officer O what had happened. And he said

1 that I had stolen -- been accused of stealing Ms.
2 McBride's car. And my mom looked at Ms. McBride
3 and told her, "I told you already to stay away
4 from my son." And the conversation came up in the
5 car on the way to the LEC when Officer O asked me
6 why my mother had said that, why Ms. McBride was
7 supposed to stay away from me. And that's how it
8 came up about how everything had happened.

9 Q. Everything being --

10 A. As in her getting me out of class and me coming to
11 her room.

12 Q. And so as a result of all that, you gave a
13 statement?

14 A. Right.

15 Q. Is there any doubt in your mind that Ms. McBride
16 was allowing you to be out of class during the
17 spring of 2003?

18 A. Yes, she did.

19 Q. She did. During the fall of 2003 up to September
20 25th when you were arrested, did you go into her
21 classroom during your regular class hours at that
22 time?

23 A. Yes, I did.

24 Q. And how often did you go into her classroom during
25 that period, the fall of '03?

1 A. I think it was only a few days every week.

2 Q. A few days, does that mean one day a week?

3 A. Maybe like two or three.

4 Q. And what was your reason for going in there then?

5 A. Just to help her out.

6 Q. Did you go on your own?

7 A. She would write me passes to get out; but, yes, I
8 did want to go.

9 Q. You weren't bothered that she was taking you out
10 of class?

11 A. No, I was not.

12 Q. Either in the spring or the fall?

13 A. No, I wasn't.

14 Q. You were happy if she took you out of class. Is
15 that a fair statement?

16 A. Yeah, that's fair.

17 Q. So during the fall two or three times a week she
18 would take you out of class. Do you know which
19 classes, whose classes you were missing?

20 A. I was missing Ms. Kytes' class, and I think she
21 was the home ec teacher. And I had missed some of
22 my English classes. But I think that was only one
23 or two because the English teacher, Ms. Durham,
24 she stopped letting me out after I'd been out so
25 many times.

1 Q. Ms. who?

2 A. Durham.

3 Q. Ms. Durham. Did you have Ms. Durham in the spring
4 of '03 or in the fall of '03?

5 A. I believe it to be the fall.

6 Q. Did you have Ms. Hill in the fall of '03?

7 A. Yes, I did.

8 Q. So you were out of her class as well?

9 A. Pretty much all of it, right.

10 Q. And what were you doing in Ms. McBride's
11 classroom?

12 A. The same things that I was doing before. Just
13 helping her out and doing her grades and just
14 messing around on the computer and helping to move
15 things around in the class and come up with lesson
16 plans.

17 Q. How often did you go to Ms. McBride and say, "I'm
18 thinking about cutting myself, I want to stay in
19 your classroom"?

20 A. Perhaps once or twice. It was not an everyday
21 thing.

22 Q. Do you know when that occurred? Do you remember?

23 A. I can't remember exact dates, but I do remember
24 one time Ms. Fanning did come in and talk to me
25 and let me know that I could stay just that one

1 day in there with Ms. McBride.

2 Q. Do you remember if that was in the spring or fall?

3 A. I think that was in the spring.

4 Q. So why do you say Ms. Fanning allowed you to stay
5 for only one day?

6 A. Because that was the day when I was upset. And
7 she knew that it made me feel better to be in
8 there, so she permitted me to stay in there that
9 one day.

10 Q. Ms. Fanning did?

11 A. Yes, I believe it was Ms. Fanning.

12 Q. Have you talked to Ms. Fanning since you left
13 school?

14 A. No, not until today.

15 Q. So one day you were upset and Ms. Fanning arranged
16 for you to go in Ms. McBride's classroom?

17 A. That's correct.

18 Q. Did any other guidance counselor to your knowledge
19 ever arrange for you to go in Ms. McBride's
20 classroom?

21 A. Not that I know of.

22 Q. Did anyone ever say anything about the amount of
23 time you were spending in Ms. McBride's classroom?

24 A. Not directly to me. But from what I heard, some
25 people had said things to Ms. McBride about it,

1 especially Ms. Kytes.

2 Q. Did your mother know you were spending that much
3 time in the spring in Ms. McBride's classroom?

4 A. No, she did not. Not until one of the counselors,
5 I believe, had informed her because she had gotten
6 my report card and had went up to the school
7 wanting to know why I was failing so many of my
8 classes, and I believe that was the way she had
9 found out.

10 Q. What was your mother's reaction to the fact that
11 you were spending all that time in Ms. McBride's
12 classroom?

13 A. Well, she was angry because I was failing all of
14 my classes because I was in there playing around
15 instead of doing my work.

16 Q. Now, I want to be -- I think I asked you this, but
17 I want you to be very clear about this. The day
18 you went into Ms. McBride's classroom, were you
19 asking to go in there because you were upset and
20 considering cutting yourself?

21 A. No, not every time. Like I said, there was only
22 maybe once or twice.

23 Q. Was thinking about cutting yourself an everyday
24 kind of thing?

25 A. No, it was not.

1 Mr. Cleveland:

2 I don't have any other questions now, Mr.

3 Chairman.

4 Mr. Saylors:

5 Ms. Mann, do you have any questions at this time?

6 Ms. McBride:

7 Can I defer until after the board members?

8 Mr. Saylors:

9 That's not necessarily the way we handle it.

10 Ms. McBride:

11 Okay. That was just a question. Do I come up

12 here or do I have --

13 Mr. Saylors:

14 No, you can sit in your seat as long as the court

15 reporter can hear you.

16 Examination by Ms. McBride:

17 Q. Josh, the grades that you entered -- Are you

18 uncomfortable with me sitting here?

19 A. No.

20 Q. On the IEPs that you said you entered the grades

21 on, what grades were you getting off the computer

22 that you were entering into these IEPs?

23 A. I believe it was the grades from either the

24 current semester or the previous.

25 Q. So the previous semester grades were still on

1 there?

2 A. I believe. If it was the previous. Like I said,
3 it was the current or the previous.

4 Q. But you're not sure?

5 A. Right.. Been too many years.

6 Q. Would it be fair to say there's no way you could
7 have been getting the second grades considering we
8 were still in the middle of the second semester?

9 A. I'm not exactly sure. Like I said, this has been
10 so many years ago.

11 Q. I know. And I apologize. That was in April. And
12 if that was in April, then we definitely did not
13 have the final grades for second semester. Is
14 that correct?

15 A. That would be correct.

16 Q. Okay. Thank you. Those drawers that were in the
17 filing cabinets behind my desk, did you -- had you
18 ever used those before for anything?

19 A. The drawers, you mean --

20 Q. In the filing cabinet. The filing cabinet
21 drawers.

22 A. No, I don't believe so.

23 Q. You had never used them before to keep books or
24 like the previous year before I changed
25 classrooms, had you not had an assigned drawer

1 that was your belongings anyway?

2 A. Not that I can really remember.

3 Q. What about on one occasion you brought a laptop to
4 school that you were going to give away because
5 you were upset. What did you do with that laptop?

6 A. You made me put it in the filing cabinet.

7 Q. Okay. Thank you. On the day that you were being
8 arrested and you pulled back in the parking lot,
9 Officer O removed you from the car, put you face
10 down on the hood?

11 A. Correct.

12 Q. Do you remember screaming out to me that day and I
13 didn't come back?

14 A. Yes.

15 Q. What did you scream out?

16 A. I told you that I was just going to Legal Aid.

17 Q. You said, "Come back, Ms. McBride." Right? "Come
18 back, Ms. McBride. I had to take it. I was just
19 going to Legal Aid."

20 A. Right.

21 Q. Does that sound like I knew that you had that car?

22 A. Well, I'm --

23 Q. Why would you say to me if I knew that you were
24 supposed to have my car? I'm trying to understand
25 how you presumed that I knew you had the car if

1 you were explaining to me why you had the car.

2 A. Well, I had told you that I was going to Legal
3 Aid. I just thought that you knew that I was
4 taking your vehicle since I didn't have one of my
5 own. There was no other way for me to get to
6 Legal Aid.

7 Q. Well, I understand. I agree with you. You
8 discussed Legal Aid a lot, and I understand that
9 you anticipated going. Did I ever loan you my car
10 to go to Legal Aid or any other government agency?

11 A. No.

12 Q. Okay. Also, were you not driving the family
13 vehicle to school on some occasions? I know you
14 drove the truck to school on a couple of occasions
15 prior to that arrest. You were driving to Enoree
16 and -- You were allowed to bring the truck on
17 certain days that you transported yourself to the
18 vocational school, and I assumed you had a
19 driver's license. Was I not under the impression
20 that you had a full-fledged driver's license?

21 A. Yes, I told you I had a driver's license.

22 Q. Thank you, Josh.

23 A. But I did not drive the family vehicle.

24 Q. I thought that you did. And I'm not certain of
25 that. I never saw that. I want to make that

1 clear. The emancipation process, my memory is
2 that Officer O was the first person who told you
3 that you could not run away from home, that you
4 had to have yourself emancipated. That's what I
5 remember. And let me get you one other thing
6 because you can say if it's not your recollection.
7 And that Ms. Fanning is the one who told you that
8 -- or I understood Ms. Fanning was a part of the
9 conversation, but I'm not sure that she's the one
10 who instructed you to go to Ms. Hills because Ms.
11 Hills had some previous work with DSS and that
12 they were the ones who were trying to help you
13 understand the emancipation process and also you
14 mentioned this word, and I'm a little embarrassed
15 to admit this, but I did not really know what that
16 meant. I know what to emancipate means, but I did
17 not understand that there is a process by which a
18 child can emancipate himself. And I'm sorry if
19 that comes across as being ignorant, but at that
20 point, I asked you to explain to me what that
21 meant. So now I'm trying to understand why
22 everyone seems to think I instructed you on how to
23 be emancipated, when I didn't really understand
24 that there was such thing. Do you remember this
25 conversation?

1 A. I remember having a conversation about
2 emancipation. And I do know that Ms. Hills does
3 have previous DSS experience, but I don't remember
4 who was the one who had informed me of that.

5 Q. And a couple other things, the year before, you
6 were -- the year that you started coming to my
7 classroom, you had been having some problems with
8 Colonel Matthews. Do you remember?

9 A. Mm-hmm [affirmative].

10 Q. Several confrontations. And what class is that?

11 A. That would be ROTC.

12 Q. And on those occasions you wanted me to get you
13 out of those classes. This is before you ever cut
14 yourself. Did I get you out of those classes?

15 A. Yes, ma'am.

16 Q. I got you out of Colonel Matthews' classes?

17 A. Right.

18 Q. Before you cut yourself?

19 A. I believe so.

20 Q. Because that's not even a class that you were
21 missing when you -- after you did cut yourself.

22 A. I'm not really sure.

23 Q. Let me ask you -- Let's back up a minute. When
24 you cut yourself the end of February and I was
25 shocked. I'd never seen anything like it. I went

1 and got Ms. Fox. Prior to that day had you been
2 in my room where I had written a pass or anything
3 else for you to be in my class, prior to that day?

4 A. Well, I'm not exactly really good with dates, so
5 I'm not sure. The dates are all a blur.

6 Q. Okay. But during your testimony, you had just
7 said that I started writing passes to get you out
8 of those classes which you were now failing. And
9 I was trying to clear up for the Board. And,
10 again, I appreciate your honesty on everything.
11 That you have been -- What initiated the whole
12 thing about you coming to my classroom was that
13 you did cut yourself and really blew a lot of our
14 minds. I don't want to say -- but I had never had
15 any experience with that. I don't think Ms.
16 Fanning had had any experience with that, and we
17 were all taken aback by that. Would you say
18 that's a fair statement?

19 A. Yes, I would.

20 Q. Okay. And so I guess what I'm trying to point out
21 here, is I want to clear up for them that that's
22 what initiated your coming to my classroom. Is
23 that true?

24 A. Oh, yeah. The cutting was the first time that I
25 was in there. That is true.

1 Ms. McBride:

2 Okay. That's all I have. Maybe.

3 Mr. Cleveland:

4 Mr. Chairman, I just have --

5 Mr. Saylor:

6 Wait a second. Ms. Mann, is that all that you
7 have at this time?

8 Examination resumed Ms. McBride:

9 Q. Would you say that we had a friendly relationship
10 up until the day of your arrest?

11 A. Yes, I would.

12 Q. Okay. If you had not been arrested, would we
13 still be friends today?

14 A. Yes, we would. I still consider you my friend. I
15 think you are a very good person.

16 Q. Thank you, Josh. That's all I have.

17 Mr. Saylor:

18 Mr. Cleveland?

19 Further Examination Mr. Cleveland:

20 Q. Josh, you responded to Ms. Mann regarding taking
21 her car. How did you come to have her car a few
22 days before you went to Legal Aid when you went to
23 Family Court?

24 A. Once again, I went and told her that I was going
25 to go to Family Court and I took the keys off her

1 desk and left.

2 Q. Did you have a pass -- do you know if you had a
3 pass to get out of school to go to Family Court?

4 A. I'm sure that I had a pass out of Ms. Hills' class
5 that day.

6 Q. Do you recall what your statement says about
7 getting that pass?

8 A. No, I do not.

9 Q. Do you remember giving the statement to Officer O,
10 don't you?

11 A. Yes, I remember talking with him.

12 Q. And do you remember what day you gave the
13 statement?

14 A. Not -- not really.

15 Q. How close was it to the day you were arrested?

16 A. It was probably the day that I was arrested
17 because that's the only time I remember giving him
18 a statement.

19 Q. That would have been September 25th?

20 A. Correct.

21 Q. And on the statement you said, "Yesterday during
22 lunch I went and talked with Ms. McBride about
23 going to Family Court in reference to emancipation
24 papers. She then wrote me out a pass for Ms.
25 Hills to get me excused from Ms. Hills' math

1 class. The note asked for me to be excused that I
2 was going to be in Ms. McBride's room, but it
3 never mentioned leaving campus to go to Family
4 Court. Later I went back to Ms. McBride and told
5 her it was okay. She asked me if I had told Ms.
6 Hills the reason why. And when I responded, no,
7 she remarked, 'Good.'"

8 A. Right.

9 Q. Is that true?

10 A. If that's what my statement says, then yes. I
11 can't remember every word that was spoken from all
12 these -- this was years ago.

13 Q. You heard earlier this morning, before the lunch
14 break, part of a deposition that you gave in your
15 civil case against Greenville Tech?

16 A. Correct.

17 Q. And in that testimony that was to be admitted into
18 evidence, I think, on page 105, you said that you
19 were -- did not believe -- I believe it was 105.
20 It's not been admitted yet, so I don't have access
21 to it, but you said in that deposition that you
22 did not think that Ms. McBride should have been
23 arrested --

24 A. Right.

25 Q. -- for her involvement with you?

1 A. That's correct.

2 Q. Now, you understand that this matter today is not
3 about her arrest, don't you?

4 A. Yes, I do.

5 Q. So if you still consider her your friend and if
6 you don't think she should have been arrested, why
7 are you here today voluntarily talking about your
8 involvement with Ms. McBride?

9 A. Well, because I'm here just to tell the truth.
10 Just to tell what happened. To tell my side of
11 what happened.

12 Mr. Cleveland:

13 I have no other questions.

14 Ms. McBride:

15 I have one quickly.

16 Further Examination by Ms. McBride:

17 Q. Do you remember having Ms. Fanning to contact your
18 counselor or doctor or whatever that was that you
19 were seeing at -- I believe it was Greenville
20 Mental Health? Maybe Greenville Mental Health or
21 Marshall I. Pickens. I'm not sure.

22 A. Not really, I don't.

23 Q. You don't remember getting in touch with this
24 person and sending e-mails and --

25 A. No, not really.

1 Q. Okay. Are you aware of the date that -- after
2 handcuffs were put on you and you were put in that
3 car and you were on your way, are you aware of the
4 fact that I did not want to press charges against
5 you?

6 A. No, I was not.

7 Ms. McBride:

8 Thank you.

9 Mr. Saylor:

10 Dr. Ray.

11 Dr. Ray:

12 Thank you, Mr. Chairman:

13 Examination by Dr. Ray:

14 Q. Hello. Thank you for being here today. I just
15 have a couple questions I want to ask in follow
16 up on a few things. One has been passwords that
17 you had access to. You said that you had access
18 and it's been -- I keep wanting to say Ms.
19 McBride. I'm sorry. You have both said that you
20 had a password -- a password that would allow you
21 access to the Web site and her e-mail because it
22 was the same password?

23 A. Right.

24 Q. Can you help me -- Do you know what other
25 passwords you had?

1 A. To the grading system for the School District.

2 Q. And what does that mean? Does that mean that you
3 could get on -- tell me what you could do with
4 that.

5 A. I could log on and pull up the grades for all of
6 the students.

7 Q. In her classes?

8 A. No, for the entire high school.

9 Q. For the whole school?

10 A. Right.

11 Q. Could you do that from home?

12 A. No, I could not.

13 Q. You had to be on a school computer?

14 A. Right.

15 Q. When you were working on the IEPs, did you have
16 the sense that you had access to material that you
17 weren't supposed to have access to?

18 A. Yes, I did.

19 Q. So you felt kind of strange about that?

20 A. Well, I didn't feel strange about it. Actually, I
21 felt kind of good, like, oh, you know, like I had
22 a big responsibility.

23 Q. Okay. That would make sense. We are here, of
24 course, today -- and I appreciate your kind words.
25 But we're here today, of course, to talk about

1 fitness for teaching. So as you look back at your
2 experience in the classroom especially in 2003, do
3 you believe that you were given proper instruction
4 through the efforts that were given to you to try
5 to reach out to you? Was this the proper response
6 for the situation you were in?

7 A. Well, I think Ms. McBride did what she felt she
8 should to try to help me. I think that was her
9 interest at heart was to help.

10 Q. So she was trying to befriend you?

11 A. Right.

12 Q. But, educationally, how did you do?

13 A. Well, I think that I failed most of my classes;
14 but I ended up dropping out of Berea, but I did
15 get my GED.

16 Q. Okay. Good. I'm glad.

17 A. I'm in college now, so I didn't just stop.

18 Q. Congratulations.

19 A. Thank you.

20 Q. Can you see where -- you said you were spending
21 some of your class time previewing videos?

22 A. I think I did that maybe once or twice.

23 Q. What kind of videos?

24 A. Educational type like astronomy and mathematics,
25 those kind of videos.

1 Q. But these are not videos intended for students,
2 were they?

3 A. Right. These would be like educational-type
4 videos.

5 Q. Oh, they were educational videos that the students
6 would watch?

7 A. Right.

8 Q. Okay. I misunderstood. I thought you were
9 watching videos to help kind of screen things that
10 might be used by the teacher.

11 A. Oh, no.

12 Q. Thank you very much.

13 Mr. Saylors:

14 Dr. Butler?

15 Dr. Butler:

16 Thank you, Mr. Chairman.

17 Examination by Dr. Butler:

18 Q. Josh, you say you're in college now?

19 A. Yes, sir.

20 Q. What are you studying?

21 A. To be a nurse.

22 Q. A nurse?

23 A. Right.

24 Q. Okay.

25 Dr. Butler:

1 Mrs. McBride -- okay to ask questions?

2 Mr. Saylors:

3 Dr. Butler, I think we need to recall Ms. McBride
4 to ask her questions. So y'all will have to ask
5 those questions until we bring Ms. McBride back.

6 Dr. Butler:

7 Till he brings her back. Okay.

8 Mr. Saylors:

9 Any other questions of this witness? Dr.
10 O'Connor. Then Mr. Sudduth.

11 Dr. O'Connor:

12 I don't really have a question. I just wanted to
13 say that I really admire your honesty and your
14 intentions and the challenges and your
15 accomplishments. So I just want to say thank you.

16 Mr. Ferguson:

17 Thank you.

18 Mr. Saylors:

19 Mr. Sudduth.

20 Examination by Mr. Sudduth:

21 Q. Josh, there were six reasons as to why Ms. McBride
22 was terminated. Looking at number one dealt with
23 the passwords. It is your testimony really that
24 all passwords and logins, so forth, you got, you
25 got from Ms. McBride?

1 A. Correct.

2 Q. There was no other teacher or no other room that
3 you went where you were able to see something that
4 you got the passwords?

5 A. That's correct.

6 Q. All of that was strictly from her. And number two
7 here, the grade -- the CD for the grade book. She
8 gave that to you?

9 A. Correct.

10 Q. And she told you to take it home, look it over and
11 become familiar with it and then when you got
12 familiar with it to bring it back to her?

13 A. Yes, I believe that's so.

14 Q. Did you bring it back to her?

15 A. No, I did not. Officer O, I believe, was the one
16 who recovered it from my home.

17 Q. So, when did she give that to you to take home?

18 A. I'm not exactly sure.

19 Q. Was the reason you didn't get it back to her, you
20 didn't have time?

21 A. Well, I think the reason I didn't give it back to
22 her is that I was arrested. I was not supposed to
23 be in contact with her.

24 Q. All right. On the third thing, getting out of
25 other teachers' classes --

- 1 A. Right.
- 2 Q. -- the other teacher, that's Ms. Hill?
- 3 A. Correct.
- 4 Q. And the other teacher is Ms. --
- 5 A. Ms. Kyte.
- 6 Q. Kyte? Was it just those two teachers?
- 7 A. No, there was Ms. Miller.
- 8 Q. Ms. Miller was your third teacher. You went to
- 9 Enoree in the morning?
- 10 A. Right, I did. But, see, now, this is the semester
- 11 before was Mrs. Miller. She was my science
- 12 teacher.
- 13 Q. All right. Why didn't you like going to these
- 14 classes?
- 15 A. Well, I just -- I don't think no student really
- 16 likes going to class. And if they have a reason
- 17 to get out, they normally do take it.
- 18 Q. Would you have gone to these classes if Ms.
- 19 McBride had not encouraged you to go to her class?
- 20 A. Well, yeah because --
- 21 Q. I -- I let me just understand this, Josh. I want
- 22 to understand why you went to -- or decided you
- 23 were not going to these academic classes because
- 24 you're a bright academic person, you know you're
- 25 going to have certain units to get promoted to the

1 next school grade, school year. If I understand
2 correctly, you was an A and B student, and all of
3 a sudden you become a D and F student. What is
4 the reason for your changing from an A and B
5 student to a D and F student?

6 A. Well, I -- I didn't understand the material that
7 was given in class.

8 Q. And your purpose of going to Ms. McBride was to
9 help you understand that material?

10 A. Well, it was because I enjoyed being in there.

11 Q. What about your academics?

12 A. I -- I tried to do them, the ones that I could.

13 Q. Well, when you go into her class and sitting in
14 her class, you was playing on the computer?

15 A. Right.

16 Q. And so academics, apparently, wasn't your
17 motivation at that point?

18 A. No, it wasn't. I would always tell her that I had
19 already finished my work.

20 Q. All right. But the reason that you were in there
21 instead of in your regular classes was?

22 A. Because I enjoyed being in there.

23 Q. How much did you enjoy it? Did you say, "Well,
24 hey, I don't care about a high school education
25 any longer. My focus now is on being in that

1 class with her"?

2 A. Well, I -- I totally didn't give up on my high
3 school education, but it didn't seem to matter as
4 much any more.

5 Q. Why did you like being in there? It's not like
6 she sat -- Y'all sit down and talked to one
7 another all the time. Right?

8 A. Right. Not all the time. She would still be
9 teaching her class, but for some reason I did
10 enjoy being in there.

11 Q. Did you feel safe in there?

12 A. I guess --

13 Q. Was it because of safety?

14 A. I guess you could put it that way, too. Yes, I
15 did.

16 Q. Did you not feel safe in your other classes?

17 A. I did, but not to the extent that I did there. I
18 think that it was also because of the friendship
19 that me and her had. So that's another reason why
20 I enjoyed being in there is because of the
21 closeness that we had with each other.

22 Q. Did you have any friends in your other classes?

23 A. Yes, I did.

24 Q. You preferred her friendship to the friendship of
25 your friends your age?

1 A. Yes, because I felt like I had respect and
2 responsibility.

3 Q. But you didn't have the responsibility to keep
4 your grades up?

5 A. Yes, I did but I --

6 Q. Did you know, Josh, that your grades were going
7 down?

8 A. Yes, I did know.

9 Q. And the reason they were going down was because --

10 A. I was not doing my work.

11 Q. You was not in the classroom. And so if you're
12 not in the classroom, if you're not in your math
13 class and if you're not in your other classes,
14 then you're not going to be able to succeed in that.
15 So if you look at what you had said here and what
16 she had said here in regard to that, the passes
17 that were written were they written the majority -
18 - in the majority by you or by her?

19 A. Probably about half and half. Like I said, some
20 of them I would write and she would sign. Some
21 she would just write herself and sign.

22 Q. I know this is a long time ago. Have you got any
23 idea about how many passes that are involved?

24 A. I know that it was a lot, but there's no way to
25 count over all that period of time.

1 Q. It was more than seven then?

2 A. Yes, it was.

3 Q. All right. On the fourth thing, driving your car
4 -- driving her car. On the day that you were
5 arrested, why didn't you ask her "can I drive your
6 car"?

7 A. Because she had let me drive it before, so I just
8 assumed --

9 Q. Without permission? Without you asking
10 permission?

11 A. No, she let me drive it before with permission,
12 but now --

13 Q. Well, why didn't you ask permission this time?

14 A. Because I assumed that it was okay.

15 Q. You had done before -- driven it and assumed it
16 was okay, but really didn't have permission?

17 A. Right.

18 Q. How many times did this occur? Just you in the
19 car by yourself, that she's not in the car with
20 you.

21 A. Okay. Well, that was one time that I had
22 permission.

23 Q. So this -- the only time I hear really that you're
24 in the car by yourself except with the young girl?

25 A. Right. She was with me the day that I --

1 Q. She says that she wants to go, too, so you say,
2 "All right, come on"?

3 A. Right.

4 Q. So that's when y'all go out and then she says,
5 "Hey, let's go to Enoree and pick up the guys,
6 friends at Enoree"?

7 A. Right.

8 Q. So how long -- When did you get the car and how
9 long would you keep the car?

10 A. Well, that day, I think that it was --

11 Q. Approximately, Josh. I know it's a long time ago
12 but --

13 A. Probably about 2:30 that day. Maybe 2 or 2:30,
14 sometime in that time frame. And then I was back
15 at school by 3:10, 3:15.

16 Q. So you had the car for 15 to 30 minutes, you and
17 this young lady?

18 A. Yeah, we had it about 45 minutes.

19 Q. All right. So you and her were in there about 45
20 minutes. What about the other time for the movie?

21 A. How long did I keep the car or did I have
22 permission?

23 Q. I guess what I'm trying to understand are the
24 timeline right here. We've got certain dates, and
25 it's got here on September the 17th that's when

1 you said you were going to run away, you start
2 taking clothes to school. On September 18th you
3 take more clothes to school. And then on
4 September the 19th you go to Wal-Mart.

5 A. Okay.

6 Q. And if you go to Wal-Mart on that day, then you're
7 going in her car?

8 A. Right.

9 Q. And you asked her could you take the car, and she
10 said yes so you took the car?

11 A. Right. I had permission that day.

12 Q. All right. And then on September the 22nd is when
13 she asked you to help her fix her computer?

14 A. I believe that would be correct.

15 Q. I'm not certain about the dates. I'm really
16 concerned about, you know, the event that's
17 happening.

18 A. Yes, she has asked me to help her with her
19 computer.

20 Q. So she gets you out of another teacher's class so
21 you can come help her with her computer?

22 A. Correct.

23 Q. Because that's not her class time because you're
24 not her student?

25 A. Correct.

1 Q. So every time that you're in there is because
2 you're in somebody else's class and you're missing
3 that particular class time. Right?

4 A. That's correct.

5 Q. All right. On the 23rd we talked about the Family
6 Court. You had the car to go to Family Court?

7 A. Yes, sir. I did.

8 Q. So you took the car then. All right. On the 24th
9 where do you think the car was missing, on the
10 24th or the 25th? It says here on the 24th Josh
11 went to Legal Aid and then on the 24th Josh stole
12 my car. But, yet, on the 25th is when the car is
13 missing. That's when she said I allowed Josh to
14 pick up a video. If you --

15 A. Now, the day --

16 Q. If you don't remember the 24th or the 25th, do you
17 remember the day? Was it a Monday, Tuesday,
18 Wednesday, Thursday or Friday?

19 A. The day would be listed on the police report
20 because I gave the police report the same day that
21 I was arrested for taking the car. And that would
22 have been the day that I went to Legal Aid.

23 Q. All right.

24 A. On the police report that I gave to Officer O.

25 Q. Yeah, I've got the police report. Do you have

1 that, Mr. Cleveland?

2 Mr. Cleveland?

3 Yes, sir.

4 Mr. Sudduth:

5 What is the date that car was stolen? Is it the
6 24th or 25th? Or taken, I'll say.

7 Mr. Cleveland:

8 Mr. Sudduth, I have to assume it was the 24th
9 because that's the day that Josh was read his
10 rights. That's the date on that document. I
11 thought it was the 25th, but when I look at that
12 document it says the 24th. That is also the day -
13 - The 24th is also the date on the document when
14 Josh's parents signed for him to be released to
15 their custody. So that reinforces the idea that
16 that actually was on the 24th. And I probably did
17 -- may well have referred to it as the 25th. That
18 may be my fault, but when I look at those two
19 documents, I would say the 24th had to be the
20 date.

21 Mr. Sudduth:

22 Well, Mr. Roach says, "On September 25th Ms. Mann
23 reported to Officer Oshlater [phonetic] her car
24 was missing."

25 Mr. Cleveland:

1 Well --

2 Ms. McBride:

3 May I clarify? The car was taken on the 24th. I
4 was arrested on the 25th. Mr. Mitchell's summary
5 is incorrect. All the dates are incorrect
6 throughout the entire report. So you can't really
7 go by that. The car was taken on September 24th,
8 and I was arrested on the 25th.

9 Mr. Sudduth:

10 Okay.

11 Mr. Cleveland:

12 The statements are almost all dated the 25th, the
13 next day.

14 Ms. McBride:

15 Just another inaccuracy.

16 Examination resumed by Mr. Sudduth:

17 Q. Okay. So the date is the 24th we're talking
18 about. On the IEPs, Josh, they really -- the
19 thing that you're doing with the IEPs is adding
20 the grades?

21 A. Right. Just copying the names and everything over
22 to the new IEPs on the computer.

23 Q. And how many of those were there?

24 A. There were probably --

25 Q. I heard the word -- the term six.

1 A. Well, I had to have five of them ready for her so
2 that way she could put in the goals when she came
3 back off her cruise. But all in all, I think I
4 maybe had like 20 files. How ever many kids were
5 in her classroom that was the number of --

6 Q. When she contracted you, Josh. She said, "Hey,
7 Josh, I'm going to take a cruise, and Dr. East
8 wants me to do these IEPs." And how long did you
9 spend on those IEPs?

10 A. Maybe about two -- two to four hours. Somewhere
11 in that time frame.

12 Q. All right. So if it only took you two to four
13 hours, why would you think that Ms. McBride would
14 say I want you to do these? If I were going to
15 leave on a cruise tomorrow, I could do these this
16 afternoon since it's only going to two to four
17 hours.

18 A. I'm not sure.

19 Q. All right. I'm familiar with IEPs. And with IEPs
20 they're really -- it's really a plan as to what I
21 hope to accomplish next school year and the
22 strategies and the methods and the means that I'm
23 going to use to accomplish that plan.

24 A. Right.

25 Q. And they're very detailed in that regard.

1 A. Well, see, that was the part she was doing.

2 Q. Excuse me. The only thing she asked you to do
3 then on these, Josh, is really to put the name on
4 it, the Social Security number on it ---

5 A. Their date of birth.

6 Q. --- and the date of birth?

7 A. What's wrong with them mentally.

8 Q. And then the parents' names?

9 A. Right. And then the part with the grades --

10 Q. The parents' address?

11 A. -- and the academics. Yes.

12 Q. The telephone number?

13 A. Right. Just -- just the information.

14 Q. And then the grade?

15 A. Right. The class and the grade.

16 Q. Well, we're not sure whether we're talking about
17 last semester's grades or the present semester's
18 grades or last year's grades?

19 A. Right.

20 Q. So that's still something that's -- Okay. And the
21 last thing here -- and most this here's not my
22 business between -- It says, "Coming between the
23 student and his parents." So I'll just ask you
24 one question on that. In your opinion, did Ms.
25 McBride come between you and your parents?

1 A. Well, I guess that you could say to a certain
2 extent, yes.

3 Q. If you had to give me a yes or no, would you say
4 yes or no?

5 A. I would say yes.

6 Mr.. Sudduth:

7 Okay. Thank you, sir.

8 Mr. Saylors:

9 Mrs. Sutherlin?

10 Examination by Mrs. Sutherlin:

11 Q. Josh, obviously, you have a great deal of talent
12 in using technology. Is that fair to say --

13 A. Ma'am?

14 Q. Is it fair to say that you're very talented with
15 technology?

16 A. Yes, ma'am.

17 Q. It comes real easy for you?

18 A. Yes, ma'am. It does.

19 Q. You can find out a lot of things through
20 technology when you know what you're doing.
21 Right?

22 A. Yes, ma'am. You can.

23 Q. Some of the things you really may -- shouldn't be
24 looking into and maybe do you feel like you might
25 have gotten hold of some information that maybe

1 was private information you shouldn't have gotten
2 hold of --

3 A. Yes, ma'am.

4 Q. -- through one way or another mostly probably
5 through your ability, your natural abilities.
6 And, of course, also, along with all this talent
7 goes responsibility. Did you ever consider using
8 that knowledge that you, perhaps, you shouldn't
9 have stumbled onto for the wrong reasons, wrong
10 purposes?

11 A. No, ma'am.

12 Q. You never considered that?

13 A. No, ma'am.

14 Q. Because your conscience told you that this was
15 private information and it wouldn't be right?

16 A. Right.

17 Mr. Saylors:

18 Mr. Meek.

19 Examination by Mr. Meek:

20 Q. Thank you, Josh, for being here today. I know
21 that you did not have to come, so thank you. A
22 couple, two or three simple questions. The one
23 you said earlier when Mr. Cleveland asked you the
24 question about your passwords, you said you
25 figured out that it worked on her e-mail also.

1 How did you figure that out?

2 A. I believe that in order to go to the Web site, you
3 have to get onto the District page, if I remember
4 correctly. And the e-mail is in the same section.
5 You can check the e-mail as well as login to the
6 Web site. So I think that's how I figured it out.

7 Q. So she didn't tell you that it was the same or --

8 A. No, she didn't say anything to me about -- as far
9 as e-mail passwords.

10 Q. Okay. Also, are you familiar with the NOVELL
11 system the District has?

12 A. I'm not exactly sure which system that is. It's
13 been so long, I'm not good with names anymore.

14 Q. Okay. And you said that Ms. McBride once showed
15 you how to get onto one of those systems and you
16 could get on --

17 A. For the grade for the IEPs.

18 Q. Did she show you, tell you that this is the
19 password or did she just get on and you saw the
20 password and figured it out --

21 A. I believe she was the one who had given me the
22 password to be able to get the grades for the
23 students to go in the IEPs.

24 Q. The keys were they just have the key on the set
25 you had or --

1 A. Excuse me. I don't understand the question.

2 Could you repeat it.

3 Q. The keys that you took off Ms. McBride's desk,
4 would that be the whole set of keys? Usually, you
5 know, my keys I have eight or ten keys on to --
6 did this have eight or ten keys?

7 A. Yes, it did. It was a whole set.

8 Q. So it was a key to everything?

9 A. Right.

10 Q. Okay. Did you ever notice another set of keys,
11 spare keys that she may have?

12 A. No, I did not.

13 Q. And if I understood from what Ms. Sudduth was
14 asking you that Mrs. McBride gave you permission
15 to drive her vehicle twice, one with her and once
16 to go to Ingle's or Wal-Mart or wherever?

17 A. Correct.

18 Q. Did you go to Ingle's or Wal-Mart? I'm not sure.

19 A. It was Wal-Mart.

20 Q. Okay. Also, Mrs. McBride home schooled you -- not
21 home schooled. That's homebound?

22 A. Right.

23 Q. So she came to the house quite a few times?

24 A. Yes, sir.

25 Q. Was your mother present, father present?

1 A. My father was.

2 Q. Your mother -- when did she meet your mother?

3 A. She might have met her one day while I was still
4 on homebound. I'm not really sure.

5 Q. Near the end of the year or something?

6 A. Right. It was close to the end of the year when I
7 went on homebound.

8 Q. When you answered Mr. Cleveland's question earlier
9 that you went back and looked at your statement
10 last week, what made you do that?

11 A. When I -- when I met with him to discuss about the
12 case, we were just going over some of the things
13 that had been said by other people. And he was
14 asking me if I would come here today. And I just
15 wanted to look back over my statement.

16 Q. Did you ever see anybody else's statement? Did
17 you look at anybody else's statement?

18 A. We went over some of the points that Ms. McBride
19 had made about the six reasons why she had been
20 terminated. We went over those.

21 Q. Okay. The IEP sort of fascinates me a little bit.
22 The information that you obtained to put on -- the
23 names or parents' addresses or Social Security,
24 where did you get that information?

25 A. From the previous year's IEP.

1 Q. Where did you get the previous year's IEP?

2 A. From Ms. McBride. She had brought it over in some
3 kind of folder.

4 Q. To your home. Is that correct?

5 A. Yes, to my house.

6 Q. Did you return those to her?

7 A. Yes, I did.

8 Q. That is what -- before spring break of 2003?

9 A. Right.

10 Q. So you worked on these during spring break?

11 A. That's correct.

12 Q. I read somewhere she promised to pay you?

13 A. Right.

14 Q. How much?

15 A. I don't really remember, but I know she said she
16 would pay me, but I didn't take the money.

17 Q. Okay. I think that's all the questions I have.

18 Mr. Saylors:

19 Dr. O'Connor.

20 Examination by Dr. O'Connor:

21 Q. Yes. I would not presume or wish to comment on
22 what I think was appropriate or inappropriate
23 about Ms. McBride and her choices. That's not for
24 me to say to you, but I do want to comment on the
25 fact that when you're asked about your grades and

1 being in there it sounds to me that you were in a
2 very difficult time in your life?

3 A. Yes.

4 Q. And that she was your friend through that time?

5 A. She was.

6 Q. And that grades were probably about the last thing
7 on your mind?

8 A. Yes, ma'am. They were.

9 Q. So I want to, at least, acknowledge that as I'm
10 understanding it, it really was not probably a
11 high priority for you about whether you were in
12 your class or not. You were just getting through
13 the day?

14 A. Right.

15 Q. And she helped you to do that?

16 A. Yes, ma'am.

17 Q. And I just -- I think that there's a lot of -- a
18 lot of judgment questions that we could raise
19 about the choices that you both made and I'm sure
20 that will happen in an appropriate context; but
21 for now, at least, I wanted to say that that's
22 what I hear you saying about the time?

23 A. Right.

24 Q. You took care of that business later when you felt
25 like you could?

1 A. Yes, ma'am. I did.

2 Dr. O'Connor:

3 I don't have anything further.

4 Mr. Saylors:

5 Dr. Ray.

6 Examination by Mr. Ray:

7 Q. Josh, one more question about the password. When
8 you logged in to get the grades for the IEPs, did
9 that also give you the ability to change grades?

10 A. I believe it probably would have.

11 Q. You could have entered grades?

12 A. I'm sure I could. Yes, sir.

13 Q. For the whole school?

14 A. Right. No, I never did change my grade,
15 obviously, since I failed.

16 Q. I wasn't going to ask that but okay. But you feel
17 like you had the ability to do that looking back?

18 A. Yes, I probably could if I had chosen to.

19 Mr. Saylors:

20 Ms. Sutherlin.

21 Examination by Ms. Sutherlin:

22 Q. I have one more question I'd like to ask. This
23 has to do with intervening or interfering with
24 your relationship with your parents. Is it your
25 opinion that Ms. McBride deliberately set out to

1 cause problems between you and your parents?

2 A. No.

3 Q. You don't think it was her deliberate intention --

4 A. No, I don't.

5 Q. To seek you out and cause problems because the way
6 I understand it, you were already having a problem
7 in another way, and it was just that you sought
8 her out because she was some -- for whatever
9 reason, you sought Ms. McBride out at that
10 particular time. So at any other time, it could
11 have been another teacher that could have been the
12 one that could have gotten the responsibility for
13 coming between you and your parents. So it was
14 just a difficult time for all concerned, but it
15 was not your intention to be at cross-purposes
16 with your parents nor Ms. McBride's attention to
17 come between you. It was her attempt to help you
18 at a very difficult time?

19 A. Right.

20 Q. Is that right?

21 A. Yes, ma'am.

22 Q. Thank you. And if I don't get to talk to you
23 anymore, I wish you well.

24 A. Thank you.

25 Mr. Saylors:

1 Mr. Sudduth.

2 Examination by Mr. Sudduth:

3 Q. One final question, Josh.

4 A. Okay.

5 Q. Throughout this process, you and Ms. McBride had a
6 very positive relationship?

7 A. Yes, we did.

8 Q. At the end there after your being arrested, then
9 the things that you say on Ms. McBride are not
10 positive but negative. When you're saying these
11 things in regard to Ms. McBride, you know that
12 they are things that will not help her? So if
13 you've got someone that you've been very friendly
14 with, in the end there -- my question is, you
15 know, then why did you turn against her?

16 A. I didn't turn against her. I told the truth.

17 Q. When you're telling the truth, though, the truth
18 then is very damaging to her?

19 A. Right.

20 Q. If you hadn't been involved with the car -- It's
21 just unusual for a person to volunteer all this
22 information --

23 A. I didn't volunteer it. I was asked.

24 Q. -- on someone that they have been friends with or
25 -- and, apparently, that was the one at school

1 that you appeared to be most friendly with. And
2 you did that for what reason, Josh?

3 A. Because I was asked by Officer Oshlater [phonetic]
4 after my mother came up to the school and had told
5 Ms. McBride she was supposed to stay away from me.
6 He asked why my mother had said that. And that's
7 when I started telling him about what had been
8 going on. And he continued to ask questions. And
9 then he asked if I would sit down and make a
10 statement about everything that had happened.

11 Q. But you could have made a much less detailed
12 statement?

13 A. Yeah, I could -- I could have omitted things; but,
14 instead, I sat down and told the truth.

15 Q. And if you look at what you were charged with,
16 grand theft auto, did you consider that to be
17 serious?

18 A. Yes, I did.

19 Q. Did you think that during that time "there's a way
20 I can get out of this"?

21 A. No, that was not motive. Because even if I said
22 all those things about her, it -- it would not
23 have gotten me out of trouble. The fact she gave
24 me passwords is not going to change the fact that
25 they said I stole her car. That has nothing to do

1 with it.

2 Q. But did it change the focus of the investigation
3 from you stealing her car to what kind of teacher
4 she was?

5 A. It didn't change the investigation. It just
6 opened up a new one. They were still
7 investigating into what I did.

8 Q. When you were making these statements, did you
9 think that these were going to be damaging to Ms.
10 McBride or I don't know about that, all I know is
11 I needed to tell the truth, the whole truth, and
12 nothing but the truth?

13 A. Well, I just believe in sitting down and telling
14 the truth. So that's what I did.

15 Q. Thank you.

16 Mr. Saylor:

17 Any other questions of this witness? Josh, thank
18 you very much for your time.

19 Ms. McBride:

20 Am we allowed to -- am I allowed to?

21 Mr. Saylor:

22 You've already redirected one time.

23 Ms. McBride:

24 Okay. That's what I thought. I was just
25 wondering.

1 Mr. Cleveland:

2 Mr. Chairman, I promised to limit it, but a board
3 member raised an issue that I think Josh needs to
4 clarify.

5 Mr. Saylor:

6 Okay. Josh, could you please return.

7 Ms. McBride:

8 Well, do I get to clarify because I've got --

9 Mr. Saylor:

10 Well, okay. Give me a moment. If Mr. Cleveland's
11 got a question in fairness to Ms. Mann, she will
12 have an opportunity also.

13 Mr. Cleveland:

14 No objection to clarify what was intended by a
15 comment.

16 Further Examination by Mr. Cleveland:

17 Q. Josh, a reference was made to your natural
18 abilities with technology. Do you remember that?

19 A. Yes, I do.

20 Q. And reference was made to your stumbling onto
21 information?

22 A. Right.

23 Q. When you were using Ms. McBride's passwords and
24 login name, did you stumble upon any information
25 that you -- other than what you needed to do the

1 work that she asked you to do?

2 A. No. As I said, the only thing that I found was
3 that her e-mail address password was the same as
4 the Web site. That's the only thing I ever just
5 found out by chance.

6 Q. Did you ever use your natural abilities to hack
7 into the computer systems in any way?

8 A. I don't know how to hack into a computer.

9 Q. Did you access any confidential information other
10 than -- through her passwords other than what you
11 needed to do to do the work that she asked you to
12 do?

13 A. No, I did not.

14 Mr. Cleveland:

15 Okay. I just wanted to clarify, Mr. Chairman.

16 Thank you.

17 Mr. Saylor:

18 Ms. Mann?

19 Further Examination by Ms. McBride:

20 Q. Thank you, sir. Just a couple things. Earlier
21 you had said that I pulled it up for you and let
22 you get grades off the system?

23 A. One time.

24 Q. And I was definitely questioned about that by the
25 police; but, according to Bill Roach, you didn't

1 have access to SASSI, and that is the grading
2 system. You had access to NOVELL. So are you
3 certain that you had access to the grading system
4 because -- I know you're saying that now, and the
5 police definitely questioned me about that, but
6 I've not seen anything in Mr. Roach's report about
7 it. And you said earlier I pulled it up and let
8 you get some grades off.

9 A. Well, I used so many different programs, it's hard
10 to keep track of them all, but I do remember
11 getting grades off the computer. So, like I said,
12 I do remember once you pulling it up for me. I
13 could have gotten all the grades at that time.
14 That is possible.

15 Q. Okay. And also you said I had wrote lots of
16 passes. Do you not remember that during probably
17 the second week to third week, Ms. Hills started
18 just letting you come to my room when you finished
19 your work. So --

20 A. Yeah, I remember that.

21 Q. -- when you were in my room on those occasions was
22 I writing passes?

23 A. Not to Ms. Hills. I had mentioned that.

24 Q. Okay. And then in Ms. Kytes' class, is it not
25 true that a confrontation had gotten out of

1 control with some of the students you attended
2 Enoree with and it had become impossible for you
3 to stay in there on some days and Ms. Kytes sent
4 you to me. Do you remember those --

5 A. I remember that I did have a confrontation with
6 some other students.

7 Q. And did I write you a pass to get you out of class
8 or --

9 A. I can't remember if you did on that day or not.

10 Q. Okay. You don't remember Ms. Kytes sending you to
11 me?

12 A. I know she did one time.

13 Q. She sent me a couple passes asking if I would take
14 you, basically. And I was like, sure. Do you
15 remember that?

16 A. I remember one time.

17 Q. So are you not confused about how many passes that
18 has been written?

19 A. There's no way to keep track of it because --

20 Q. I agree.

21 A. -- we're talking about a two-year span. So --

22 Q. It's been a long time. But it's fair to say that
23 -- you know, we were only a month in school when
24 all of this occurred. And as the weeks went by,
25 you were permitted to leave classes and come to my

1 room without any passes being written. Is that
2 correct?

3 A. I believe so for certain teachers.

4 Q. Okay. And you had permission to go to Ingle's.
5 Right? The permission to go to Ingle's. Did you
6 have permission to go to Wal-Mart? I understand
7 you went and -- But is that where permission --

8 A. Well, I think that you got Wal-Mart -- when I said
9 Wal-Mart -- confused with Ingle's because that's
10 where I was working. Remember I worked at Ingles?

11 Q. Okay. But was it -- It doesn't matter now where
12 you went other than the fact what did I give you
13 permission to do?

14 A. You gave me permission to go to Wal-Mart. I had
15 permission to use the vehicle that day.

16 Q. But the idea was that they had held a video for
17 you across the street for this other child. Do
18 you remember that?

19 A. No.

20 Q. They held some video for you? It was when you
21 didn't get that video that you went to Wal-Mart,
22 and that's in your statement somewhere.

23 A. I don't remember all the little tidbits.

24 Q. Okay. I'm sorry. I don't want to split hairs
25 either. And when you say that you put the names

1 and Social Security numbers on these people's
2 things, so you -- an IEP is, you know, 20 pages
3 thick.

4 A. Right.

5 Q. So you got a whole IEP, a whole stack of IEPs to
6 get a kid's name off the front and a Social
7 Security number and birth date. Is that what you
8 said?

9 A. Well, I filled out everything on the IEP except
10 for the goals.

11 Q. Okay. When you say you filled out everything,
12 you're talking about the copying and pasting that
13 you did? Are you the one who set up the
14 prototype, one was male and one was female, and
15 then we made like two or three female, two or
16 three male ones?

17 A. Well, I remember you showing me how to use the
18 program and teaching me how to be able to do it --

19 Q. I did show --

20 A. -- and then, like I said, I took their names off
21 the previous IEPs because you had come over to my
22 house and brought this long metal thing with
23 folders down inside of it.

24 Q. Earlier you said that I didn't bring folders and
25 that you don't remember if there was any folders.

1 A. No, I didn't. I said that you had brought some --
2 you brought the paper form of old IEPs, and I took
3 the information off the old IEPs and put it into
4 the software.

5 Q. So what were in these folders?

6 A. The old IEPs.

7 Q. They were in a metal box?

8 A. No, they were -- I'm not exactly sure how to --
9 It's not a metal box, but it's like it's lined
10 with metal. It's, basically, sort of like a
11 filing cabinet folder, you can carry it around and
12 put all the folders onto it. Yeah, but it was
13 metal.

14 Ms. McBride::

15 That's it for me. Thank you.

16 Mr. Saylors:

17 Dr. Ray?

18 Further Examination by Dr. Ray:

19 Q. I thought I was finished, but I'm not. Sorry.
20 Ms. McBride earlier said that -- Ms. Mann earlier
21 said that you had no access to personal
22 information for people with the IEPs; that is, you
23 set up a template, but you didn't have access to
24 the names or Social Security numbers or addresses
25 or phone numbers, but you're telling me that

1 that's not true?

2 A. Yes. I did have that.

3 Q. You had access to that?

4 A. Yes, I did. I had the information.

5 Q. Okay. We were talking about grades a moment ago
6 and accessing those. Was there ever a time -- I
7 know you just had a conversation about there may
8 have been times when you recorded grades when she
9 had pulled up the grades on the computer for you
10 to see and you may have copied those down --

11 A. Right.

12 Q. -- which itself is a violation of school policy,
13 but did you yourself ever use a password to access
14 the grades of students?

15 A. Well, that's what I can't remember, since I had
16 passwords for so much, but --

17 Q. But you have no doubt that you had the password to
18 do that?

19 A. I probably did. I gave a list of all the
20 passwords that I had in the police report that I
21 had turned in.

22 Q. Yes.

23 A. And so if it was listed in the police report then
24 I had that.

25 Dr. Ray:

1 All right. Thank you.

2 Mr. Saylors:

3 Okay. Mr. Meek?

4 Further Examination by Mr. Meek:

5 Q. Thank you. One question. Josh, I think you said
6 earlier that sort of following along with what Dr.
7 Ray was saying, I thought you said earlier that
8 you had access to all the school, all Berea High
9 School student records?

10 A. Right. Because when I was in the grading system
11 getting grades, that was grades for all students
12 at the high school. They were all entered into
13 the same program. You had to look up someone's
14 information by their name, and it would give you
15 their classes and their grades for that class.

16 Q. Was that SASSI or something else?

17 A. I cannot remember the names.

18 Mr. Meek:

19 Okay. Thank you.

20 Mr. Saylors:

21 Thank you. Dr. O'Connor.

22 Examination by Dr. O'Connor:

23 Q. I know this is not relevant to the outcome but
24 because you are here and you -- the way you
25 perceive all this is important to me, so I feel

1 compelled to say that -- in response to Mr.

2 Sudduth's line of questioning --

3 A. Right, I wasn't.

4 Q. -- I think that basically we just want to be sure
5 that you had the chance to say you were not
6 responding because you are mad?

7 A. Right. I wasn't.

8 Q. Right. Not because anybody would've suggested
9 that, Anyone should sit down and tell the whole
10 truth --

11 A. Right.

12 Q. -- regardless of their personal relationship with
13 someone.

14 A. Yeah, because I've never -- I've never been angry
15 at her.

16 Q. Now that I've said, I feel better. Thank you.

17 Mr. Saylor:

18 Mr. Meek, did you have further questions of the
19 witness?

20 Mr. Meek:

21 It is more or less a question for the Chairman,
22 though. I would like to ask the witness if
23 there's anything we haven't heard that he would
24 like say.

25 Mr. Saylor:

1 Mr. Sudduth has some questions.

2 Examination by Mr. Sudduth:

3 Q. Is the file cabinet a lockable file cabinet?

4 A. It's a lockable file cabinet, but as far as I know
5 the lock does not work.

6 Q. Is there anything in that classroom that you could
7 lock up IEPs where they'd be secure?

8 A. Not that I know of.

9 Q. Not that you know of. Did you go in there a lot
10 of times at lunch?

11 A. Right.

12 Q. Did you ever go in there when Ms. McBride is not
13 there?

14 A. There were times when she would be there, but she
15 would leave to go do something. But she was only
16 gone for just a few minutes and then she was right
17 back.

18 Q. Have you ever gone to her classroom and she's not
19 there and the door would be locked?

20 A. Maybe once or twice I have, yes. But that was
21 back when I was in Mrs. Miller's class.

22 Q. So when you came -- those lunch times when you
23 went to her class, she was always there?

24 A. Yes, pretty much, like I said, except for maybe
25 one or two times when she was not.

1 Q. And how did you get in the room?

2 A. The door was unlocked.

3 Q. Oh, so the door was unlocked. Okay. Thank you.

4 Mr. Saylor:

5 Josh, have you got any closing statements you'd
6 like to make?

7 Mr. F [REDACTED]:

8 No, I do not.

9 Mr. Saylor:

10 Mr. Cleveland, it is now 3:10. As previously
11 stated, at least, three of my colleagues must
12 depart pretty quickly. How many more witnesses do
13 you have because we still have questions for Ms.
14 Mann.

15 Mr. Cleveland:

16 Mr. Chairman, there are two here. Josh's mother
17 and Ms. Fanning.

18 Mr. Saylor:

19 So I guess -- I guess in its simplest form there's
20 no way we're going to get this finished in the
21 next five or ten minutes? I've got three people
22 in the room that have said they need to leave,
23 roughly, by 3:30. Even if two of them leave, we
24 lose the quorum.

25 Ms. O'Connor:

3 || Mr. Cleveland:

6 || Mr. Saylors:

11 Mr. Cleveland:

13 Mr. Saylors:

16 ** ** **

20 * * * * * *

23 Examination by Mr. Cleveland:

25 || A. Yes, sir.

1 Q. And do you recall Ms. McBride bringing IEPs to
2 your house?

3 A. Yes, sir. I do.

4 Q. Did you know what an IEP was prior to that time?

5 A. No, sir.

6 Q. So how did you know that she brought IEPs to your
7 house?

8 A. She brought them in a metal folder that you could
9 hang hanging files on. And she gave him some
10 disks and everything and told him she brought
11 those and not to let anybody know 'cause she
12 wasn't supposed to be giving them out to anybody
13 else.

14 Q. And did she leave those with Josh?

15 A. Yes, sir. She did.

16 Q. Did you ever look at them after that?

17 A. Josh was showing them to me telling me what they
18 were and everything, and I told him I'd just as
19 soon not see them and I didn't want that happening
20 again. I wanted him to give them back to her.

21 Q. Did Ms. McBride -- That was in the spring of 2003.
22 Did Ms. McBride call your house over the summer?

23 A. Yes, sir. She did.

24 Q. Why did she call your house?

25 A. She was always calling the house wanting Josh to

1 do stuff for her. She was going to pay him if he
2 did stuff. There was some student she kept
3 bringing over to the house wanting Josh to help
4 her so that she wouldn't fail her grades. And
5 then wanted him to meet her somewhere in the
6 mornings to teach her. And I told Josh he had his
7 grades to worry about.

8 Q. In the spring of 2003 did you go to the school and
9 complain about -- or go to the school to check on
10 Josh's low grades?

11 A. Yes, sir. I did.

12 Q. What did you learn was the biggest problem with
13 Josh's low grades?

14 A. That Josh wasn't going to his classrooms. He was
15 hanging out in Ms. McBride's room.

16 Q. And did you express any opinion about that fact?

17 A. I did. I told them I did not want him in her room
18 anymore or around her anymore.

19 Q. After this incident when Josh was arrested, did
20 you consider filing a lawsuit against the School
21 District?

22 A. My lawyer had talked to me about it, and he said
23 we could get a lot of money. And I told him that,
24 no, I did not want to do it because the school had
25 talked with us and worked with us and got Ms.

1 McBride out of there and they solved the problem
2 and that's all I was concerned about.

3 Mr. Cleveland:

4 That's all the questions I have, Mr. Chairman.

5 Mr. Saylor:

6 Ms. Mann, do you have any questions?

7 Examination by Ms. McBride:

8 Q. I do. Ms. F[REDACTED], did I not bring -- I'm not
9 sure if Josh took my laptop home or if I brought
10 it with me when I came. But is that not what I
11 came in tow with was a laptop?

12 A. You came with a laptop --

13 Q. And I did show him --

14 A. -- and a folder with hanging files in it. A metal
15 thing with a whole bunch and was carrying all of
16 it in.

17 Q. I don't understand why we're not mentioning the
18 laptop if that's what I demonstrated how to copy
19 and paste on. Why is that not a part of the
20 testimony? I don't understand why -- In other
21 words, we keep focusing on the folder, on IEPs
22 existing IEPs that are not even needed to do what
23 Josh did. They're not necessary. All I needed
24 was blanketed, you know, IEPs.

25 Mr. Saylor:

1 Ms. Mann, just a moment -- Dr. Ray?

2 Dr. Ray:

3 I was just going to ask if we could ask --

4 Mr. Saylors:

5 We need to keep commentary to a certain point.

6 Ms. McBride:

7 Okay. Nothing else.

8 Mr. Saylors:

9 Dr. O'Connor?

10 Examination by Dr. O'Connor:

11 Q. I understand that there had been problems with
12 another school?

13 A. Yes, ma'am.

14 Q. And cannot help but ask the question, if one would
15 say there was first a problem with pursuing a
16 lawsuit with one school and then potentially
17 another, can you just kind of separate those two?

18 A. There was a difference between both schools.
19 Greenville Tech, I think, played around with me.
20 They would not talk with me and help. They kept
21 things from me and did everything they could to
22 hide stuff from me. And DSS was called out to my
23 house and we discussed things with them. And the
24 school at Greenville Tech did a lot of lying. But
25 when everything started up with Berea High School,

1 Ms. Fanning and all of them, I talked with them.

2 Ms. Hunt. And they were working with me to try to
3 keep Ms. McBride away from Josh so he could get
4 his grades built back up. Even though he didn't
5 stay away. A lot of things went down. And, yeah,
6 maybe I did have a lawsuit against the school, but
7 Mr. Roach and all of them worked with me. They
8 didn't keep things a secret from me. You know,
9 they were letting me know what was going on, and
10 they did everything to the best of their knowledge
11 to try to keep Ms. McBride away from Josh. And I
12 do appreciate everything that they did. That's
13 why I did not put a lawsuit against them.

14 Mr. Saylor:

15 Mr. Sudduth.

16 Examination by Mr. Sudduth:

17 Q. One question, Ms. Ferguson.

18 A. Yes, sir.

19 Q. When you went to the school and found out that
20 Josh's grades weren't very good and it was your
21 determination that the reason that Josh's grades
22 weren't good was because he was spending all of
23 his time in Ms. McBride's classroom --

24 A. Yes, sir.

25 Q. -- did you tell Josh, "I do not want you to go in

1 that classroom again"?

2 A. Yes, sir. I did.

3 Q. And did he obey you, as far as you know?

4 A. Evidently not.

5 Q. So Josh was more inclined to do what he wanted to
6 do in this regard than what his mother --

7 A. Typical teenager.

8 Q. -- I will assume very firmly told him, "Josh, I do
9 not want you in that teacher's classroom. I want
10 you in your regular classroom."

11 A. Right.

12 Q. And Josh chose not to pay attention to you?

13 A. Right.

14 Q. Okay.

15 A. Neither one of them paid attention to me.

16 Q. All right. Thank you, ma'am.

17 Mr. Saylor:

18 Anything else? Mr. Meek?

19 Examination by Mr. Meek:

20 Q. Thank you. I've got a couple of questions. After
21 listening to Josh's testimony reading his
22 statement here today, do you feel Josh had
23 permission to take Ms. McBride's vehicle?

24 A. Yes, sir. I do. Josh has never really been a bad
25 student. He's never -- he's been honest.

1 Q. I think he thought he was --

2 A. I'm sure once you have permission to drive
3 somebody's car, you assume it's going to be good,
4 you know, permanently.

5 Q. Also reading through your statement you mention in
6 there several times about things that like I think
7 you said Tuesday, I think it was Wednesday that he
8 was arrested, said Tuesday Josh went to school to
9 go to Family Court and Ms. McBride wrote him a
10 pass and he gave it to Ms. Hills to be excused
11 from class. Josh then used Mrs. McBride's car to
12 go there and return to school. How did you find
13 out she had written a note?

14 A. When I had went to the school to talk to them
15 about Josh's bad grades, Mrs. Hunt went to find --
16 to his teacher to find him to bring him down there
17 for the meeting, and he was in Ms. McBride's room
18 then. So that's --

19 Q. I'm talking about the day before he was arrested.

20 A. Oh, the day before he was arrested?

21 Q. Yes, on your statement on September 25th said
22 Tuesday Josh went to the school to go to Family
23 Court. Ms. McBride wrote a pass and gave it to
24 Ms. Hills to excuse him from class. Josh then
25 used Ms. McBride's car to go there. How did you

1 know --

2 A. I found all that out after he had gotten arrested.

3 Q. I'm asking how did you find out?

4 A. By Josh. He come clean with everything telling me
5 all about it, and I told him he had no business
6 driving anybody's car. Somebody could have gotten
7 hurt bad and we'd have been in a lot of trouble.

8 Q. So you're basing your statement on what Josh told
9 you?

10 A. Yes, sir.

11 Q. Nobody else told you any information --

12 A. No, sir.

13 Q. You got this from Josh?

14 A. Yes, sir.

15 Q. Okay. Thank you.

16 Ms. McBride:

17 Can I just ask that they make --

18 Mr. Saylor:

19 Yes, but you have to bear one thing in mind. If
20 you ask questions, I've got to turn it over to Mr.
21 Cleveland to be fair.

22 Ms. McBride:

23 I don't want to ask a question. I just want to
24 ask something of the Board. I just want to note
25 for the record that Ms. F [REDACTED] was in the room

1 during previous testimony today.

2 Mr. Saylors:

3 Fair enough.

4 Ms. McBride:

5 Thank you.

6 Mr. Saylors:

7 Thank you, Ms. F [REDACTED]. We appreciate your time.

8 Mr. Cleveland:

9 And Kim Fanning, Mr. Chairman.

10 Mr. Saylors:

11 Ms. Fanning, come forward please and approach the
12 court reporter to be sworn.

13 **

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14 The witness was sworn to tell the truth, the whole
15 truth and nothing but the truth of his own
16 knowledge concerning the matter herein.

17 **

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18 KIM FANNING, having been duly sworn, testified as
19 follows:

20 Examination by Mr. Cleveland:

21 Q. Ms. Fanning, would you state your name for the
22 record, please?

23 A. Kim Fanning.

24 Q. You're a guidance counselor at Berea High School?

25 A. That's correct.

1 Q. Did you ever assign Josh F [REDACTED] to go to Ms.
2 McBride's classroom on a regular basis ever?

3 A. No, I did not assign him to go there.

4 Q. Did you ever ask that he go there one day?

5 A. I did do a one-day request. Yes, sir.

6 Q. And why did you do a one-day request?

7 A. It was the week following -- When I first met
8 Josh, it was a Friday when he was in Ms. McBride's
9 room. And that's when I discovered that he was
10 cutting himself. That was on a Friday. Of
11 course, everything happens on a Friday. And then
12 the following week he came to me one morning, was
13 very upset still, and asked if he could do his
14 assignments in Ms. McBride's classroom. And so I
15 wrote a request -- I wrote a note to request to
16 the teachers if they would possibly give him
17 assignments for that day and let him do them in
18 Ms. McBride's classroom. I did it for one day
19 because he was going to be seeing his mental
20 health counselor that day or the next day. And it
21 was just to get him through that day until he saw
22 his counselor.

23 Q. After that one day, did you ever learn that during
24 the spring of 2003 that Ms. McBride was continuing
25 to allow Josh to come to her classroom?

1 A. I did find out that that was continuing.

2 Q. And what did you do?

3 A. When Ms. F [REDACTED] came in and discovered his
4 grades -- when we discovered that he was still --
5 Actually, I'll take that back. There may have
6 been one other time that I was in the hallway and
7 Ms. McBride said something to me about Josh still
8 coming to her classroom, that he was still in
9 there, which was not the intent of the note. The
10 note really was just the one day to get him until
11 he saw his counselor. I did not think it was
12 continuing. And then when his mom came in
13 concerned about the grades is when we discovered
14 that he was still going to Ms. McBride's instead
15 of his classes.

16 Q. The day that you -- after you wrote the note for
17 the one day, the day that you learned from Ms.
18 McBride that Josh was still going to the
19 classroom, did you say anything to her about that?

20 A. I'm sure that I did, because that was not
21 something that was supposed to be happening. The
22 intent of the note was for him to go to her class
23 for one day until he -- because he was going to be
24 seeing his counselor and it was just to -- to get
25 him to a better area. He was having a very hard

1 time.

2 Q. When Ms. F [REDACTED] came to the school concerned
3 about Josh's grades in the spring of 2003, did you
4 talk to her?

5 A. She actually went to Ms. Hunt's office because Ms.
6 Hunt was a temporary guidance counselor. I had
7 met with Josh because Ms. Hunt was not available
8 that Friday when I first met him. And then Ms.
9 Hunt pulled me in and we did talk with her.

10 Q. And how did you determine that Josh was missing
11 classes to go to Ms. McBride's classroom?

12 A. I believe actually Ms. Hunt discovered that from
13 -- and I don't remember exactly how she did it,
14 but somehow Ms. Hunt found that out.

15 Q. During the fall of 2003, did you ever ask for Josh
16 to go to Ms. McBride's classroom?

17 A. No.

18 Q. Did you know he was going to her classroom?

19 A. No, not until after Ms. McBride was arrested. He
20 probably did go some. When he came back from
21 Enoree -- he had -- he went to Enoree in the
22 morning, and they came back probably about 20
23 minutes or so before the third block class began.
24 So he probably did go there some, but I -- just to
25 chat or to see her.

1 Q. During the time that he was not assigned to a
2 class?

3 A. Right. It's before third block started. Correct.

4 Q. In terms of special education, what is an out
5 teacher?

6 A. That is a regular ed teacher.

7 Q. Why does a special education student have an out
8 teacher?

9 A. By law they have -- self-contained special ed
10 students have three special -- on a four by four
11 system. By law they have three special ed
12 classes, and then they are mainstreamed to regular
13 ed class for at least one period.

14 Q. And that regular class is called the out teacher?

15 A. Yeah, rather than calling it the regular ed
16 teacher, it's often referred to as the out
17 teacher. So out period when they're mainstreamed.

18 Q. Is that out period for mainstreaming common
19 knowledge among the students at school?

20 A. Among the special ed students, yeah.

21 Q. Special ed students?

22 A. They often refer to it as their out teacher.

23 Mr. Cleveland:

24 That's all I have, Mr. Chairman.

25 Mr. Saylors:

1 Ms. Mann, any questions?

2 Ms. McBride:

3 I do.

4 Examination by Ms. McBride:

5 Q. So you're saying this one-day request was only --
6 are you saying it was the previous year or what
7 year --

8 A. This is his tenth grade year which would be in the
9 spring of 2003.

10 Q. And you're saying that you only asked if I would
11 keep him on one day?

12 A. I wrote a request to the teachers if they would
13 let him do his work in your classroom for one day,
14 yes.

15 Q. Okay. So we never had -- I just want to be sure
16 for the record because I think we're going to have
17 to rebut this with other witnesses. You are
18 saying that you never approached me and told me
19 that you had been in contact with this boy's
20 mental health professional and that y'all had
21 decided that that child -- it would be in his
22 benefit to spend those two classes in my room each
23 day?

24 A. I did attempt to contact his mental health
25 counselor. I have the e-mails showing where we e-

1 mailed back and forth a couple times, set up a
2 phone conversation, but never actually did call.
3 The time that we had set for him to call, he never
4 actually did call.

5 Q. So you --

6 A. And, no, I did not ever request for him to stay in
7 your classroom for two days -- for two periods --
8 for two blocks of the day, no.

9 Q. Okay. And so you're saying that the first that
10 you knew that he had been in the room was the day
11 that Ms. Hunt came and pulled me from my classroom
12 and asked me what he was doing in my classroom?

13 A. Like I said, one day I remember walking down the
14 hallway -- this was after you had called me to
15 come talk to him that Friday. And then after I
16 had written the note requesting the teachers to
17 let him come to your classroom. I don't -- I
18 don't remember the time period when it was, but I
19 do remember one time you talking to me in the
20 hallway and saying that Josh is still coming to
21 your classroom and being surprised. I didn't
22 realize that was continuing.

23 Q. Okay. One final question. Do you remember
24 approaching me the week before I was arrested and
25 asking if I would contact DSS on behalf of Josh

1 and report his parents?

2 A. Actually, I remember Josh coming to me and saying
3 that he felt that there was threat to harm in his
4 household and asking me to call DSS, that you were
5 not comfortable calling.

6 Q. So you knew that -- you are admitting we had the
7 conversation where you approached me about calling
8 and I declined to do so and said that if you did I
9 would be glad to give a statement?

10 A. Right. Because --

11 Q. Thank you. I just wanted to point out I have not
12 interfered with that relationship.

13 Mr. Cleveland:

14 Mr. Chairman, Mr. Chairman, she cannot interrupt
15 Ms. Fanning's answers.

16 Ms. Fanning:

17 Everyone in the building is a mandatory reporter,
18 so if anyone feels that there is abuse going on in
19 the classroom, everyone in the building's is a
20 mandatory reporter, and so I did go to her to ask
21 if -- to tell her that she's a mandatory reporter
22 if she has something, if there's anything she
23 suspects, but she did not feel comfortable making
24 a DSS report because there was some tension with
25 her and Josh's parents. And so because of the

1 student I did call DSS and I have the report of
2 that.

3 Mr. Cleveland:

4 Thank you.

5 Examination resumed by Ms. McBride:

6 Q. DSS was contacted when? In other words, when the
7 child was at school cutting himself and all these
8 things, was DSS contacted that year?

9 A. That's not a DSS case. I did notify his mom. You
10 and I walked out -- the day I found out when I met
11 Josh, and then --

12 Q. Was there an exit -- I'm sorry. I'm just trying
13 to save the time. I don't mean to -- I didn't
14 finish my question. Go ahead.

15 Mr. Saylors:

16 Yes, ma'am. Don't worry about the time.

17 Ms. McBride:

18 I'm sorry.

19 Mr. Saylors:

20 No problem.

21 Ms. McBride:

22 I'm sorry.

23 Witness:

24 What was the question? I'm sorry.

25 Examination resumed by Ms. McBride:

1 Q. It was really a two-part question in that --

2 A. Did I contact DSS? No, I did not contact DSS when
3 he was cutting himself because that is a self
4 harm. I did notify his mom. We walked out to the
5 car. Josh wanted to tell her himself because they
6 had been through a very upsetting time as a family
7 and he wanted to tell her. He was very concerned.
8 He didn't want her to worry about him. And so I
9 did tell him that I would let him tell her, but I
10 was going to call to verify that he did tell her.
11 And so that was a Friday afternoon. We walked out
12 and she -- we just told her that Josh had
13 something to tell her. And then I called later on
14 that afternoon to confirm that Josh did tell her
15 which he hadn't. So I told her to be sure to look
16 at his arms. There's something she needed to see
17 on his arms.

18 Ms. Sutherlin:

19 Did you say he had not told her?

20 Ms. Fanning:

21 Right. I didn't wait a long time because I wanted
22 to make sure I called them that afternoon because
23 it was a Friday and I didn't want it to go the
24 whole weekend without knowing for sure that she
25 knew, and so I didn't wait a long time.

1 Mr. Saylor:

2 Ms. Mann, do you have any other questions?

3 Examination resumed Ms. McBride:

4 Q. I just wanted to finish. Was there any kind of
5 accident report or anything? And, again, I'm not
6 trying to put this off on you, but my point is a
7 lot of us dropped the ball. And that's always
8 been my thing. And I feel like you dropped the
9 ball and I dropped the ball. A lot of us let Josh
10 down. And I've always taken responsibility for
11 that. I took it then and I'm just asking you to
12 take it, too. That's all.

13 A. And the question? I'm sorry?

14 Q. Is did you not call DSS when the boy was at school
15 cutting himself or did you not file any kind of
16 accident report that would initiate some kind of
17 intervention in this child's life to prevent him
18 from doing the things he was doing at home and at
19 school?

20 A. I followed the District's protocol and I did
21 notify the mother that he -- let her know that he
22 was indeed harming himself and that he did need to
23 seek some help. And Josh actually brought me the
24 card of this counselor where he was actually
25 seeking counsel.

1 Ms. McBride:

2 That's all.

3 Mr. Saylor:

4 Okay. Thank you. Any Trustees? Mrs. Sutherlin.

5 Examination by Ms. Sutherlin:

6 Q. When you became aware of this situation, how long
7 was it before this whole thing came to the grand
8 climax with the arrest of Josh and --

9 A. I first met with Josh in the spring of his tenth
10 grade year, which is spring of 2003. I'm sorry, I
11 don't remember the exact month.

12 Q. Just approximate.

13 A. It was the spring, probably March. I don't know
14 for sure. Again, I'm not sure of the timeframe.
15 And then everything happened in September of the
16 same year.

17 Q. So about how many months is that that you were
18 aware of a serious problem with a student?

19 A. From March to September how ever many months that
20 is.

21 Q. During that time did you ever consult with the
22 principal?

23 A. About the fact that he's cutting himself --

24 Q. His problem.

25 A. That he is harming himself?

1 Q. Yes.

2 A. No, ma'am. I contacted his mother.

3 Q. So the principal was unaware of all this?

4 A. That's correct. I do not usually tell the
5 principal directly personal information of the
6 student like that.

7 Q. Not even if it might be life threatening?

8 A. That's when we -- I have actually had to before
9 when it was a case of a student who was -- I was
10 afraid of harming himself called the parent to
11 come pick up a child right then. We do not -- at
12 our school we are not equipped to handle something
13 like that. So we take certain steps -- there's
14 certain protocol that we follow when it involved
15 student's safety and that is why -- since this is
16 the only day that I met him and his mother was
17 coming to pick him up, this is why I made her
18 aware of it, since it was a Friday.

19 Q. Well, for future reference, where does the buck
20 stop in these situations? It could be tragic --

21 Mr. Cleveland:

22 Mr. Chairman, I don't think that's a fair question
23 to ask a guidance counselor at the school.

24 Ms. Sutherlin:

25 All right. I withdraw the question.

1 Mr. Saylors:

2 Thank you, Ms. Sutherlin.

3 Ms. Sutherlin:

4 I'll bring it up later.

5 Mr. Saylors:

6 Mr. Meek?

7 Examination by Mr. Meek:

8 Q. Thank you. A couple of questions. Have you re-
9 read your statement that you gave on 9/25?

10 A. I read it last week, yes.

11 Q. In there I read where you wrote it for the one
12 day. It has not been entered into evidence, so I
13 assume we don't have that note, do we?

14 A. I'm sorry. What did you say?

15 Q. You don't have the note that you wrote?

16 A. No, it was for him to show his teachers. And I
17 did not -- it wouldn't have ended up with me. It
18 was for him to show his teachers the request.

19 Q. After that the next paragraph says, "Later Mrs.
20 McBride later informed me that Josh was still
21 coming to her room with his assignments from his
22 teachers rather than going to class."

23 A. That's when I saw her in the hallway. Yes, sir.
24 I'm sorry, I didn't mean to interrupt you.

25 Q. That's fine.

1 A. That's when I saw her in the hallway. Yes, sir.

2 Q. Okay. And then the next paragraph goes on to say,
3 "Mrs. McBride later informed me that Josh was
4 still getting his assignments and coming to her
5 room."

6 A. Okay.

7 Q. Two different paragraphs there.

8 A. Okay.

9 Q. My question is -- and I know you weren't here for
10 all the testimony. My question is if Mrs. McBride
11 was writing all these notes that she's been
12 accused of writing, why would she come to you and
13 say he's still coming to me when she would know
14 that. Why -- do you have any explanation for that
15 or -- ?

16 A. The question --

17 Q. Maybe that's not the right question for you. My
18 question is --

19 A. She was making me aware that he was still coming.
20 She wanted to make sure that I knew that he was
21 still coming to her.

22 Q. She was concerned about him passing his grades?

23 A. Yes, absolutely. She was concerned about his
24 grades.

25 Q. Okay. That's all the questions I've got. Thank

1 you.

2 Mr. Saylors:

3 Dr. Ray?

4 Examination by Mr. Ray:

5 Q. After the incident of the cutting episode where
6 you had Josh stay in Ms. McBride's room, how --

7 A. I didn't have him stay in that classroom. I
8 talked to him in her classroom, yes.

9 Q. You talked to him in her classroom. Did you --
10 And that's the day, though, you wrote the note?
11 Is that correct?

12 A. No, that was the next week.

13 Q. That was the next week. Okay. How did you follow
14 up with that to check on his status after that
15 episode?

16 A. He brought me the business card of his counselor
17 that he was seeing and that -- and said that he
18 would like to talk to me, and so I e-mailed the
19 counselor to see what things we could be doing to
20 help him better at school.

21 Q. So he came by your office and kind of checked in?

22 A. Mm-hmm [affirmative].

23 Q. And this is a question that I -- I'm just -- I'm
24 stumbling over this in my head a little bit. I'm
25 trying to figure out how this student could be

1 coming to this classroom so much, out of his
2 class, picking up his work, I'm assuming taking
3 exams, et cetera. How is that done? I understand
4 that you did not write a note to request that.
5 You did not give permission for that to happen.
6 How does something like that happen and not be
7 known in the structures of administration
8 including guidance? I mean, how does that happen
9 that a kid not be in class --

10 A. One of the parties involved would have to come to
11 us, the teacher whose class he was missing, or
12 someone would have to come to us to let us know.
13 We don't do the attendance. We don't do the
14 attendance for the classroom teachers. In
15 guidance -- we don't handle attendance in
16 guidance.

17 Q. Did you find it strange that he didn't have that
18 happen sooner?

19 A. Yes, I was very surprised that the -- that when
20 the mother came in for the -- whatever grading
21 period that was that it was still going on.

22 Q. Yeah, I mean, I find that odd, too.

23 A. And then I was very surprised that it -- when I
24 found out it continued on his eleventh grade year
25 which is the following fall and especially because

1 there was -- there was a scene in the office when
2 the mother came in. You know, it was a very big
3 discovery. And then to find out that the next
4 school year it still did -- was going on, that he
5 was still going to that classroom.

6 Q. Do you ever think that we sometimes -- I mean, I
7 know that we have policies and procedures and all
8 like that, but do you ever see times when maybe we
9 just -- we have students challenged in one way or
10 another and there might just be some sort of winks
11 and nods amongst the teachers that that's kind of
12 --

13 A. In this particular case, what are you asking? Did
14 I wink and nod at Ms. McBride?

15 Q. No, no, no. I'm saying do you ever think there's
16 a case when teachers might do that amongst
17 themselves and you would never find out? Do you
18 know of certain cases like that in your school
19 where if I have a problem student --

20 A. I know when I was a classroom teacher that
21 sometimes if a student needed to finish an
22 assignment, the teacher would write me a note --
23 the classroom teacher, saying, do you mind if so
24 and so comes to my class to work on this
25 assignment or something like that. I know that

1 would happen sometimes.

2 Q. Okay. I'm just trying to figure out how all that
3 goes on so long without it being -- without it
4 bubbling up to the surface, but that's a bigger
5 question. So, thank you.

6 Mr. Saylor:

7 Thank you. Dr. O'Connor?

8 Examination by Dr. O'Connor:

9 Q. Yes. Please don't take any of this as accusatory.
10 It's a systematic thing that I'm trying to
11 understand. When you -- You said several times
12 that you were really surprised. What did you do
13 when you were surprised to learn that he was still
14 going?

15 A. Are you talking about in the spring of his tenth
16 grade year?

17 Q. Yes, you said well --

18 A. I didn't realize in his eleventh grade year that
19 he was going at all until when she was arrested.

20 Q. Okay. Then --

21 A. I didn't realize that --

22 Q. -- if it was in the tenth grade you said you
23 didn't mean for it to be more than a day but then
24 you saw her and you found out --

25 A. Right.

1 Q. What -- You said, "I was really surprised."

2 A. Mm-hm [affirmative].

3 Q. Then what did you do about it?

4 A. That -- I didn't go to the administration if
5 that's the question.

6 Q. Did you say anything to her?

7 A. Yeah, that that was just not -- that wasn't the
8 intent of the note. That shouldn't be a long-term
9 solution to the problem.

10 Q. So you did have a conversation with her at that
11 time and say, "This is not the way I meant for it
12 to be and I don't really think it ought to keep
13 going that way"?

14 A. I don't remember having a long conversation, but I
15 -- when she told me, I do remember saying, you
16 know, that's not what was supposed to be
17 happening. This is not what -- he should be in
18 his class.

19 Q. Okay. And the second thing is it's just odd to
20 think that in some cases you would find the
21 situation worthy of a call to DSS and at the same
22 time the person that you would go to is the
23 child's parents and this dramatic thing is
24 happening --

25 A. I call the parent when there's a concern about the

1 student's safety such as when he was cutting
2 himself. I wanted to make sure that the parent
3 was aware of what was going on.

4 Q. Right. And I'm glad you did because earlier I had
5 heard that nobody had told the parents. I'm happy
6 that that was true that the parents were told.
7 But the question is what if the child is saying,
8 you know, that the trauma is related to my
9 parents? You know, you don't want to
10 inadvertently put them into another situation. So
11 how do you know when you've got a DSS referral
12 potential and a need to communicate with the
13 parent? It sounds like both things might have
14 been true here.

15 A. In the spring when I met Josh, I never really
16 heard anything about there being a problem with
17 his mom. He was actually very, very concerned
18 about her finding out that he was harming himself
19 because he didn't want to worry her any more. He
20 actually expressed how much he cared about her and
21 how much she had been there for him and he was --
22 he didn't want to worry her any more, and that's
23 why he wanted to tell her, and that's why I did
24 permit him to tell her. And then I followed
25 through with a call after that. In the fall, when

1 I called DSS, that was when he actually expressed
2 to me that he felt -- there was something that had
3 happened at Enoree in the car when his mom picked
4 him up one day and he felt -- he actually asked me
5 to call DSS, that there was a threat to harm to
6 him. That there was a threat of it.

7 Q. So in that situation, and I know we've had a
8 problem multiple times with inadequate help,
9 staffing ratio, I guess, but would that just be a
10 typical thing you would -- you'd respond to the
11 situation, but you might not have a schedule where
12 you would respond to follow up --

13 A. My job is not to investigate what's going on in
14 the household. That's why I made the call to DSS
15 so that they could follow up with their
16 investigation if they felt that it was warranted.
17 And as far as when we kind of know when to call,
18 any time that there's ever a threat of a student
19 hurting themselves or if they express to any kind
20 of thought of doing any harm to themselves or
21 another person, that's when it's a mandatory
22 report. And sometimes the reporting is DSS.
23 Sometimes the reporting is the parent. It all
24 depends on the situation. If it's something that
25 somebody's doing to them and it's in their

1 household, that's always a call to DSS. If it's a
2 threat to themselves or doing to themselves,
3 that's when we always call the parents.

4 Q. Okay. Thank you.

5 Mr. Saylors:

6 Mr. Sudduth?

7 Examination by Mr. Sudduth:

8 Q. One question, Ms. Fanning. Evaluate Ms. Mann on
9 her handling of this situation.

10 A. I think everything that she did for Josh she
11 always had his concern in mind. I think that she
12 -- she knew him when he was at his hardest time.
13 She met him after he had come to us from the
14 Charter High School. I did not know him then. I
15 didn't know him until the spring of the next
16 school year.

17 Q. She had a real concern for him?

18 A. I think that she saw him at his worst and she was
19 afraid of him returning to that and she had -- she
20 knew him better than any of us at the school, and
21 I think that she always was concerned about his
22 safety. And because they knew each other so well,
23 I think he would tell her a lot more. Actually,
24 the day that Ms. Fox actually came down to get me,
25 that Ms. McBride had to cover a class and Ms. Fox

1 came to get me, that's when Josh came to her
2 classroom. On the way down, Ms. Fox told me that
3 they were concerned because he had come to Ms.
4 McBride and shown that he was cutting himself.
5 When I went down to talk to him, Ms. McBride had
6 already left because she had to cover a class.
7 And I was with Josh by myself. And I would talk
8 to him for a good length of time --

9 Q. Well, what --

10 A. -- but he didn't -- he did not -- he did not tell
11 me the entire time that he cut himself. It wasn't
12 until she returned and she made him. So I think
13 that he felt much more comfortable with her in
14 that -- in that that was kind of a safe place for
15 him to go because he did trust her.

16 Q. What about all the times he's been in her
17 classroom? Did you feel like that she was
18 encouraging that or she was trying to keep him
19 from being in her classroom?

20 A. That's a hard thing for me to answer. That's --

21 Q. It's an opinion. Ms. Fanning, you've got a
22 feeling, you're a guidance counselor. It's not
23 nothing I'm asking for facts on. I'm asking --

24 A. This is not -- this is just me as a person who
25 knows the two individuals. This isn't actually me

1 at my job. I think that Josh preferred to be with
2 her. He probably maybe expressed to her that he
3 would like to be with her, and I think sometimes
4 maybe she wanted him. I don't know. Maybe she
5 needed help and maybe she wanted him there
6 sometimes, too. I don't know.

7 Q. You didn't have a thought about Mrs. Mann, how she
8 -- whether she was trying to get Josh less in her
9 classroom? You had no thought about that
10 whatsoever?

11 A. If the intent was --

12 Q. One of the problems seems to be that Josh spent an
13 enormous amount of time in her classroom.

14 A. Yes.

15 Q. And I just want to know, in your opinion, did you
16 think that she was encouraging that or she was
17 doing everything she could to discourage that?
18 And that's opinion. Everybody's got one.

19 A. I think that if he was going to be hurting
20 himself, she would much rather him be with her
21 than -- than to hurt himself. The question was
22 whether I thought that her intent was to have him
23 -- I think especially in the fall, she was
24 definitely wanting to kind of separate herself
25 from him. I actually talked to her, actually, the

1 weekend after he'd come to her house and she
2 actually told me that he had come to her house.
3 And she expressed to me that she was concerned
4 that there was just too much entanglement with
5 him.

6 Q. And was there any time there where you felt like
7 she was successful in keeping him from her room?

8 A. I'm all -- I don't know.

9 Q. It's either yes or no.

10 A. I wasn't -- I wasn't aware that he was going
11 there. And so, obviously, she was not successful
12 in keeping him from her room because he was going.

13 Q. You didn't see one of the problems was the amount
14 of time that he was in her classroom not being in
15 his other classes?

16 A. Oh, yes, that is definitely a problem because we
17 definitely want our students to be in the
18 classroom where they can learn the instruction
19 instead of --

20 Q. Did you know, Ms. Fanning, that he was not being
21 in his class and he would be in her classroom
22 instead?

23 A. Did I know that?

24 Q. Yes. I understand, you know, one time you told
25 him, you know, that he could stay with her for

1 that one day.

2 A. Mm-hm [affirmative].

3 Q. Well, all these other times that instead of him
4 being in Ms. Miller's class and the other two
5 teachers' classrooms that he was in her classroom.

6 A. My intent was never for him to stay with her for
7 more than one day.

8 Q. And I've never --

9 A. That is a definite problem. He needs to be in his
10 academic class.

11 Q Do you feel like she was trying to get Josh back
12 into being in his regular classes? Did you see
13 any evidence of that, yes or no?

14 A. I didn't have knowledge that he was still coming
15 to her. So I don't really know what she was doing
16 during that time because I didn't know that he was
17 still coming to her.

18 Q. You didn't have any communication with her?

19 A. In the spring. That's how I met him in the spring
20 was through her.

21 Q. Well, let's start with the beginning of the school
22 year in August and September.

23 A. Of his eleventh grade school year. Correct?

24 Q. Of the time where he had problems in which Ms.
25 Mann got this list --

1 Mr. Saylor:

2 Mr. Sudduth, I don't mean to but in, but is there
3 conclusion to this?

4 Mr. Sudduth:

5 I'm just trying to get her to see when she felt
6 like there was a problem with Ms. Mann and when
7 she -- The only thing I'm really asking, Mr.
8 Saylor, is in her opinion if she felt like that
9 Ms. Mann was trying to distance herself from Josh
10 or was she encouraging him to be with her. And
11 that's just an opinion on her part. She says yes
12 he was or no he wasn't.

13 Mr. Saylor:

14 And it also might be a question that it might be a
15 little unfair to ask her. If you feel comfortable
16 --

17 Mr. Sudduth:

18 It's an opinion, Mr. Saylor, that every guidance
19 counselor has.

20 Ms. Fanning:

21 I don't -- Honestly, sir, I don't feel like it's a
22 yes/no question. And I feel it's -- I feel like
23 you're asking my opinion. I don't know that my
24 opinion is valid at any point on that, honestly.
25 I don't --

1 Mr. Sudduth:

2 That's what most of these are is opinions.

3 Ms. Fanning:

4 Right.

5 Mr. Sudduth:

6 Thank you, sir.

7 Mr. Saylors:

8 Thank you. Any other questions of this witness?

9 Ms. Bush?

10 Examination by Ms. Bush:

11 Q. Did Mrs. Mann tell you -- did she come to you and,
12 let's see, I believe you just made comment in the
13 fall and said something about entanglement or that
14 it was getting too -- did at that time or during
15 that conversation did she say he's continuing to
16 come to my class, can you help me get him back or
17 -- what did she -- did she ask you for help or did
18 she suggest that you help her or what was the --
19 can you tell -- Just go into detail a little more
20 about --

21 A. Okay. From what I remember of the conversation --
22 First of all, we did have contact. I saw her
23 regularly. I mean, we are in IEP meetings
24 together. Everything didn't always focus around
25 this student, but I do remember her telling me

1 that Josh had come to her house and just how --
2 she was just concerned about it because that
3 brought in the police. She ended up calling the
4 police and that she just felt like it was just
5 becoming just too much with him and that she
6 definitely -- he was -- she needed to kind of
7 separate herself from him some. She was going
8 through an evaluation year and she just felt like
9 she needed to separate herself from him.

10 Q. Okay. So that comment that she made to you at
11 that time would have been after he had run away
12 and gone to her house?

13 A. He had -- she told me that he had -- yeah, he had
14 gone to her house.

15 Q. But before that at any time like when school first
16 started or in the spring because it seems like
17 from Ms. Mann's testimony -- did she say that she
18 was really kind of -- it was -- the whole problem
19 was like she said everyone dropped the ball and
20 she was kind of left dealing with Josh and no one
21 helped her. And I'm just wondering who would be
22 the logical person or she said, you know, there
23 were some problems with communication with Mr.
24 Roach. Did she approach you at any time and say
25 "he's still coming to my class, can you help get

1 him out of there"? Can you get -- I mean,
2 whatever your duties would be to correct this
3 situation of the continuous --

4 A. Yeah, I mean, she always -- as I said in my
5 statement that I do remember talking to her one
6 time after the note, that he was still coming in
7 there. And we also talked about our concern about
8 him. I don't remember -- I don't remember her
9 saying "can you help me get him out of here." I
10 don't remember her saying that in those words. I
11 don't -- Well, I guess I can't ask her. I'm
12 trying to think what else --

13 Q. That was all. And I probably --

14 A. And I do want to also say that I didn't just meet
15 with Josh just one time, found out he cut himself,
16 and never met with him again. I actually did have
17 several times where I would -- either he would
18 come and see me or I would -- I would see him and
19 see how he's doing and the same thing -- Actually,
20 his math teacher is how I saw him again his
21 eleventh grade year. She actually called me and
22 wanted me to talk about him because she was
23 concerned about him. And I did continue to see
24 him his eleventh grade year and just talked to
25 him.

1 Q. Thank you.

2 Mr. Saylor:

3 Okay. We appreciate your being here. Ms. Mann,
4 Mr. Cleveland, we're going to continue going as
5 long as there is a quorum, so time is not --
6 hopefully, it won't be as precious, but we still
7 need to stay on point and to the direction that we
8 take.

9 Ms. Mann, I'm going to ask that you please
10 come back up because we do have questions to ask
11 you.

12 Ms. McBride:

13 We can't take five minutes, can we?

14 Mr. Saylor:

15 As a matter of fact, that might not be a bad idea.

16 Ms. McBride:

17 Thank you.

18 Mr. Saylor:

19 We will come back at 4 o'clock straight up, and we
20 will be back at 4 and we will start right at 4.

21 [OFF RECORD]

22 Mr. Saylor:

23 Ms. Mann, I appreciate your patience in this. And you
24 have already provided your testimony to us. Mr.
25 Cleveland has cross-examined, and what we're going to

1 do is ask for -- we've got, some of the Trustees have
2 got questions for you at this time.

3 Mr. Cleveland:

4 Mr. Chairman, before we do that, may we excuse Ms.
5 Fanning?

6 Mr. Saylor:

7 Sure. Unless you have a need for any other of these
8 witnesses, they're excused unless Ms. Mann has a need
9 for them which I don't believe you do? Okay. Then
10 they're all excused at their pleasure.

11 Mr. Cleveland:

12 Thank you, Mr. Chairman. All right.

13 Mr. Saylor:

14 We'll need Bill, by the way. I'm talking about Ms.
15 Fanning and the others.
16 All right. Dr. Butler.

17 Dr. Butler:

18 Thank you, Mr. Chairman.

19 SHERRIE MANN McBRIDE, having been previously sworn,
20 testifies as follows:

21 Examination by Mr. Butler:

22 Q. Would you prefer me call you Ms. McBride or --

23 A. I prefer Ms. Mann, but I'll answer to either. I'm
24 going to get past that one day though.

25 Q. Okay. I've listened to a lot of testimony today, and

1 I think you stated that you began teaching in 1989,
2 substitute teaching?

3 A. I did, I subbed.

4 Q. And you said you were a social studies teacher?

5 A. Yes, sir. I went to school and I graduated. My
6 secondary education degree was in the area of social
7 studies, but we're a dime a dozen. So they needed
8 special ed teachers.

9 Q. Did you say you also had a degree in psychology?

10 A. I do. I have a Master's plus 18 hours, I think.

11 Q. My question is, in terms of listening to all of the
12 things that went on and in terms of student
13 involvement with the IEPs and all of the computer
14 work, what degree of importance do you give as a
15 professional teacher to your role as being a
16 responsible person of all this information and its
17 ramifications wherever it may go?

18 A. Right.

19 Q. What degree of importance would you give to that, you
20 as a teacher?

21 A. A lot. I mean, naturally, when you're talking
22 students' grades and giving someone, you know, access
23 to be able to change those grades, it's something that
24 I could or would never do. And I'm still not certain
25 that he had that sign-on. As I said until -- I was

1 interrogated about that on the day that the police
2 were there, but I found out later that Mr. Roach had
3 said he had the sign-on to NOVELL. All the teachers
4 had the same sign-on to SASSI.

5 And contrary to Mr. Mitchell's report, you did
6 not have to be inside of NOVELL to access SASSI. You
7 had to log off of NOVELL to log on to SASSI. We all
8 had the same sign-on. And all teachers had that
9 printout. And it is included in his report that that
10 was distributed to all teachers in the school. And I
11 told them at that time, I did not doubt for a minute
12 that Josh had access to it at my desk. I don't know
13 that for sure, but it was not given to him. It was
14 not handed over to him. And then I find out that
15 they're not even talking about SASSI, they're talking
16 about NOVELL. So I'm still very concerned as to what
17 it is that he was supposed to have the sign-on to.

18 But to further answer your question about my
19 professionalism, I feel that I have always conducted
20 myself professionally with my students. I have never
21 felt ashamed. There are things I would change about
22 this incident. I've learned a valuable lesson from
23 this incident and that you can become too close to a
24 student and that it can rear its head and it can --
25 you know, obviously, it became too, I don't know,

1 maybe -- I don't know if I was too freely with
2 something or if -- that, too. I mean, things were
3 laying around. Obviously, there's a lot of
4 information that got out that shouldn't have; but
5 whether or not it was handed over, that didn't happen.
6 I wouldn't jeopardize my job. I've worked too hard.

7 Q. Let me ask you a question. Did this student have the
8 responsibility for writing lesson plans?

9 A. He didn't write lesson plans. He would help me find
10 videos to go with my lesson plans. That was his role
11 on that particular day that he went with me to human -
12 - not human resources -- instructional resources at
13 Wade Hampton High School. Josh had read through a
14 list of videos to find the ones that were most
15 appropriate for various lesson plans that we had that
16 week. He enjoyed doing it. He was very good at it.
17 And he was a big help to me. And I've always told him
18 he was a big help to me. And I realize that was not
19 his role. But, again, it was with the understanding
20 that he had done what he was supposed to do and this -
21 - He was in my room in the mornings before he went to
22 Enoree. He was by my room at lunch. His lunch and my
23 lunch did not coincide. I had a class when he had a
24 lunch period. And he was often in my room at lunch
25 periods. And I let him come and go. And that's

1 something else, in hindsight, that would not happen.

2 So --

3 Q. How long have you been teaching?

4 A. It had been three years when this -- I was in my
5 fourth year.

6 Q. You were in your fourth?

7 A. Yes, sir.

8 Q. Thank you very much.

9 A. Thank you, sir.

10 Mr. Saylor:

11 Dr. O'Connor. Then Mrs. Sutherlin.

12 Examination by Dr. O'Connor:

13 Q. I just want to say to you that I am -- I guess I feel
14 compassionate towards your circumstance because I can
15 imagine and have been in circumstances in prior work
16 situations where I took on more than I should out of
17 caring for someone. So I believe in all that we have
18 heard that you cared for Josh and his circumstance and
19 his health and his well-being, but I also think that
20 you used really, really poor, inappropriate,
21 unacceptable judgment repeatedly in these instances
22 that we have talked about; and part of it, I believe,
23 was out of not knowing. You know, there have been
24 many times that "I wasn't aware, I don't know quite
25 how he got that." You're still talking about whether

1 it was SASSI or this other kind -- this other kind.

2 Well, he had access to records of special
3 education students. Whether it was former or current
4 is irrelevant. He had that information at your -- at
5 your allowance. Whether it was intentional or not, it
6 happened; and it should not have happened. And it
7 happened repeatedly just in the conversations of what
8 was taken to his home and whether or not you and he
9 knew that it should have been kept confidential. He
10 is a student. He should not be expected to be asked
11 to keep anything confidential or to be given
12 information that pertains to anyone else. Those are
13 things that have been -- that's what I mean by
14 repeated misjudgments meaning over the course of the
15 evidence and course of time having him in more time
16 than he should have been in your class and out of his
17 own. Even though you, I believe, were trying to help
18 him through a bad time, and perhaps you did. And
19 nothing that anyone here can say or do will take away
20 from that.

21 However, our responsibility is to make a judgment
22 about your professional calls. And I don't think that
23 because you have made them that it makes -- it's not a
24 judgment of you as a person. That's what I'm trying
25 to communicate to you. I'm going to vote to uphold

1 the administration's recommendation because I believe
2 it was the right thing to do, the right thing that
3 they had to do under these very difficult
4 circumstances, but it does not mean anything about how
5 I view you as a human being out there in the world
6 caring for people, but that you didn't use the best
7 judgment that you needed to as a teacher in this
8 situation over time. And, hopefully, you will take in
9 all of that as a real learning experience rather than
10 trying to find ways of, "Well, how did he get this. I
11 don't know how this happened." It happened, and it
12 was under your charge. So I would, Mr. Chairman, make
13 a motion to uphold --

14 Mr. Saylor:

15 Can't do it. We're in executive session.

16 Dr. O'Connor:

17 I'm sorry. Excuse me for that. I thought this was
18 the right time. I apologize for --

19 Mr. Saylor:

20 That's okay. Mrs. Sutherlin and then I believe Dr.
21 Ray.

22 Examination by Ms. Sutherlin:

23 Q. Ms. Mann, you, obviously, liked what you did. You
24 liked the teaching and what you taught.

25 A. A lot.

1 Q. But I just have one question for you. If you were
2 back in the classroom tomorrow and a student came in
3 and you saw the student in a very distressed
4 situation, would you help that student?

5 A. That's a very good question. It wouldn't be easy, but
6 I would --

7 Q. Especially, when this went on for weeks and weeks and
8 weeks and, obviously, the student was getting no
9 relief.

10 A. Right. It would be difficult to turn that child away;
11 but to be honest with you if I had this to go back and
12 do over, I would have to turn this child away and
13 because he was not my student too much of a point has
14 been made out of the fact that this child was not on
15 my rolls. I have been told I dropped the ball because
16 I helped him, and it's costing me my whole life. My
17 professional and personal life has been down the drain
18 for two years, and I would have to say that I would -
19 - it would not be easy to help children in the future
20 even though I would want to. I would just have to be
21 very careful about how I proceeded in a relationship
22 with another student. I mean, I would just have to be
23 -- I have a hard time sometimes wondering if I would
24 be -- you know, I considered myself a natural. And if
25 I had these kind of relationships with students all

1 the time, in other words, if it was like something
2 wrong with me, then I would say don't give me my job
3 back. But that's not been the case. The fact is, I
4 have always conducted myself professionally with my
5 students. My -- I had a flawless record until this
6 happened. And, yes, I did let Josh spend too much in
7 my room. And I wish I had that to go back and do
8 over. But I didn't know what else to do. Nobody else
9 would take him in. And even his own teachers that he
10 had now were sending him to me. And it's not like I
11 had a principal that I could approach about that.
12 And, as Ms. Fanning said, I approached her. And I
13 told her that this has become more than I can bear.
14 And it had for her, too. I mean, I know she didn't
15 say that, but Josh was on her a lot, too. And he even
16 wanted to go live with her. And she explained to him,
17 "I'm a single woman," and I told -- you know, he
18 wanted to come live with me. And I told him, "You
19 can't live with me." I'm --

20 Mr. Cleveland:

21 Mr. Chairman, Mr. Chairman, Ms. Fanning has testified.

22 She isn't single for starters.

23 Ms. McBride:

24 I meant then. I'm sorry.

25 Mr. Cleveland:

1 And Ms. McBride cannot --

2 Mr. Saylor:

3 Mr. Cleveland.

4 Ms. Sutherlin:

5 Mr. Chairman, I'm a Trustee and I asked this woman a
6 question that is a serious question to me.

7 Mr. Saylor:

8 I know that. I know that, Ms. Sutherlin; and please
9 continue.

10 Ms. McBride:

11 Just that it had become more than I could bear and I
12 had nowhere to go.

13 Ms. Sutherlin:

14 Other people have sermonized, but I'll have to say --
15 I'll reserve it for later. Thank you very much.

16 Mr. Saylor:

17 Dr. Ray?

18 Examination by Mr. Ray:

19 Q. I just wanted to ask about these passwords again. Do
20 you remember your login name and password for the --
21 for all the systems? I mean, I know the one you had
22 for the e-mail and the web are not really -- that's
23 not really confidential information. You know, how
24 about the other systems? NOVELL?

25 A. I do just because they're in notes. Well, they were

1 in my notes from the informal hearing. It jogged my
2 memory. Lobe 1, I can't -- I'm trying to remember.
3 SMcBride, I believe, was my username.

4 Q. Yes.

5 A. That definitely had changed on that system because Mr.
6 Bauer's very good about updating. And as soon as I
7 was married that was changed. Lobe 1 was my password
8 to get into that system. L-O-B-E-1.

9 Q. For what system?

10 A. For NOVELL.

11 Q. And what can you do on NOVELL?

12 A. Well, that's your access to everything at the District
13 except our SASSI was not on the NOVELL. You had to
14 sign off and go onto that. And we all had the same
15 identical sign on. Any teacher could go into any
16 other teacher's grades. It was not, you know, like
17 single.

18 Q. Right. But you could with that Lobe 1 you could go in
19 and view grades?

20 A. No, that was not -- there was no grading system inside
21 of NOVELL. EXCENT was what Josh was talking about
22 when he was talking about entering grades.

23 Q. Yeah.

24 A. He was talking about he had done that on EXCENT. He
25 had access to EXCENT. EXCENT on my laptop. And then

1 he did import for, you know, the things that he did
2 set up on the laptop, he did import those onto my
3 system, my NOVELL system. And the sign on was already
4 up. But we were inside of EXCENT when he did that.
5 It's not like he signed on and went inside of that.

6 Q. But what I'm asking you is, though, with that username
7 do I -- If I had your username and the password Lobe
8 1, do I have access to confidential information or
9 private information of students?

10 A. If EXCENT had files in there, you would. Other than
11 that, no. The grading system was not there. The
12 grading system you had to come back out.

13 Q. How did he come to have -- and he does have in his
14 statement your username and password?

15 A. Right.

16 Q. Not just the password for the Web -- for building the
17 Web page, but the password for your NOVELL account?

18 A. I know. And --

19 Q. How did he get that?

20 A. I don't know that. I wish I did. And I've always
21 said I don't understand that either. And as I said
22 before it was that he had the sign on to the grading
23 system. And now he knows nothing about that. And so
24 it's all been mass confusion. And I'm not trying to
25 make it that way. Before, you know, I don't want to

1 keep saying, "Well, I don't know, I don't know." But
2 I don't know. I don't know how to be any more blunt
3 and any more plain.

4 Q. Who would have that user -- that password?

5 A. Apparently, I don't know if the interrogators, they
6 asked had I written down. It was on the sheet that
7 had Manhattan -- Manhattan was my original sign on.
8 And where I had changed it -- I had changed it on that
9 sheet and filed it. That's the only other place that
10 he could have gotten that password. And I don't know
11 that it was there. And as she said, Ms. Connor said,
12 or Dr. Connor, that the information was there. And if
13 I let my guard down. I mean, you know, I'm admitting
14 that -- I'm not trying to justify to you that he got
15 it that way. But I don't know. But I did not hand it
16 over.

17 Q. Yes. And I have to tell you that the thing I'm most
18 concerned about is a student having access to private
19 records of students. And I agree with the -- see a
20 lot of compassion in the midst of this and maybe some
21 unwise decisions, but I'm still trying to understand
22 how the student gets access to grades.

23 A. The grades -- I'm sorry. I don't mean to interrupt
24 you.

25 Q. You said earlier that -- Well, let me ask you this.

1 Did he have access to -- as he helped with IEPs, did
2 he have access to students' names and Social Security
3 numbers and telephone numbers?

4 A. Only that he -- Well, just their names if they were in
5 the room. He did grade their papers, and he -- my
6 grade book was always open. And, you know, putting
7 things in it, logging, and that kind of thing. But
8 never like into a system where they were being
9 averaged. In other words, if we had a spelling test,
10 I would put those -- write those in a book; but I,
11 actually, used other software packages that did my
12 grade averaging for me. And those were not even on
13 NOVELL, though. Those were actually just on my
14 tabletop because what is on NOVELL is what they gave
15 me access to have. You know what I mean? In other
16 words, that was set up by Mr. Bauer. When I brought
17 in my own software and put that on my computer, it was
18 merely on my tabletop. And that would have been -- I
19 did change in the middle. The first year I had used
20 Teacher Toolbox and then I switched over to -- I'm
21 drawing a blank.

22 Q. That's okay. Is it true that you said that you did
23 not take any IEPs over to Josh's house?

24 A. That's correct. He had my laptop. And as I said
25 before, to do what Josh was doing, to copy and paste,

1 copy and paste to set up -- There are no names there.

2 You set it up "he" or "she" in these different little

3 --

4 Q. All right.

5 A. It's hard to explain unless you've done one, but

6 there's these big chunks of material that say things

7 to the effect "he progressed" in certain areas. In

8 those areas, you know --

9 Q. That's fine. Why do you think both he and his mother

10 testified that they had IEPs in their home?

11 A. I don't know. But what purpose -- I guess I'm trying

12 to figure out what purpose they would serve because

13 you don't need them to do -- to set up blank

14 documents. In other words, they're just there and you

15 click and paste. And you can make one a "he" and then

16 you can copy that. And you can go in and you go to

17 each individual page inside of EXCENT and you

18 highlight it, click copy, move to the next page --

19 move over to, you know, a new IEP, click to that very

20 same spot in a new one, click paste and it's there.

21 Q. That's fine. You say that you just didn't bring them

22 there?

23 A. No.

24 Q. And he says and she says that you did?

25 A. But that --

1 Q. That's where we are with that.

2 A. Okay. But they wouldn't serve a purpose. I bet what
3 she saw was "I'm a Sample." "I'm a Sample" looks like
4 an IEP. In fact, it is an IEP except it doesn't
5 belong to anyone; and it's called "I'm a Sample."
6 That's where your chunks of information are. That's
7 what he -- the original ones that he set up, that's
8 where the information came from. And, actually, he
9 and I did that together. So that's the only thing
10 that I can think of that they would have seen was an
11 IEP is "I'm a Sample."

12 Q. Okay. Thank you.

13 Mr. Saylors:

14 Anybody else? Well, I've a couple, but go ahead Mr.
15 Meek.

16 Examination by Mr. Meek:

17 Q. Ms. Mann.

18 A. Yes, sir.

19 Q. I'm confused a little bit on the SASSI. Which one
20 does the grades in it?

21 A. SASSI at that time. And according to Mr. Mitchell's
22 report, he's saying in the thing that there's no way
23 it could have happened the way that I said that it
24 happened. Unless that has changed, you do not have to
25 have access -- you do not have to be inside NOVELL to

1 access SASSI. SASSI was on the outside on the
2 tabletop. You logged off of NOVELL to log onto SASSI.

3 Mr. Meek:

4 Mr. Chairman, I would like clarification from
5 administration. Do you have to logoff SASSI to use
6 NOVELL?

7 Mr. Saylor:

8 Dr. Fisher?

9 Dr. Fisher:

10 I would have to bring one of the technicians to be
11 very clear versus opinions.

12 Mr. Meek:

13 I would like to confirm that.

14 Mr. Roach:

15 Shall I go ask Ms. Payne?

16 Dr. Fisher:

17 I will because I know which one to get.

18 Mr. Saylor:

19 Go ahead and let's cover everything you have, Mr.
20 Meek, except for that. We'll continue to move on.
21 And then when someone comes in, we will --

22 Mr. Meek:

23 Your understanding is --

24 Mr. Saylor:

25 Wait a minute. I'm sorry to interject --

1 By Dr. Fisher:

2 Mr. Roach knows the answer. He deals with --

3 Mr. Saylors:

4 Mr. Roach, can you address the answer, please?

5 Mr. Roach:

6 The NOVELL login, when you turn your computer on --
7 any person in the District, any time you turn the
8 computer on, your first log in screen is your NOVELL
9 login screen.

10 Mr. Saylors:

11 But the question is do you have to shut one down to
12 open the other?

13 Mr. Roach:

14 That brings you into the system and hooks you up to
15 the server which is Berea High School's server which
16 has all the information on it. There would be a SASSI
17 icon. What she's talking about there is two different
18 strings. You have an administrative screen, and you
19 have a teacher's screen. You login out of them, but
20 once you login the computer, you're into NOVELL which
21 means it takes you --

22 Mr. Saylors:

23 Okay. Then you go from NOVELL to SASSI?

24 Mr. Roach:

25 There is a SASSI icon on the teacher/administrative

1 screen.

2 Mr. Saylors:

3 Does that answer your question, Mr. Meek?

4 Mr. Meek:

5 I'm not sure.

6 Ms. McBride:

7 And that's not the way it would have been when I was
8 there.

9 Mr. Meek:

10 So you're saying that you can get into SASSI from the
11 NOVELL? So once you're in NOVELL you can go back and
12 forth into SASSI?

13 Mr. Roach:

14 NOVELL is your -- You turn the computer on, it won't
15 let you get into the computer unless you login. That
16 is NOVELL.

17 Mr. Meek:

18 But once you're into NOVELL. That is NOVELL. So once
19 you're there, then you can go to SASSI, you can go
20 anywhere on the NOVELL system. Right?

21 Mr. Roach:

22 Like I say, there are different screens on teachers.
23 They have an administrative screen and a student
24 screen. The student screen would be so they could
25 work on encyclopedia, different things that come from

1 the media center. The teacher screen is the one that
2 has SASSI on it. Once you log into NOVELL, it takes
3 you to another login screen, and that's when you
4 denote if you're going to the teachers' screen or the
5 students' screen.

6 Mr. Meek:

7 Certain items that the student would have access to
8 for doing reports and things like that?

9 Mr. Roach:

10 We admit -- we expressed over and over again to
11 teachers they do not open their administrative screen
12 because it has SASSI on it.

13 Mr. Saylor:

14 Can I ask a quick question if I may? Now, how long
15 has that been implemented? In other words, has that
16 been implemented in the last year, maybe two years or
17 --

18 Mr. Roach:

19 As long as I've been in administration which is 10
20 years you login into NOVELL.

21 Mr. Saylor:

22 So there hasn't been any significant program changes
23 in the last couple of years?

24 Mr. Roach:

25 No. Teachers still have -- I still stress to teachers

1 that they have to keep their teachers/administration
2 screen --

3 Mr. Saylor:

4 I'm sorry, Mr. Meek. Go ahead.

5 Mr. Meek:

6 Thank you. That's been clarified.

7 Examination resumed by Mr. Meek:

8 Q. Okay. Ms. Mann, your understanding was that you had
9 to go in and out of this SASSI with NOVELL?

10 A. I know that you did. Yes, sir. In fact, there was a
11 big complaint of a couple of people that I trained to
12 use the system. We had -- Ms. Deborah Shaw, when she
13 came on board, I had to teach her how to enter grades.
14 And I remember her ranting and raving about the fact
15 that she had to sign off. And, trust me, that's not
16 the way that it worked. I mean, surely that can be
17 substantiated. I was one of 65 teachers at Berea High
18 School. You had to sign off of NOVELL to sign on to
19 SASSI. And if it's changed, it has changed since I
20 worked at that school.

21 Q. Okay. When you first brought up your computer, what
22 did you have to do?

23 A. I had the two screens. It would default to the last
24 thing that you were signed on to. If it was CR, that
25 was your classroom and it would have a classroom

1 number beside of it. CR110 or whatever --

2 Q. Was it the NOVELL or SASSI?

3 A. This is the sign-on to NOVELL. Actually, unless you
4 want to sign onto SASSI -- if you want to sign onto
5 SASSI, you just click both of those screens down and
6 it would be an icon when Windows opened. You would
7 have a little screen in the middle that would have a
8 username and a password. If your students were the
9 last ones on, it would default to CR110 was my room
10 for years. And the password was -- I don't even
11 remember the password to that; but, anyway, that's
12 where it stayed. If I wanted to override that, then I
13 had to go above the CR, type in my last name -- my
14 initial and last name -- and then type in a password,
15 Lobel.

16 Mr. Roach:

17 That is correct. That is a correct statement.

18 Mr. Meek:

19 Okay.

20 Mr. Cleveland:

21 Mr. Chairman, for the record, in your materials from
22 Mr. Mitchell, attachment 7, is a memo to all teachers
23 from a guidance counselor Crystal Hunt "Entering
24 Progress Grades using SASSI," and it explains the
25 step-by-step process.

1 Mr. Saylors:

2 Okay. Thank you, Mr. Cleveland.

3 Examination resumed by Mr. Meek:

4 Q. Okay. So Josh was in your classroom, got familiar and
5 I assume, pretty chummy, pretty friendly?

6 A. Well, he didn't call me Sherrie, but yeah. I wouldn't
7 say we were chummy. Josh, obviously, considered me a
8 good friend and I did him. He's very mature for his
9 age. And, yes, I did let him sit at my desk and do
10 things that at the time did not seem unprofessional to
11 me. He was there, he was doing teacher aid type work.
12 And so when he started playing with the laptop and
13 doing the things that he did that, apparently, appear
14 to be inappropriate to some people were, again, just
15 another duty of something he was doing of copying and
16 pasting. There was no student information involved
17 there. I've always maintained that. And, if
18 anything, that he's thinking about grades, I printed
19 off sheets from SASSI. I still have those prints. I
20 saved them in case I needed them for anything. And it
21 has the students' grades and things that I would go in
22 and print off of there that had their grades on it
23 that I took home and did myself. If I had, you know,
24 turned those things, you know, over to him, then I
25 wouldn't have them, I wouldn't think. I don't know.

1 You know, in other words, I feel like that a lot of
2 things he may not remember happened the way that they
3 really happened as far as that goes because these are
4 things I did myself. And he knew, like I told -- like
5 he testified, these are things he was told that he was
6 not have access to, that it was private information.

7 Q. Tell me again what you took over to Josh's house
8 before spring break.

9 A. My laptop. I'm trying to remember if he took it home
10 with him from school because seemed like he already
11 had it to be honest with you. I just cannot remember
12 if I already let him take it home. I did run by there
13 one afternoon. And I did go on a cruise for spring
14 break. And he did take it home because he wanted to
15 take it home and do it. And, as I said, I didn't
16 oppose him doing it. I didn't ask him to do it. I
17 didn't force him to do it. And I didn't say, "Josh,
18 can you please help me out, I've got to go on this
19 cruise," and blah, blah, blah. It's something he
20 wanted to do, and I let him do it. And now, in
21 hindsight, I agree with you 100 percent. It was not
22 smart on my part. And if I had it to go back and do
23 over again, it would not happen.

24 Q. So did you have some --

25 A. "I'm a sample" copy. That's what had -- that's the

1 prototype that is distributed by Special Ed Services
2 that has the information that becomes your IEP.
3 That's that 70 percent of data that I was talking
4 about that gets entered.

5 Q. Did you have some reports that had to be done when you
6 got back off the cruise, that had to be done the next
7 week or --

8 A. Not any reports. I did have five -- and that was
9 correct. He testified that there -- that I would have
10 needed to set up five of those, and he did do -- he
11 did set up those five. I don't think he probably did
12 it in two hours. It takes a little bit longer than
13 that to do it. And it was sweet of him to do it. And
14 it was a big help for me to do it. Other than that,
15 nobody has ever touched them. It was just one -- he
16 was in my room anyway when this was going on in my
17 classroom and I permitted for him to do it, but it's
18 not like I was in search of someone doing my IEPs or --
19 - no one had ever done my -- I have always done my own
20 IEPs. And other than setting up those five, I had 20
21 -- over 20 IEPs that I did. And I'm not trying to
22 justify him doing those five. I'm just saying, this
23 was an isolated incident, period. Out of all the
24 years I had taught, this was an isolated incident.

25 Q. Did you offer to pay him?

1 A. I did say, "I feel like I owe you something." And I
2 did want to do something for him and he would not take
3 it. I do remember that after him say that. I don't -
4 - we did not say, okay, will you do these for X number
5 of dollars or whatever. But I did tell him I felt
6 like I owed him something and he did refuse that.

7 Q. What he was doing on the computer copying and pasting
8 was for five different IEPs?

9 A. It was five different students that --

10 Q. Would that be 70 percent of the information that was
11 standard for everyone?

12 A. He did. It's standard and he copied and pasted.

13 Q. What kind of information is that?

14 A. When we get this "I'm a Sample," there's these chunks
15 on each page that addresses questions that are on the
16 IEP. And it is to be the same. We're not to deviate
17 from that, according to Special Ed Services. So the
18 only thing that can deviate would be the grades and
19 the like current levels and projections for the coming
20 year.

21 Mr. Meek:

22 Mr. Chairman, I'd like to stop again and ask
23 administration if that is true about the Special Ed.

24 Mr. Cleveland:

25 Mr. Chairman, I'm confident none of us writes IEPs for

1 students. We can get in someone -- call Mary Smith to
2 ask her how to do that. That would be fine.

3 Mr. Meek:

4 I would like to know that. I mean that's important to
5 me to know whether that available -- it's the same
6 information for all students, and I would like to a
7 little further know exactly what kind of information
8 it is, whether it is generic information or if it is
9 more confidential information.

10 Mr. Saylor:

11 That's fine with the chair, but time is precious. If
12 we're going to get Dr. Smith up here, we need to do it
13 -- Wait a second. Wait a second. No, go ahead and
14 do that. I'm talking about up here. Have you got any
15 other questions until this is done?

16 Mr. Meek:

17 I do.

18 Mr. Saylor:

19 Okay. Then we need to continue unless Dr. O'Connor
20 has got a question.

21 Dr. O'Connor:

22 Ms. Mann, a point of clarification that I'm interested
23 in what -- and it may be just as part of the question
24 that Mr. Meek will get the answer to. What I heard in
25 the earlier testimony by Josh was the type of

1 information that he put in on those cases. And what I
2 heard her say was that that was not the type of
3 information she expected him to put in there. But to
4 me it doesn't matter, if it's SASSI or NOVELL or a
5 prior record, the fact is if he was, in fact, putting
6 in that kind of information, he shouldn't have been.

7 Mr. Saylor:

8 Let's let Mr. Meek finish his questioning. Go ahead.

9 Examination resumed by Mr. Meek:

10 Q. Sort of along with what Dr. O'Connor is saying, when
11 he made -- took this template and made these different
12 he's and she's and copies for the IEPs, how did you
13 distinguish when you got ready to look at them whose
14 IEP it was, a he or a she?

15 A. It was -- it says he or she on it. When you go to set
16 them up, you can -- the way that I usually set them up
17 when I go to copy and paste them before I even start
18 putting -- plugging in any information, I'll just give
19 them a number like one, two, three, you know. And I
20 think I have to -- I can't really remember, but I
21 think I had to put in -- it wasn't a full Social
22 Security amount of numbers, but I think it was like
23 five. I think you had to put a minimum of five digits
24 for it to set. And I guess you can verify that, too,
25 because I'm not real sure. But that's the way that I

1 would set them up. And I would just go in and put in
2 like one, two, three, four five and get them --

3 Q. So are you saying that's how you told Josh to do it?

4 A. As far as my recollection is that is the way we did
5 it. He made the first prototype. We did that one
6 together at his house. That's what she was talking
7 about, that I had come by his house and showed him how
8 to do that. And I'll be honest, it was a big relief
9 to me that I was -- I was going through a lot with
10 ADEPT and other things and that he was so willing to
11 do it and smart enough to do it. And, as I said, I
12 mean, I don't want to minimize what has been said
13 because I do own that. I do take responsibility for
14 the fact that I dropped the ball, but we have students
15 who go by and cut their teachers grass for money. We
16 had babysitters at the school. And to me it is no
17 different from a chore that he was doing. You know,
18 not that he had to do it. But, in other words, I
19 didn't rationalize it, but looking back on it now, to
20 me it seemed perfectly natural the same as cutting
21 grass or babysitting or whatever. But I understand --
22 there was no personal information involved there
23 though. That's for sure.

24 Q. So you're saying that Josh -- you did not instruct
25 Josh? You did not give him the name, Social Security

1 numbers, date of birth?

2 A. He was in my room with the very same students that I
3 did the IEPs for. So he knew these students. Just
4 being in my room, I guess, technically, could be
5 considered a breach of information or whatever because
6 these kids were in my room. It was common to talk
7 about out classes. It was common to talk about the
8 education terms that were supposed to be so
9 detrimental to having him know. This was the
10 environment of a special ed classroom.

11 Q. Okay. I understand that. But you did not give him
12 the information to put on these IEPs?

13 A. No. Just the "I'm Sample."

14 Q. When you came back off your trip and looked at the
15 IEPs that he put the template on all these sheets, did
16 they have names, Social Security numbers, date of
17 birth and things on them -- grades?

18 A. No. The point is I needed the templates to finish
19 setting those up myself. The students had not even
20 been tested at that point. I was in the process --

21 Q. In the spring of 2003?

22 A. That's correct. And I was in the process --

23 Q. So the grades were not available to even put on them?

24 A. Only first semester grades. And you don't necessarily
25 have to put second semester grades. We can put a

1 tentative one toward the end. But the point I was
2 trying to make is we had to test them for their
3 current levels, even though we do use their grades as
4 one of their current level. In other words, that's
5 indicative of -- that's half of the current levels.
6 The other half is that we have to test them
7 individually and put those scores into -- on that
8 front sheet and all that has to be evaluated. We have
9 keys that helps us to interpret what those test scores
10 mean.

11 Q. Okay. The IEP does it show -- this was in the spring
12 of 2003. So, apparently, they had already been tested
13 in the fall of 2003 and so on?

14 A. We test them ourselves in the spring. As we write
15 their IEPs we test them.

16 Q. Is that the only time you test them?

17 A. That's correct. We are --

18 Q. So there's no grades to put on there. Is that what
19 you're saying?

20 A. Well, only the first semester grades would be the
21 accurate thing to put on there at the time. We --
22 when we go to Special Ed Services in the spring, we
23 would be given "I'm a Sample." We would be made aware
24 of any changes that had occurred, you know, that we
25 would be doing on the IEP. And we were given the

1 testing material that we test these students for the
2 IEP.

3 Q. Okay, Ms. Smith is now in the room. Would you
4 reiterate to me what the 70 percent consisted of?

5 A. Well, there's -- like the first sheet is all -- is
6 completely blank. In other words, that would be
7 specific to the student. The last three or four
8 pages, depending on how many sets of goals, that you
9 would make for each individual student would be
10 specific to that student although, commonly, they
11 would have a lot of the same goals; but there's a lot
12 of stuff in the middle, in the bulk of that IEP, that
13 is, basically, the same. On every single IEP we are
14 instructed on what blocks to check throughout the
15 entire IEP. Even down to when we have an IEP meeting,
16 we would go into those meetings and we would be told -
17 - you know, we'd go over to this list and this is what
18 you will check. It's understood that they're,
19 basically, cookie-cutter and that the individual
20 information on the front page and the goals are,
21 basically, what changes throughout that thing, though,
22 you will have some students -- If a student is
23 receiving speech therapy, that will be noted. If
24 there's any kind of special transportation, that would
25 be noted, but as a general rule all IEPs are the same

1 except for the information on the front page and the
2 goals at the back are left up to the teacher's
3 discretion.

4 Q. You're saying that consists of about 70 percent of the
5 IEP?

6 A. I would say -- It's been a big topic in a lot of
7 Furman classes that I've been in. And a lot of
8 special ed teachers are very upset with the fact that
9 we don't have more leeway or say-so as to the way that
10 an IEP is supposed to be written. And as Mr.
11 Cleveland pointed out first, you know, earlier, he was
12 trying to say don't you realize it was supposed to be
13 individualized? Yes, we do realize that. Are we
14 permitted to do that? Rarely. Rarely.

15 Mr. Meek:

16 Mr. Chairman, is it acceptable for Ms. Smith to
17 confirm that?

18 Mr. Saylors:

19 Well, I think we need to call administration and let
20 them in turn, ask them if this is correct and have Ms.
21 Smith verify that.

22 Dr. Fisher:

23 Yes, and Ms. Smith doesn't know why she's here, so we
24 -- I didn't get a chance to tell her.

25 Mr. Saylors:

2 || Mr. Cleveland:

5 | Mr. Saylors:

8 * * * * * *

[illegible]

14 Mr. Saylors:

25 Ms. Smith:

1 Absolutely not. If you're -- the components of the
2 IEP are identical on every IEP. That means you have
3 to have a present levels of educational performance
4 section. You have to have a section of the IEP where
5 you address the student's participation in state and
6 District-wide testing. You have -- all IEPs have to
7 have goals and objectives. All IEPs you have to
8 address least restrictive environment in a very
9 calculated way for all the questions are the same, but
10 the consideration for each individual child is
11 individualized. So the answers -- I mean, yeah, the
12 questions are the same, but the responses are
13 generated based on the individual child and their
14 needs.

15 Mr. Saylors:

16 Mr. Meek, if you -- I hope I was able to --

17 Mr. Meek:

18 I think you were. How many pages is an IEP?

19 Ms. Smith:

20 That depends on how involved the child may be. If
21 it's a child who is, for example, a speech student
22 only, it might be five or six pages. If it's a child
23 who's self-contained in one of our specialized
24 facilities, it might be 20.

25 Mr. Meek:

1 Ms. McBride, testified earlier that hers were around
2 20 pages.

3 Ms. McBride:

4 We'll, I've had them as big as that. They're
5 generally 15.

6 Mr. Meek:

7 Okay. If I understand your answer correct, Mary, is
8 that the first page is the individual -- or you didn't
9 say that, but I think Ms. McBride did -- the first
10 page is the individual's information?

11 Ms. Smith:

12 The first page, generally -- Well, it has personally -
13 - personal identifying information. And then it has
14 what we call the present levels of the educational
15 performance section. And so if a child's basic
16 deficits are academic ones, you're going to put scores
17 there that reflect those deficits because the rest of
18 the IEP is -- when you state the problem in present
19 levels, then the rest of the IEP addresses the
20 problem. So you might have an academic section. If
21 there are behavioral problems, you might have that.
22 You might have a section that addresses how the child
23 is able to conduct themselves in a classroom setting,
24 you know, or do they have problems with attending, do
25 they have problems completing their work, do they have

1 organizational problems in terms of handing their work
2 in when they come to school or getting their book bag
3 together when they leave school. If you are
4 physically involved, they may be gross in fine motor
5 goals that are in the present level section. So you
6 choose those different components that you address
7 based on the individualized needs of those children.
8 So one child might have articulation in present levels
9 and then another child may have two or three pages of
10 different areas where you use assessment results and
11 record it.

12 Mr. Meek:

13 So if Ms. McBride had 25 students, could she apply 70
14 percent -- should she apply 70 percent of the
15 information to all 25 or all --

16 Ms. Smith:

17 I would say that's highly unlikely. You mean should
18 she complete those --

19 Mr. Meek:

20 Yeah, using that cookie --

21 Ms. Smith:

22 -- 70 percent of the documents in exactly the same
23 way?

24 Mr. Meek:

25 Yes.

1 Ms. Smith:

2 I would say that's terribly unlikely.

3 Mr. Meek:

4 Could it be 5 percent, 10 percent, 20 percent, 30
5 percent?

6 Ms. Smith:

7 I -- Mr. Meek, I don't really think of an IEP -- You
8 know, that's hard for me to answer because you
9 consider the response to every question on the IEP or
10 every component in an individual fashion. So I would
11 hope that the thought you give to answering any aspect
12 of it is totally based on the needs of the child.

13 Mr. Meek:

14 For each one?

15 Ms. Smith:

16 For each --

17 Mr. Meek:

18 Each separately?

19 Ms. Smith:

20 Absolutely. Yes, sir.

21 Mr. Saylors:

22 Dr. O'Connor, Dr. Ray, now this are questions for Ms.
23 Smith only.

24 Mr. Meek:

25 I have more questions.

1 Mr. Saylors:

2 I understand that.

3 Dr. O'Connor:

4 If there is a part on the IEP that has name, Social
5 Security, address, grades and academic goals, which
6 according to some earlier testimony someone
7 manipulated that kind of information, is there a
8 certain place in the IEP where all of that is or is it
9 throughout?

10 Ms. Smith:

11 Like the name, the Social Security number, that sort
12 of thing, it's in one place.

13 Dr. O'Connor:

14 Okay. What about the grades?

15 Ms. Smith:

16 Like their -- their class grades for like a quarter or
17 --

18 Dr. O'Connor:

19 Or if you were carrying something over from an old IEP
20 to set up one for the new year?

21 Ms. Smith:

22 When we -- I -- Normally, you know, just routinely we
23 generate new present levels information every spring
24 in preparation for the next year. I'm not quite sure
25 what information we would carry over.

1 Dr. O'Connor:

2 So there really wouldn't be a need to look at an old
3 IEP when you were setting up a template for the child
4 for the new year?

5 Ms. Smith:

6 Well, as a teacher, I would always be interested, you
7 know, in where the child was and the assessment
8 information that I have at a given time to see what
9 difference there is.

10 Dr. O'Connor:

11 So if you looked at an old one, though, you would have
12 all of that information? You'd have the grades, the
13 goals? There wouldn't be anything left out if it was
14 --

15 Ms. Smith:

16 Well, I would like to make it simple, but I think the
17 answer to that is that depends. If it's an
18 articulation problem that a child has, you might not
19 have classroom grades reflected. You know, that might
20 not be something that's necessary. If your --

21 Dr. O'Connor:

22 Let's put it a different way. Would you have all of
23 the individualized personal information about a given
24 student on an IEP that was completed last year? That
25 would all be there at some --

1 Ms. Smith:

2 If it was completed properly, yes.

3 Dr. O'Connor:

4 Would it be fair to say that no student should see an
5 IEP of another student, even if it was an old one,
6 because it would have that kind of individualized
7 information on it?

8 Ms. Smith:

9 You're asking me if the IEP -- if it would be okay for
10 another student -- for one student to see the IEP of
11 another?

12 Dr. O'Connor:

13 Right.

14 Ms. Smith:

15 It would not.

16 Dr. O'Connor:

17 Not any part of it? Not any part -- even the -- let's
18 say the template or the -- sort of the set up that
19 might just have a little bit of information?

20 Ms. Smith:

21 It'd be okay for them to see a blank form.

22 Dr. O'Connor:

23 A blank form only. But not anything that had
24 individualized information on it like name, Social
25 Security number, any of that?

1 Ms. Smith:

2 Well, a name, a birth date. I mean, I -- you know, I
3 don't think anybody's ever asked me that question
4 before. We don't show IEPs from one student to
5 another.

6 Dr. O'Connor:

7 Because the whole thing is confidential?

8 Ms. Smith:

9 It's a confidential document.

10 Dr. O'Connor:

11 Even if it was just to say what their problem was and
12 what their diagnosis -- that's confidential?

13 Ms. Smith:

14 Absolutely. That is. There needs to be a need to
15 know to share information.

16 Dr. O'Connor:

17 So old or new is not irrelevant? If it's an old IEP
18 or one for the current, that year, that's not really a
19 relevant distinction? If it's a person's individual
20 documentation, then the rights of privacy apply
21 whether it was past or present?

22 Ms. Smith:

23 That's correct.

24 Dr. O'Connor:

25 Okay. And then the academic goals for the next year,

1 that's individualized?

2 Ms. Smith:

3 That's correct.

4 Dr. O'Connor:

5 That's fine. All right, that's all.

6 Mr. Saylors:

7 Dr. Ray.

8 Dr. Ray:

9 Thank you Mr. Chairman. Hi.

10 Ms. Smith:

11 Hi.

12 Dr. Ray:

13 Do we have a computer program that has a template of
14 an IEP set up so when a teacher develops one of these
15 they don't start just with a piece of blank paper?

16 Ms. Smith:

17 We do. And we're really becoming much more
18 sophisticated in that area so that the information
19 that would be recurring such as the Social Security
20 number, the Medicaid number or whatever, the birth
21 date, that it will automatically come forward.

22 Dr. Ray:

23 How long has that form been available for computer
24 access?

25 Ms. Smith:

1 I'm afraid to answer that because I'm not sure.

2 Dr. Ray:

3 That's fine. If I -- Let's assume for a moment we
4 don't have that form online. We have a paper copy.
5 If I have 20 students that they have IEPs and I'm
6 going to be responsible for, you know, creating new
7 plans for them, can you or someone with some computer
8 skill, what could you do to help me expedite my work
9 without having any personal information of these
10 students? What would you -- how could you help me to
11 do that?

12 Ms. Smith:

13 Well, we hold computer trainings where we have labs
14 where people -- we show folks how to -- how to access
15 the software to work on the software.

16 Dr. Ray:

17 But if you were just -- if I was wanting you to create
18 a template for me to use on the side. If I said, "Hey
19 Mary, when you're off in the evenings, would you do
20 this for me," how much could you do to create an IEP
21 template without any personal information?

22 Ms. Smith:

23 Well, you could create the template without any at all
24 because the law requires -- we don't have a word on
25 that form that's not required to be there. So, I

1 mean, the form is the form is the form. The -- you
2 know, the requirements for components that must be
3 covered are just that.

4 Dr. Ray:

5 So, really, I mean, you could do that probably pretty
6 quickly with just one form, but there wouldn't be much
7 else you could do without any personal information.
8 Now, if I gave you all the personal information, you
9 could put in some of that and then I could come in --

10 Ms. Smith:

11 I couldn't complete anything. I mean, I have to know
12 something about the child to complete the IEP.

13 Dr. Ray:

14 Got it. Okay. Thank you.

15 Ms. Smith:

16 You're welcome.

17 Mr. Saylors:

18 Any other questions of Ms. Smith? Mr. Cleveland.

19 Mr. Cleveland:

20 Mary, is there any part of an IEP of a template part
21 of an IEP, a standard part of an IEP that would have
22 to be changed from male to female to say he or she?

23 Ms. Smith:

24 Not that I know of.

25 Mr. Cleveland:

1 Thank you, Mr. Chairman.

2 Mr. Saylor:

3 You got anything you want to ask?

4 Ms. McBride:

5 Is it not common practice that we are given "I'm a
6 Sample," and I'm speaking specifically at a grade
7 level. I taught high school. We were given "I'm a
8 Sample," and there's chunks of information throughout
9 that sample, and that is the information,
10 specifically, the information. And it even has he
11 slash she, depending on who it is that we plug that
12 information in for. That's the way it was when I did
13 it, and it was common practice that we were told that
14 it had to be done that way. And we were told what to
15 check at a meeting. And that can be substantiated.
16 I'm telling you.

17 Ms. Smith:

18 We train teachers every spring that IEP documents are
19 individualized. Every consideration is
20 individualized. We certainly have provided samples to
21 our teachers in order to be helpful. In order to --
22 sometimes the writing skills of our teachers, some are
23 stronger than others. And we certainly wanted to
24 avoid -- sometimes you get phrases or writing -- we
25 wanted -- we have -- I don't know how many of them we

1 have developed, but many sample IEPs so our folks can
2 get some guidance that way. They've asked for them.
3 So have we provided that, yes. Have we indicated in
4 any way that this is what you say and you can't say
5 anything else, no.

6 Ms. McBride:

7 Is there a policy that prevents other teachers --
8 teachers from having other people do their IEPs?

9 Ms. Smith:

10 Is there a policy that what now?

11 Ms. McBride:

12 That teachers can permit other people to do their
13 IEPs?

14 Ms. Smith:

15 I'm not aware of any policy in our District that has
16 anything to do with individuals writing IEPs for other
17 individuals.

18 Ms. McBride:

19 So are you aware that some teachers do hire people to
20 do their IEPs?

21 Ms. Smith:

22 No, I'm not.

23 Ms. McBride:

24 Okay.

25 Mr. Saylors:

1 Let me clarify one thing though. You're telling me
2 that there is no policy that prohibits a teacher from
3 outsourcing data entry on an IEP?

4 Ms. Smith:

5 I can't imagine why the --

6 Mr. Saylor:

7 Don't imagine why they would. It's just, if I'm a
8 teacher -- If I'm a teacher and I don't have time to
9 physically input the data on a group of IEPs in my
10 special ed class and I go to another teacher or to a
11 student or a computer data entry clerk, I give them
12 the raw data and the computer program, there's nothing
13 prohibiting me --

14 Ms. Smith:

15 Well, we have a policy that addresses confidentiality
16 and laws under FERPA. So I mean, that would say you
17 couldn't do that.

18 Mr. Saylor:

19 Okay. That clarifies that. Okay. Mrs. Sutherlin?

20 Ms. Sutherlin:

21 One quick question. Mary, how many out of field
22 teachers do we have in the District in special ed?

23 Ms. Smith:

24 Ms. Sutherlin, I'm sorry, I don't know.

25 Ms. Sutherlin:

1 A whole bunch?

2 Ms. Smith:

3 I don't know. We're in better shape than you would
4 think, but I -- I just don't know.

5 Ms. Sutherlin:

6 Do they get the same training that the --

7 Ms. Smith:

8 Out of field people who are like permitted to teach
9 who aren't fully certified? We offer through the
10 state, there's a project called Project Create. And
11 we offer for any -- we have -- We have lists of them.
12 We contact them personally. We know the course work
13 they need, and the State is providing that course work
14 to them free of charge and has been -- This is, I
15 think, the fourth year of that project. So it's a
16 very aggressive program to insure that these people do
17 have the training and certification they need.

18 Ms. McBride:

19 Can I ask one more question?

20 Mr. Saylors:

21 Yes, ma'am. I'm sorry.

22 Ms. McBride:

23 So is there any type of system in place that is a
24 security -- that blocks that information from being
25 leaked? In other words, a minute ago I asked you was

1 it not okay for teachers to hire someone to do their
2 IEPs, which I do know to be a fact. If there's no
3 policies in place, then why aren't they permitted to
4 do it?

5 Ms. Smith:

6 Well, what I hope I indicated was that although you
7 don't have a policy in place to address the very
8 situation you just described, there are laws in place
9 that protect the confidentiality of children. So if a
10 teacher -- we certainly every year talk about
11 confidentiality and how educational records are
12 protected. So that way a teacher would know that they
13 can't just share that information to anybody.

14 Ms. McBride:

15 I understood that as a teacher. I'm just asking you
16 -- I do know of instances where there are teachers who
17 have been ill that have had outside sources do their
18 IEPs for them. And I was just curious as to what
19 security measures or guidelines are there that
20 dictates to a teacher what he or she can or cannot do
21 concerning the writing or authoring of an IEP if
22 there's not been -- In other words, I appreciate that
23 it's understood that it's confidential. And I always,
24 you know, appreciated that. But at no time have I
25 ever had any type of direction. Not at any time have

1 I have been explained any type of security system that
2 prevents -- or that a teacher can use as a guideline
3 to do this, not to do that, et cetera. And I guess
4 that's my question to you, is how can you -- why --
5 how am I being held responsible for something that you
6 don't have a security plan in place for?

7 Ms. Smith:

8 Well, I think -- Every year we do in service our
9 teachers on confidentiality. Furthermore, in every
10 records room in every school in this district, there's
11 a listing of people who have access to that
12 confidential information. And so it's listed. It's
13 in the school. It's in writing in every building we
14 have.

15 Mr. Saylor:

16 Thank you very much. Mr. Meek?

17 Mr. Meek:

18 Thank you.

19 SHERRIE MANN McBRIDE, having been previously sworn,

20 testified as follows:

21 Examination resumed by Mr. Meek:

22 Q. Ms. Mann, going back to Josh's statement again. You
23 heard him and you heard his mother dispute about the
24 files that you brought over to the house, and you sort
25 of explained that away given "I'm a Sample" on your

1 computer and they didn't mention your computer, and I
2 didn't make a point of that, so I'll go on to another
3 question. You did confirm that you never gave Josh
4 your e-mail, and I think Josh admitted he figured out
5 your password?

6 A. But I was dismissed for it in my letter.

7 Q. That's what I'm saying. That's what he said.

8 A. That's correct, sir. I did not.

9 Q. And you're also saying that you did not give him the
10 CD which they recovered from his house?

11 A. That's correct.

12 Q. That Intergrade Pro. And you never used that or never
13 -- Did you say to him at any time, "Josh, I don't know
14 how to -- how to use this program, can you figure it
15 out for me"?

16 A. I don't remember that. There were other things --
17 other software packages that he had helped me with;
18 and to be completely honest with you, I'm not sure
19 that that did not happen, but I've replayed it in my
20 mind and tried to remember if it did happen. I don't
21 see how him learning a grading system, you know, would
22 -- In other words, that was so far off. That was not
23 anything in the immediate plans for us to be doing.
24 It was not a concern to me. It was just there. It
25 was thrown in my desk. And so for him to learn it to

1 teach me was unnecessary. It was -- When the CDs were
2 given to us -- and I had had that CD from the
3 previous school year. I, specifically, remember us
4 getting it, you know, before school let out that
5 summer. And there had been no talk of it, you know,
6 starting any time soon. We were not being trained on
7 it as of yet. I had never used it, never loaded it on
8 any computer at school or otherwise.

9 Q. The note in question that came from Enoree, and I
10 don't have it. It is, I think, laid over on the desk
11 over there. You may want to look at it for the next
12 question.

13 A. Yes, sir.

14 Q. Do you have a copy of it?

15 A. I have it right here.

16 Q. Okay. You very adamantly stated that was not your
17 signature, that was a forgery?

18 A. That's correct. It is.

19 Q. Did you write the rest of the note?

20 A. No, sir. That's not my handwriting.

21 Q. You did not write any note?

22 A. No, sir.

23 Q. None whatsoever?

24 A. None whatsoever. And I'm glad to have this because
25 all this time all I've heard is about all these passes

1 and this confirms my belief. So I'm glad to have that
2 in my hands.

3 Q. What is your belief?

4 A. Is that my signature has been forged a lot.

5 Q. You did admit to letting the student drive your
6 vehicle while you were in the car?

7 A. I did.

8 Q. And you did admit to letting him take it for what you
9 thought was a video?

10 A. Yes, sir.

11 Q. Okay. You -- I heard y'all say that he did tell you
12 he had a driver's license?

13 A. Yes, sir.

14 Q. I think at some point in time, either in your
15 statement or whatever, you said that his mother gave
16 him permission to drive your vehicle?

17 A. That was on the day that he went to resources with me.
18 That was the day that we went out and spoke to his
19 mother. The day that he went over to Ingles, no, I
20 did not call his mother.

21 Q. Was there any mention that he had a permit at that
22 time?

23 A. No, sir. It was understood that he had a driver's
24 license, and he --

25 Q. Understood by you?

1 A. Understood by me. And his mother had confirmed that.

2 So --

3 Q. That he had a driver's license at the time?

4 A. That's correct. I'm almost certain he drove to school
5 a couple of times, but I can't -- You know, in the
6 back of my mind, I remember he didn't have his own
7 car, but I do remember he was very excited about the
8 fact that he got to drive and transport himself from
9 the school to Enoree. And I know on one --

10 Q. On his testimony he --

11 A. I know.

12 Q. -- didn't say that?

13 A. I know that. I know that. And I don't want to
14 contradict that because I feel like he tried to be as
15 honest as he possibly could. And considering it's
16 been two years, but that's not the way that I remember
17 it.

18 Q. And you tell us in your statement that you did not
19 give Josh access to the students' names, addresses,
20 Social Security numbers, date of birth or any other
21 information like that?

22 A. Other than the fact, I mean, he was in my classroom
23 and he often would check papers. He knew my students
24 and knew them well. And he was in on a lot of, you
25 know, the planning and things that I did for my

1 students. So, yes, he knew my students, and he knew a
2 lot of what they did and their capabilities, and he
3 helped do that. And he took great pride in that. And
4 he was very good at it. I often commented that he
5 should be a teacher, but he wanted to be an
6 environmentalist lawyer. So --

7 Q. Now he's going into nursing?

8 A. Yes. And he'll be a very good nurse too.

9 Q. Okay. You mentioned earlier that you had your grading
10 book on your desk?

11 A. I did.

12 Q. What information was in your grading book?

13 A. That's where I would generally just write down test
14 scores and that kind of thing. I didn't do any grade
15 averaging in there.

16 Q. What kind of personal information?

17 A. Just their name.

18 Q. Didn't have their Social Security number, date of
19 birth, addresses? That's not in your grade book?

20 A. No.

21 Q. Is there any other place that Josh could have got that
22 information?

23 A. The only thing that I can think of is when we went to
24 import the new information that he had put on disk
25 into EXCENT, the old information is there. And that's

1 -- that's where you override what you put in. In
2 other words, their names are already on my system at
3 school. They just were not on the laptop that he had.
4 So he did import that information to that -- that hard
5 drive for me. So at that point, yes, the Social
6 Security numbers would have been visible. Were they
7 turned over to him, jot these down, you know, that
8 kind of thing? No, sir. But they were there.

9 Q. I think this is -- you probably have answered it
10 before, the part about inappropriate interference with
11 his relationship with his parents. What would you do
12 different there?

13 A. I would definitely, you know, I know I had him on
14 homebound, and that kind of made him my student, but
15 at school he was not my student. And I don't want to
16 -- so many people have tried to counsel me on, you
17 know, you don't want this to turn you against helping
18 people and that kind of thing, but I mean, I do
19 already. You have to stand off, and you have to not
20 take on the weight of the world. And you have to be
21 very careful about what you get yourself involved in
22 because it can become overpowering and it can become
23 their issue. And that's exactly what happened. And
24 to answer your question, to do that different, I would
25 not let him come to my classroom now. Even if he cut

1 himself, I could not let him do that. And that's sad
2 to say, but it's cost me my life and what else can I
3 do? What other option would I have at this point?

4 Q. Having heard Ms. Smith's answers a few minutes ago of
5 what should be on an IEP, where do you feel your
6 misunderstanding was?

7 A. I'm not -- I'm not misunderstood. In other words,
8 she's incorrect. And I don't want to -- Trust me, it
9 is -- I'm talking about -- I think she's being more
10 District wide and comparing high school, you know, ND,
11 LD child to that of a child who has been placed over
12 at one of the centers or something. Yes, those two
13 IEPs would be very different, but you can talk -- You
14 can go pull my IEPs the three years that I did them,
15 compare them and see how different they are. 70
16 percent of those IEPs are identical and that's the way
17 they will all be at the high school level. And I
18 promise you that is the case. That can be
19 substantiated. And it has been often a topic in
20 classes at Furman University that Greenville County is
21 the world's worst about individualizing IEPs, and
22 that's a known fact. And for her to stand here and
23 say this, it was all I could do to keep from saying,
24 "With all due respect, you know that is not true,"
25 because it's not true. And I promise you that it can

1 be substantiated. Other teachers at Berea High School
2 complained of it constantly. We were told about how,
3 you know, what selections we could make on IEPs.
4 There's these other documents that come out earlier in
5 the year, where we're supposed to make decisions as to
6 will there be -- do they need any other -- the word is
7 leaving me right now. But any other special services,
8 in addition to just general education classes, such as
9 hearing aids, laptops for visual problems, those kind
10 of things. I had one student who one guidance
11 counselor at Berea High School was appalled by the
12 fact that I had to do it this way. That is Ms. Huff.
13 And I promise you, she will be very verbal about the
14 fact that we had one student, whose name's come up
15 today, Pedro C [REDACTED] [phonetic] who needed
16 assistance. And I was constantly, you know, turned
17 down on that assistance, and she was -- She got very
18 upset with Special Ed Services. And I said, "This is
19 the way I have to do it." I don't know how to make
20 you understand that this is how we had to do it. And
21 she even pointed out that we were falsifying
22 documents. And, yes, that's exactly what we did.

23 Q. The training that Ms. Smith spoke about earlier, did
24 you attend any of those classes?

25 A. I did. All of them. We got points for going. I have

1 a record of where I attended.

2 Q. How many classes were there?

3 A. We would go in the spring. When I first went to
4 orientation before I became a special ed teacher, it
5 was a two-day training; and that's all the training we
6 got until time to do IEPs. We, basically, train each
7 other to do them. There's not enough time and you
8 don't learn enough in that little two-hour meeting
9 that takes place on a Wednesday afternoon after your
10 classes is over to sit down and write an IEP if you
11 have not done it before. So we train each other to do
12 them and then we learn --

13 Q. When you say train each other, who trained you?

14 A. Lynn Fox trained me somewhat. Sharon Wilson, who was
15 a teacher there at that time, really taught me how to
16 do IEPs.

17 Q. Did she use the same method, the 70 percent --

18 A. That's correct. That's correct. But she --

19 Q. What's her name?

20 A. Her name is Sharon Wilson. She's a still a teacher
21 with the District. Lynn Fox also. Everyone does it
22 that way. Other coaches at other -- other coaches --
23 I had a class with a couple of coaches from Southside
24 High School, and they were very vocal about the fact
25 that they're not allowed to individualize an IEP. And

1 it became a source of -- I thought it was just us at
2 one point who had a problem with it until it started
3 coming up in these classes at Furman. And it is a
4 real problem. And it's like this county is known for
5 it. And I'm not trying to be the bad guy. I'm just
6 trying to tell you the mentality that was behind, you
7 know -- that was just mundane work. What Josh did was
8 just mundane stuff that had to be done to set up an
9 IEP, and it was the same information across the board.
10 And what she said here, when she answered these
11 questions about, is there a place to change he or she,
12 that's exactly what you do do. That is not correct
13 what she said.

14 Mr. Meek:

15 Okay. That's all I've got.

16 Examination by Mr. Saylor:

17 Q. Okay. Thank you. Well, I've got questions that I
18 personally would like to ask. Ms. Mann, during your
19 testimony in trying to explain how Josh may or may not
20 have gotten hold of sensitive documentation, names,
21 Socials and so forth, you stated -- and this is the
22 way I took it -- that there were times when there were
23 multiple IEPs on your desk that others could have
24 taken or looked at or whatever the case may be. Did I
25 understand that correctly?

1 A. Well, I won't say that it was customary for me just to
2 leave them laying around, but I would say that there
3 were probably times that I -- they would have been on
4 my desk. And I'm not saying that he didn't have
5 access to them, but I'm --

6 Q. Other students would have had access to them also?

7 A. Well, Josh more so than anybody. I have had a couple
8 of other aids who probably -- They wouldn't have known
9 what they are to the extent that Josh -- Josh was a
10 permanent fixture in my room that first semester. And
11 when I say permanent, those two classes every single
12 day for several weeks and then --

13 Q. But you do understand that if that sensitive
14 information had been discovered and used by anybody
15 outside of your direct control or the administration,
16 that's an actionable item against the parent or the
17 family of that student against you and the School
18 District? You understand that?

19 A. I do. But what I'm trying to say to you is I didn't
20 do that as a common practice. In other words, I'm not
21 saying that it never happened, but I'm not --

22 Q. My point is this. I have a child with an IEP --

23 A. I understand.

24 Q. And I can guarantee you, my dear, if that IEP had come
25 up, it would have an actionable item. I don't care if

1 I am the Chairman or I'm not a Trustee. Okay? And
2 that's one thing that I have grave concern about is
3 those IEPs sitting out even for a moment unattended.

4 Are there any other questions of the Trustees?

5 Dr. O'Connor:

6 Move that we go out of executive session.

7 Mr. Saylor:

8 I've got a motion to go out of executive session.

9 Mr. Sudduth:

10 Second.

11 Mr. Saylor:

12 I've got a motion and a second. Any discussion? Mr.

13 Meek.

14 Mr. Meek:

15 It's sort of common for us to discuss this before we

16 kind of --

17 Mr. Saylor:

18 I agree with you on that, but there was a motion on

19 the floor. And if you would like to withdraw the

20 motion for a moment, we do need to deliberate for just

21 a few minutes, I would think.

22 Ms. Bush:

23 I think that's what she wants.

24 Dr. O'Connor:

25 I thought -- I didn't realize we had to deliberate.

1 Mr. Saylor:

2 Well, we do need to have a conversation among
3 ourselves; but there again you made the motion, so I
4 had -- I was on honor -- or obligated to --

5 Dr. O'Connor:

6 I didn't know we could have discussion in executive
7 session.

8 Mr. Saylor:

9 I'm going to ask the room to clear, if I could, and
10 let us have a few moments to ourselves.

11 [OFF RECORD]

12 Mr. Saylor:

13 We're are out of executive session at this time. No
14 action was taken. Is there a motion to be presented
15 at this time?

16 Dr. O'Connor:

17 I move to uphold the administration's recommendation.

18 Mr. Saylor:

19 I have a motion made to uphold the recommendation of
20 the administration. Is there a second?

21 Dr. Butler:

22 Second.

23 Mr. Saylor:

24 We have a motion and a second. Any discussion? Ms.
25 Sutherlin.

1 Ms. Sutherlin:

2 I would just like to say that this been a very
3 troubling day and very difficult, and it's a concern
4 to me that -- Safety of the students is the foremost
5 priority, in my opinion. And it seems, you know, a
6 situation where protocol is -- gets ahead of
7 everything else like in New Orleans where nobody could
8 decide whose responsibility was what, and we know what
9 happened after that. So this is just not an easy
10 decision to make. And I haven't made it yet, but it
11 is distressing and I would hope that we might review
12 our procedures in the future after dealing with
13 situations that are life and death as to who's in
14 charge and who's in responsible, ultimately, might be
15 considered because the safety of the children is my
16 first concern.

17 Mr. Saylor:

18 Okay. Thank you. Mr. Meek.

19 Mr. Meek:

20 Mr. Chairman, I agree with Ms. Sutherlin. It's been a
21 hearing without a whole lot of hard evidence. It's a
22 hearing of he said/she said. And it's very troubling
23 to put your finger on. You know, as I've told the
24 Board a couple of weeks ago when we voted to hear this
25 that I know her brother and have talked with him

1 before the case and was aware of some of the items. I
2 think that in my opinion what Ms. Mann is more guilty
3 of than all the charges are probably very poor
4 judgment. I think that she -- We have to hold our
5 teachers accountable. We have to give them the
6 benefit of the doubt, but at the same time, they are
7 the professionals. And I think that what Ms. Mann has
8 done has been very noble. I think that her actions
9 are very honorable. I think what her intentions were
10 were to help Josh. And I think he probably was
11 helped. I hope he is. At least, he is sitting here
12 today. But, unfortunately, for Ms. Mann, I'm going to
13 have to agree with the administration on this.

14 Mr. Saylors:

15 Hearing nothing else. All those in favor of the
16 motion as stated say aye.

17 [Trustees responding]

18 All opposed no. The motion carries, and the
19 Administration's decision is upheld. The Chair will
20 entertain a motion to adjourn this special called
21 meeting?

22 Mr. Meek:

23 So do.

24 Mr. Saylors:

25 I have a motion. A second.

1 I want to thank all of you for coming today and taking
2 a special interest in staying here long enough to
3 dispose of this. Hearing nothing, we stand adjourned
4 at 5:48 p.m.

5 [THERE BEING NO FURTHER QUESTIONS, THIS HEARING WAS
6 CONCLUDED AT APPROXIMATELY 5:48 P.M.

CERTIFICATE

This is to certify that the foregoing Hearing was held on the 7th day of November 2005 at Greenville, South Carolina, by the within court reporter, a Notary Public for South Carolina, duly commissioned and qualified as such;

That said court reporter is not a relative or employee of any of the parties or the attorneys and, further, is not of counsel or attorney for any of the parties to said action and is not in any manner interested in the cause, financial or otherwise;

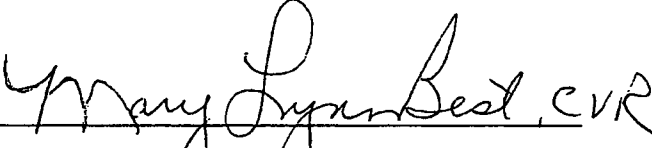
That the witnesses were duly placed under oath and admonished to speak the whole truth; that the oral proceeding was duly taken and transcribed as to the questions propounded and the answers given; that the foregoing 377 pages is a true, accurate, and correct record of the proceeding;

That the court reporter has retained possession of the original transcript for the purpose of sealing and filing same with the proper official;

That all offered exhibits, stipulations and objections, if any, involved in this case are duly attached or included herein.

1 IN WITNESS WHEREOF, I have set my hand and official
2 seal.

3
4 DATE: January 25, 2006

5 
6

CERTIFIED VERBATIM COURT REPORTER

7 NOTARY PUBLIC FOR SOUTH CAROLINA

8 MY COMMISSION EXPIRES 1-11-10
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Greenville County Sheriff's Office
4 McGee St.
Greenville, South Carolina 29601

VICTIM/WITNESS STATEMENT

Case Number 1-03-141202
Date 09-25-2003

I, KATHLEEN G. HILLS, do hereby give freely and voluntarily this statement to
INV. LESLIE LAMBERT and D. OSLAGER who have identified themselves to
me to be Deputies of the Greenville County Sheriffs Office, Greenville, South Carolina.

I am 48 years old and I reside at [REDACTED] GREENVILLE, SC 29617

CH

In regards to Josh F [REDACTED], he is a student in my math tech 4 class. He has been in my class since 8-25-2003. He began the first two weeks in my class with excellent grades and attendance. Beginning 9-8-2003 Josh gave me a note asking if he could be allowed to stay with Mrs. McBride due to his personal problems. He subsequently produced notes to be excused from the entire class period on 9-10, 9-11, and 9-18. I believe he was actually out of my class with notes from Mrs. McBride on at least three (3) other days that are not documented in my grade book. Most recently he has been absent 9-23 and 9-24 and he has not come to see me with notes. During the third week in my class Josh came and spoke with me about his personal problems. He said that his parents have abused him both mentally and physically. I always take what students tell me with a grain of salt, however I went to Mrs. McBride and Ms. Fanning to report what he had confided in me. Both said that Josh was having problems with his parents and had a prior suicide attempt. I expressed my concerns over Josh missing too many of my classes to Mrs. McBride, but I did feel that he could make up his work, and Mrs. McBride was more capable of meeting his emotional needs. Josh on another occasion said that Mrs. McBride was going to help him, and let him live with her. The next day he said he could not go live with her because she would get in trouble. He also said that he may go and stay with an aunt. I told Josh that since he was sixteen there were legal issues involved and he needed to speak with Ms. Fanning because she was an authority on such matters. It has been my observation that Mrs. McBride was trying to counsel Josh and help him get through his emotional problems. Due to his lack of attendance his grades reflect that he is listed at a "C" when I feel as his teacher that he is capable of much better work and achieving an "A".

KH

KH

H

[REDACTED]

I have read the above statement of 1 pages and it is true and correct as best as I recall.

WITNESS:

D.A. Oslager
[Signature]

[Signature]
I have received a copy of this statement.
[Signature]

Sworn before me this _____ day of _____, _____

NOTARY PUBLIC FOR SOUTH CAROLINA

DF

Greenville County Sheriff's Office

4 McGee St.
Greenville, South Carolina 29601

VICTIM/WITNESS STATEMENT

1-03-141202
Case Number 1-03-140760
Date 9-25-2003

I, CAROLYN J. KIGHT, do hereby give freely and voluntarily this statement to
D. OSLAGER. and N/A who have identified themselves to
me to be Deputies of the Greenville County Sheriff's Office, Greenville, South Carolina.

I am 58 years old and I reside at [REDACTED] GREENVILLE 29607

JOHN F. [REDACTED] is in my Third Block Class. He is TAKING
Housing And Home Furnishings. His Grade is a 48 which is
Failing. According To my RECORDS he has only turned in
work for one daily Grade. And Two major Grades (Test)
He has missed about 14-18 Days due To notes To be in
Mrs. McBride's Room. I think There was only one Time
That I Received a Note From Ms. Fanning in Guidance.
most of the notes were written by Ms. McBride For JOHN
To Come To her Room due To his Emotional State. A Few of
the notes were written by Ms McBride STATING he needed
To be Excused To Go To Guidance (MS. FANNING). Most of the
Reasons were due To Emotional Situations AT Home. I Talked w/
Ms. McBride on numerous occasions To Try To Get him in Class
OR work something out About home bound instruction. I
Finally Got To The Point That I Told Ms. McBride AND

I have read the above statement of 2 pages and it is true and correct as best as I recall.

WITNESS:

D.A. Oslager
[Signature]

Carolyn Kight
I have received a copy of this statement

Carolyn Kight

DEFENDANT'S
EXHIBIT

62 6.7.11

Sworn before me this _____ day of _____, _____

NOTARY PUBLIC FOR SOUTH CAROLINA

Greenville County Sheriff's Office

4 McGee St.
Greenville, South Carolina 29601

VICTIM/WITNESS STATEMENT

Case Number 1-03-140760
Date 1-03-14/202
9-25-2003

I, CAROLY J. KIGHT, do hereby give freely and voluntarily this statement to
D. OSLAGER and N/A who have identified themselves to
me to be Deputies of the Greenville County Sheriff's Office, Greenville, South Carolina.

I am 58 years old and I reside at [REDACTED] Greenville, 29607

JOSH AT SEPERATE TIMES THAT I WOULD NOT ALBW HIM TO BE
OUT OF MY CLASS, NO EXCEPTIONS SINCE THEN HE HAS ONLY
MISSSED TWO DAYS OF CLASS. I FEEL THAT SINCE I REQUIRED
HIM TO BE HERE HIS CLASSWORK HAS INCREASED AND ULTIMATELY
HIS GRADES WILL INCREASE. I DO NOT HAVE THE NOTES, BECAUSE
I NORMALLY DONT KEEP THEM, THEY WERE JUST WRITTEN ON
VARIOUS PICES OF PAPER. THEY WOULD SAY THAT JOSH WOULD
MAKE UP HIS WORK BUT HE NEVER DID.

I have read the above statement of 2 pages and it is true and correct as best as I recall.

WITNESS:

D.A. OSLAGER
[Signature]

Carolyn Kight
I have received a copy of this statement.

Carolyn Kight

Sworn before me this _____ day of _____, _____

NOTARY PUBLIC FOR SOUTH CAROLINA

Greenville County Sheriff's Office

4 McGee St.
Greenville, South Carolina 29601

VICTIM/WITNESS STATEMENT

Case Number 1-03-141202
Date 9-25-03

I, Kim Fanning, do hereby give freely and voluntarily this statement to
INV. Lambert and D. Oshager who have identified themselves to
me to be Deputies of the Greenville County Sheriff's Office, Greenville, South Carolina.

I am 31 years old and I reside at [REDACTED], Greenville, SC 29617

Spring 2003

Last spring on a Friday 2003: Note: Mrs. Hunt was Josh's 10th grade counselor but she was out this day. Ms. Foxx came to me to request that I meet with Josh F. Josh was extremely upset and had been cutting his arms and had gone to Mrs. McBride. Mrs. McBride had to cover another's teacher's class, so she asked Ms. Foxx to come get me. I met with Josh in Mrs. McBride's room. He refused to go to his JROTC class. He said he felt extremely comfortable with Mrs. McBride because she had been his homebound teacher the year before when he was a 9th grader. Josh told me about what had happened to him at Greenville Tech Charter High School. Mrs. McBride insisted that Josh show me where he was cutting himself. He spoke freely with me but he did not volunteer his information until Mrs. McBride made him when she returned from watching the other class. Josh and I (and maybe Mrs. McBride) met with Josh's mother after school to fill her in on his emotional state. I then talked to Josh's mother later on that day.

Josh was out of school that Monday due to a doctor's appointment. He came to me that Tuesday when he returned. He was still very upset and did not want to go to class. Since he had an appointment with his mental health counselor the next day and I thought that might help him, at Josh's request I wrote a note to his teachers asking them to let Josh work on his assignments in Mrs. McBride's room for the day. The note only asked for this special alternative arrangement for that day until he met with his counselor.

Later, Mrs. McBride later informed me that Josh was still coming to her room with his assignments from his teachers rather than going to class. I talked to Josh about this and stressed that he needed to go to class. He said that he didn't feel comfortable in his classes with the other students and that he felt safe in Mrs. McBride's room. He gave me his therapist's number to contact him. Mr. Norman and I emailed each other and set up phone conference times, but he never did contact me.

Mrs. McBride later informed me that Josh was still getting his assignments and coming to her room. She was concerned about him and his fragile mental state but didn't want to be doing anything that would hurt his grades. About this time, Josh's mother received a progress report/report card and came to Mrs. Hunt concerned about his grades. She said that Josh was not talking to her about things.

I have read the above statement of 2 pages and it is true and correct as best as I recall.

WITNESS:

Kim Fanning
I have received a copy of this statement.

[Signature]
[Signature]

Sworn before me this _____ day of _____, _____

NOTARY PUBLIC FOR SOUTH CAROLINA

DEFENDANT'S
EXHIBIT

8 6.7.11

Greenville County Sheriff's Office4 McGee St.
Greenville, South Carolina 29601**VICTIM/WITNESS STATEMENT**Case Number 1-03-141202Date 09-25-2003

I, KIM FANNING, do hereby give freely and voluntarily this statement to
INV. LAMBERT and D. OSLAGER who have identified themselves to
me to be Deputies of the Greenville County Sheriff's Office, Greenville, South Carolina.

I am 31 years old and I reside at [REDACTED] Greenville, SC 29617

and that he was cutting himself to rebel against her. She was crying and emotionally exhausted and didn't know what to do. Mrs. Hunt called a school social worker and got 2 or 3 names and numbers of counselors who work with adolescents that cut themselves and gave them to Mrs. F. We both encouraged the counseling and for the entire family to get involved with the counseling.

I checked on Josh a few other times the rest of the year and he ended up passing the 10th grade.

Fall 2003

Josh's math teacher, Mrs. Hills came to me concerned about Josh and his depression. I met with Josh during her class and found out that he was not suicidal, but he had thoughts of cutting himself. He showed me his arms but he had not cut himself - it was just something he thought of sometimes. We talked about his personal problems at home and the stress he feels.

Josh came to me wanting to know what his rights were concerning having to live with his parents. He's only 16 so we explained that he couldn't leave until he's 17. He expressed emphatically that he did not want to go home, so Mrs. Hunt called our resource officer to see if there were any other options for him.

I've met with Josh a total of probably 6 or more times this school year and each time he talks about his unhappiness living at home and the stress he feels. I even called DSS on Sept. 18 after his mother met him after his Enoree career center class and threatened to beat him up if he left home. DSS chose not to investigate.

Mrs. McBride has come to me a few times this year concerned about Josh.

*****End of Statement*****

I have read the above statement of 2 pages and it is true and correct as best as I recall.

WITNESS:

D.A. Oslager
[Signature]

Kim Fanning
I have received a copy of this statement.

Kim Fanning

Sworn before me this _____ day of _____, _____

NOTARY PUBLIC FOR SOUTH CAROLINA





GREENVILLE COUNTY SHERIFF'S OFFICE INCIDENT REPORT

AGENCY I.D.
SCO230000

OFFENSE
03

CLASS
03

DAY
03

CASE NUMBER

03000141202

NCIC
ENTRY

03000141202

INCIDENT TYPE		OFFENSE COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
1. Contributing to the Delinquency of a Minor		YES ☒ NO ☐	YES ☐ NO ☒	22 School		☐ INDIVIDUAL ☐ BUSINESS ☐ FINANCIAL INST. ☐ GOVERNMENT ☐ RELIG. ORGN. ☐ SOC/PUBLIC ☐ OTHER ☐ UNKNOWN ☐ POLICE OFF.
2. Enticing an Enrolled Child from Attendance in School		YES ☒ NO ☐	YES ☐ NO ☒	22 School		
INCIDENT LOCATION (SUBDIVISION, MILL VILLAGE, APARTMENT AND NUMBER, STREET NAME AND NUMBER)		Berea H.S., 515 Berea Dr.				ZIP CODE 29617
INCIDENT DATE	TIME	TO	DATE	TIME	WEAPON TYPE	TIME ARRIVED
08-25-03	0800		09-25-03	0800	None	
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT	IDENT	RACE	SEX	AGE
Oslager, Danny		Other e Known	1	W	M	40
ADDRESS		CITY	STATE	ZIP CODE	PATROL DISTRICT	
515 Berea Dr.		Greenville	SC	29617	09	
VICTIM'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT	IDENT	RACE	SEX	AGE
F. Joshua Lee		Other e Known	2	W	M	16
ADDRESS		CITY	STATE	ZIP CODE	PATROL DISTRICT	
		Greenville	SC	29617	09	
VEHICLE INJURY (MOT. 1) ☐ YES ☒ NO EXPLAIN						
VICTIM (NO. 1) USING ALCOHOL ☐ YES ☒ NO ☐ UNK. DRUGS ☐ YES ☒ NO ☐ UNK. TYPE						
COMPLAINT OF ANY NON-VISIBLE INJURY ☐ YES ☒ NO						
SUSPECT (NAME (LAST, FIRST, MIDDLE))						
McBride, Sherrie Mann						
RACE SEX AGE DATE OF BIRTH HEIGHT WEIGHT HAIR EYES						
W F 28 08-01-65 5'9" 165 Blo Blu						
SUSPECT (NO. 1) USING ALCOHOL ☐ YES ☒ NO ☐ UNK. DRUGS ☐ YES ☒ NO ☐ UNK. TYPE						
ARRESTED NEAR OFFENSE SCENE ☐ YES ☒ NO						
DATE/TIME OF OFFENSE 08/25-9/25/03						
DATE/TIME OF ARREST 09/25/03 1630						
ARRESTEE ARMED ☐ YES ☒ NO WEAPON TYPE:						
JUVENILE DISPOSITION: 1. ☐ HANDLED, RELEASED ☐ REFERRED TO OTHER AUTHORITY ☐ ON VIEW ARREST ☐ SUMMONED ☐ CUSTODY						
CHARGES						
Contributing to the Delinquency of a Minor						
Enticing an Enrolled Child from Attendance at School						
STOLEN TAG NUMBER STATE YEAR VIN. MODEL STYLE COLOR						
RECOVERED TAG ONLY						
ADDITIONAL VEHICLE DESCRIPTION						
TWO-MAN VEH. ☐ ONE-MAN VEH. ☐ DETECTIVE/SPECIALTY ☐ OTHER ☐						
ALONE ☐ ASSISTED ☐ J - THIS JURISDICTION B - STATE C - OUT OF STATE U - UNKNOWN						
Wit 1: Kight, Carolyn J. (teacher)						
Greenville, SC 29617						
294-4200						
Wit 2: Hill, Kathleen (teacher)						
Greenville, SC 29617						
294-4200						
Wit 3: Hunt, Crystal (counsellor)						
Greenville, SC 29617						
294-4200						
Wit 4: Boehmke, Linda B. w/f 44						
Greenville, SC 29617						
246-4414						
Wit 5: Fanning, Kim (counsellor)						
Greenville, SC 29617						
294-4200						
Wit 6: B. Christopher w/m 15						
Greenville, SC 29617						
246-4414						
JURISDICTION OF THEFT						
JURISDICTION OF RECOVERY						
TOTAL VALUE						
TYPE None						
STOLEN						
DAMAGED						
BURNED						
RECOVERED						
DELETED						
SUBJECT IDENTIFIED ☒ YES ☐ NO						
SUBJECT LOCATED ☒ YES ☐ NO						
ACTIVE ☐ ADMIN CLOSED ☐ UNFOUNDED ☐						
ARRESTED UNDER 16 ☐ EX-CLEAR UNDER 16 ☐						
ARRESTED 18 AND OVER ☐ EX-CLEAR 18 AND OVER ☐						
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ VICTIM/DECEASED COOPERATION 4. ☐ EXTRADITION DENIED 5. ☐ JUVENILE, NO ARREST						
REPORTING OFFICER'S ID						
Lambert, L.J. *201						
DATE 9/26/03						
BADGE 477						
APPROVING OFFICER						
Smith, Shea Sgt. *320						
DATE 9/29/03						
UNIT NO 406						
OFFICER'S SIGNATURE						
Lambert						

DEFENDANT'S
EXHIBIT
9 6.7.11

ORIGINAL

09:19

10/6/03 E

CASE NUMBER

NCIC

INQ. ENT.

AGENCY I.D.
SCO230000GREENVILLE COUNTY SHERIFF'S OFFICE
SUPPLEMENTAL REPORT

0,3,0,0,0,1,4,1,2,0,2

OF

☒ ORIGINAL
REPORT☐ STATUS
CHANGE☐ ADDITIONAL
VICTIMS☐ ADDITIONAL
STOLEN PROPERTY

INCIDENT TYPE: Contributing / Enticing

☐ SUPPLEMENTAL
REPORT☐☐ ADDITIONAL
OFFENDERS☐ ADDITIONAL
RECOVERED PROPERTY

PATROL DISTRICT 09 PAGE 2 OF 2 PAGES

I.D. OVERFLOW	☐ COMPLAINANT	NAME (LAST, FIRST, MIDDLE)			VICTIM RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	D.O.B.	ETH
	☐ VICTIM #	See page one			#1	#2	#3						
	☐ SUBJECT #	ADDRESS			CITY	STATE	ZIP CODE	PATROL DISTRICT	DAYPHONE		EVENING PHONE		
	☐ RUNAWAY	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL, PECULIARITIES, ETC.							
	☐ WANTED	☐ VICTIM NO. _____ VISIBLE INJURY: ☐ YES ☐ NO			COMPLAINT OF NON-VISIBLE INJURIES: ☐ NO ☐ YES			VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK			☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPLASMT ☐ ALONE		
	☐ WARRANT	EXPLAIN: _____						DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK			☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED		
	☐ ARREST	☐ SUBJECT NO. _____ USING ALCOHOL: ☐ NO ☐ YES ☐ UNK						☐ ARRESTED ON CURRENT OFFENSE					
	☐ MISSING	USING DRUGS: ☐ NO ☐ YES TYPE: _____						☐ LINK			☐ CLEARED BY ARREST ON PRIOR OFFENSE		
	☐ JAIL												
	☐												
ARRESTEE ARMED ☐ YES ☐ NO WEAPON TYPE: _____ ☐ SEMI-AUTO ☐ FULL-AUTO ☐ ON VIEW ARREST ☐ SUMMONED ☐ CUSTODY													
JUVENILE DISPOSITION: 1. ☐ HANDLED, RELEASED ☐ REFERRED TO OTHER AUTHORITY													

The victim alleged that the suspect assisted him in running away and in leaving school when he should have been in class.

Investigation to continue.

PROPERTY	TYPE	None						TOTAL VALUE		
	STOLEN									
	DAMAGED									
	BURNED									
	RECOVERED									
	SEIZED									
ADMIN	SUBJECT IDENTIFIED		SUBJECT LOCATED		☒ ACTIVE ☐ ADMIN. CLOSED		☐ ARRESTED UNDER 18		☐ EX-CLEAR UNDER 18	
	☒ YES ☐ NO		☒ YES ☐ NO		☐ UNFOUNDED		☐ ARRESTED 1 BAND OVER		☐ EX-CLEAR 18 AND OVER	
	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ VICTIM/DECLINES COOPERATION 4. ☐ EXTRADITION DENIED 5. ☐ JUVENILE-NO ARREST									
	REPORTING OFFICER(S)		DATE	UNIT NO.	APPROVING OFFICER			DATE	UNIT NO.	
	Lambert, L.J. *201		9/26/03	477	Sgt. *320				406	
					Lambert				477	

AGENCY I.D.
SCO230000

GREENVILLE COUNTY SHERIFF'S OFFICE
SUPPLEMENTAL REPORT

CASE NUMBER

03000141202

NCIC

ING.	ENT.

OF

☐ ORIGINAL REPORT	☒ STATUS CHANGE	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL STOLEN PROPERTY	INCIDENT TYPE: Contributing / Enticing
☒ SUPPLEMENTAL REPORT	☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL RECOVERED PROPERTY	PATROL DISTRICT: 09	PAGE 1 OF 1 PAGES

I.D. OVERFLOW	☐ COMPLAINANT	NAME (LAST, FIRST, MIDDLE)		Other Victim Relationship TO SUBJECT.		RESIDENT	RACE	SEX	AGE	D.O.B.	ETH	
	☒ VICTIM #	F. Joshua		Known			W	M	16			
	☐ SUBJECT #	ADDRESS		CITY	STATE	ZIP CODE	PATROL DISTRICT	DAYPHONE		EVENING PHONE		
	☐ RUNAWAY			Greenville	SC	29617		232-9708		232-9708		
	☐ WANTED	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL, PECULIARITIES, ETC.						
	☐ WARRANT	VICTIM NO		VISIBLE INJURY: ☐ YES ☐ NO	COMPLAINT OF NON-VISIBLE INJURIES: ☐ NO ☐ YES		VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK		☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPLASMT ☐ ALONE			
	☐ ARREST	EXPLAIN:				DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK		☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED				
	☐ MISSING	SUBJECT NO		USING ALCOHOL: ☐ NO ☐ YES ☐ UNK				☐ ARRESTED ON CURRENT OFFENSE				
	☐ JAIL			USING DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK				☐ CLEARED BY ARREST ON PRIOR OFFENSE				
	☐											
ARRESTEE ARMED ☐ YES ☐ NO WEAPON TYPE: ☐ SEMI-AUTO ☐ FULL-AUTO ☐ ON VIEW ARREST ☐ SUMMONED ☐ CUSTODY												
JUVENILE DISPOSITION: 1. ☐ HANDLED, RELEASED ☐ REFERRED TO OTHER AUTHORITY												

The complainant is the SRO at the incident location. During his investigation of 03-140760, the victim advised him of the following:

On 9-24-03, the victim advised that he went to the suspect's room and talked to her about some personal problems. He told her that he was going to legal aid and picked up her car keys like he usually does. The suspect told him to go to witness 2's room and tell her that he would be in the suspect's room. The victim advised that he went to lunch and ran into another student who asked to go with him. He told her okay and waited for her and they left together.

On 9-23-03 during lunch the victim went and talked with the suspect about going to Family Court for emancipation papers. The suspect wrote the victim a note to witness 2 to excuse him from witness 2's class. The note the suspect wrote said that he would be in the suspect's room, but never mentioned the victim's leaving campus and going to Family Court.

On 9-22-03 the suspect asked the victim to go by her class to fix her computer, so the victim went by during lunch. The suspect then wrote the victim a pass to come to her class during witness 2's class to move her computer.

On 9-17-03 the victim advised that he decided to run away. He started to take a few clothes at a time to school. He told the suspect what he was doing and put the clothes in her filing cabinet.

On 9-18-03 the victim advised that he took more clothes to her room and put them in the filing cabinet.

On 9-19-03 the victim advised that he took more clothes and a laptop and put them in her filing cabinet during lunch. The suspect wrote the victim a pass to take to witness 2's class to excuse him for the rest of the day. During fourth block, the victim went to the suspect's room and attached a device to her computer that enables the computer to be shown on television. It was around dismissal when he told the suspect that he was going to Wal-Mart to get something. He asked to use her car. The suspect gave him permission and told him where her keys were. The victim left and drove to Wal-Mart. He advised he was gone approx 30 minutes. When he got back, he got his clothes. He walked into the suspect's classroom and asked if she was ready. The suspect already knew that the victim was not going home and gave him a ride to witness 6's home. She went inside and spoke with witness 6's mother, witness 4. She told witness 4 that the victim was running away and needed to stay there. At first witness 4 was angry, but then she calmed down and said okay. Witness 4 told the victim to hide in witness 6's closet if the victim's mom knocked on the door so she would not get into trouble. The victim advised that his mom did come by and look for the victim, but witness 4 did not tell her where he was. The victim advised he spent the remainder of the night there, but witness 4 told him he had to leave the next morning. The victim advised that he left on his bicycle and rode it to the suspect's home. The suspect advised that he arrived at the suspect's home between 11:00 and 12:00. The victim advised that he was present when the suspect called the

PROPERTY	TYPE	None						TOTAL VALUE
	STOLEN							
	DAMAGED							
	BURNED							
	RECOVERED							
	SEIZED							
ADMIN	SUBJECT IDENTIFIED		SUBJECT LOCATED		☐ ACTIVE ☐ ADMIN. CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ EX-CLEAR UNDER 18	
	☒ YES ☐ NO		☒ YES ☐ NO				☒ ARRESTED 1 BAND OVER ☐ EX-CLEAR 18 AND OVER	
	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ VICTIM/DECLINES COOPERATION 4. ☐ EXTRADITION DENIED 5. ☐ JUVENILE-NO ARREST							
	REPORTING OFFICER(S)		DATE	UNIT NO.	APPROVING OFFICER		DATE	UNIT NO.
	Lambert, L.J. *201		09-30-03	477	870 Shea Sgt. *320			406
				(OFFICER)				
				☐ YES ☒ NO				

AGENCY I.D.
SC0230000

GREENVILLE COUNTY SHERIFF'S OFFICE
SUPPLEMENTAL REPORT

CASE NUMBER

0 3 0 0 0 1 4 1 2 0 2

NCIC
ING. ENT.

OF

☐ ORIGINAL REPORT	☒ STATUS CHANGE	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL STOLEN PROPERTY	INCIDENT TYPE: Contributing / Enticing
☒ SUPPLEMENTAL REPORT	☐	☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL RECOVERED PROPERTY	PATROL DISTRICT: 09 PAGE 2 OF 2 PAGES

I.D. OVERFLOW	☐ COMPLAINANT	NAME (LAST, FIRST, MIDDLE)		VICTIM RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	D.O.B.	ETH	
	☒ VICTIM #	P. [REDACTED], Joshua		Otherwise Known		#2	#3					
	☐ SUBJECT #	ADDRESS		CITY	STATE	ZIP CODE	PATROL DISTRICT	DAYPHONE		EVENING PHONE		
	☐ RUNAWAY	[REDACTED]		Greenville	SC	29617						
	☐ WANTED	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.						
	☐ WARRANT											
	☐ ARREST	☐ VICTIM NO. [REDACTED] VISIBLE INJURY: ☐ YES ☐ NO		COMPLAINT OF NON-VISIBLE INJURIES: ☐ NO ☐ YES		VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK		TWO-MAN VEHICLE ☐ DETECTIVE/SPL. ASMT. ☐ ALONE				
	☐ MISSING	EXPLAIN:				DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK		ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED				
	☐ JAIL	☐ SUBJECT NO. [REDACTED] USING ALCOHOL: ☐ NO ☐ YES ☐ UNK						☐ ARRESTED ON CURRENT OFFENSE				
	☐	USING DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK						☐ LINK		☐ CLEARED BY ARREST ON PRIOR OFFENSE		
ARRESTEE ARMED ☐ YES ☐ NO WEAPON TYPE: ☐ SEMI-AUTO ☐ FULL-AUTO ☐ ON VIEW ARREST ☐ SUMMONED ☐ CUSTODY												
JUVENILE DISPOSITION: 1. ☐ HANDLED, RELEASED ☐ REFERRED TO OTHER AUTHORITY												

complainant. The suspect then called the sheriff's office and told them that he was at her home. Deputies came out and took the victim to the LEC and turned him over to his mother.

The victim advised in April 2003 during spring break, the suspect asked the victim to help her work on some of her IEP's. The suspect offered to pay the victim, but did not. The suspect brought the victim past IEP's to work from his house. The victim advised that when he did it at school that he would log into the computer and look up students' grades to write down so that he could add them to the suspect's IEP's. The victim advised that he had the suspect's passwords to SASI, her email, and her web page. The victim advised that about a week prior to the incident date that the suspect gave him a disk with the school's new grading system. The suspect asked the victim to check it out and learn the program and then return it. The victim advised that he had the disk still at his home.

Witness 1 is a teacher at the incident location. She is the victim's third block teacher. She advised that the victim had a failing grade. She advised that the victim has missed about fourteen to eighteen days because of notes to be in the suspect's room. She advised that she only remembers one note coming from the guidance counselor, witness 5. Witness 1 advised that most of the notes were written by the suspect for the victim to come to her room due to his emotional state. A few of the notes were written by the suspect stating he needed to be excused to go to guidance to see witness 5. Witness 1 advised that most of the reasons were due to emotional situations at home. Witness 1 advised that she had talked with the suspect on numerous occasions to try to get him in class or work something out for homebound instruction. Witness 1 advised that she finally told the victim and the suspect at separate times that she would not allow him to be out of her class for any reason. Since then the victim has missed only two classes.

Witness 2 is a teacher at the incident location. The victim is in witness 2's math class. She advised that beginning with 9-08-03 and approx 6 other days, the victim brought her notes to see the suspect during her class period. Witness 2 advised that she did express concern about the victim missing so many days in her class.

Witness 3 is a guidance counselor at the incident location. She advised that in the spring of 2003, she sent for the victim to discuss his next year's schedule. She sent her aide to find him, but his teacher advised that the victim was in the suspect's room. Witness 3 went to the suspect's room and found the victim. Witness 3 inquired as to what the victim was doing in her classroom. The victim told her that he had permission to be there to do his work. Witness 3 told them that the victim had to be in his regular class. The suspect told witness 3 that she would make sure that the victim returned to his class and would not be allowed to stay in her class any longer.

Witness 4 is witness 6's mother. She advised that on Friday, September 19, 2003 after she picked up her son, he told her that the victim was going to come by. Witness 6 had already asked her if the victim could spend the night, and she had given him permission. Some time around 5 p.m. the victim came to the door and got witness 6. They left in a black SUV. They were gone about an hour and came back with

PROPERTY	TYPE	None						TOTAL VALUE		
	STOLEN									
	DAMAGED									
	BURNED									
	RECOVERED									
	SEIZED									
ADMIN	SUBJECT IDENTIFIED		SUBJECT LOCATED		☐ ACTIVE ☐ ADMIN. CLOSED		☐ ARRESTED UNDER 18		☐ EX-CLEAR UNDER 18	
	☒ YES ☐ NO		☒ YES ☐ NO		☐ UNFOUNDED		☒ ARRESTED 18 AND OVER		☐ EX-CLEAR 18 AND OVER	
	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ VICTIM/DECLINES COOPERATION 4. ☐ EXTRADITION DENIED 5. ☐ JUVENILE-NO ARREST									
	REPORTING OFFICER(S)		DATE		UNIT NO.		APPROVING OFFICER		DATE	
	Lambert, L.J. *201		09-30-03		477		Smith Shea Sgt. *320		406	
							871 ☐ YES ☒ NO (OFFICER)			

AGENCY I.D.
SCO230000

GREENVILLE COUNTY SHERIFF'S OFFICE
SUPPLEMENTAL REPORT

CASE NUMBER

0,3,0,0,0,1,4,1,2,0,2

NCIC

INC.

ENT.

OF

☐ ORIGINAL REPORT	☒ STATUS CHANGE	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL STOLEN PROPERTY	INCIDENT TYPE: <u>Contributing / Enticing</u>
☒ SUPPLEMENTAL REPORT	☐	☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL RECOVERED PROPERTY	PATROL DISTRICT: <u>09</u> PAGE <u>3</u> OF <u>3</u> PAGES

I.D. OVERFLOW	☐ COMPLAINANT	NAME (LAST, FIRST, MIDDLE)		VICTIM RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	D.O.B.	ETH	
	☒ VICTIM #	Joshua		Known			W	M	16			
	☐ SUBJECT #	ADDRESS		CITY	STATE	ZIP CODE	PATROL DISTRICT	DAYPHONE		EVENING PHONE		
	☐ RUNAWAY			Greenville	SC	29617		232-9708		232-9708		
	☐ WANTED	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL, PECULIARITIES, ETC.						
	☐ WARRANT											
	☐ ARREST	☐ VICTIM NO. ☐ VISIBLE INJURY ☐ YES ☐ NO		☐ COMPLAINT OF NON-VISIBLE INJURIES: ☐ NO ☐ YES		☐ VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK		☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPLASMT ☐ ALONE				
	☐ MISSING	EXPLAIN:				☐ DRUGS ☐ NO ☐ YES TYPE: ☐ UNK		☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED				
	☐ JAIL	☐ SUBJECT NO. ☐ USING ALCOHOL: ☐ NO ☐ YES ☐ UNK				☐ LINK		☐ ARRESTED ON CURRENT OFFENSE				
	☐	☐ USING DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK						☐ CLEARED BY ARREST ON PRIOR OFFENSE				
ARRESTEE ARMED ☐ YES ☐ NO WEAPON TYPE: ☐ SEMI-AUTO ☐ FULL-AUTO ☐ ON VIEW ARREST ☐ SUMMONED ☐ CUSTODY												
JUVENILE DISPOSITION: 1. ☐ HANDLED, RELEASED ☐ REFERRED TO OTHER AUTHORITY												

the suspect. The suspect came in and told her that the school had contacted. D.S.S. They said that they could not do anything because the victim would be 17 in two months. The suspect wanted to know if the victim was going to stay with him that night. The victim said that he was running away and would be living with his aunt as of Saturday. The suspect said that she would take him home, but she had no place for him to sleep. The suspect left. At approx. 12:15 Saturday morning (statement says Friday, but witness 6 called me and advised that it was Friday night/Saturday morning) the victim's mother came to the house. Because witness 4 had been told that the victim had been abused, she told the victim's mother that the victim was not there.

Witness 5 is a guidance counselor at the incident location.. She advised that in the spring of 2003 that a teacher, Ms. Foxx, had come to her and asked her to meet with the victim. The victim had been extremely upset and had been cutting his arms and had gone to the suspect. Witness 5 met with the victim in the suspect's room. He refused to go to his JROTC class. The victim advised that he felt extremely comfortable with the suspect because she had been his homebound teacher the year before. The victim showed witness 5 where he had been cutting himself. Witness 5 advised that she informed the victim's mother of the incident later that day. Witness 5 advised that the victim was out the following day due to a doctor's appt. When he came the next day, he was still very upset and did not want to go to class. Since he had another doctor's appointment the next day, witness 5 advised that she felt it might be beneficial to the victim to let him work on his assignments in the suspect's room. At the victim's request, witness 5 advised that she wrote a note to his teachers asking them to let the victim work on his assignments in the suspect's room for that day only. Later, the suspect informed witness 5 that the victim was still coming to her room with his assignments rather than staying in class. Witness 5 advised that she talked to the victim about this and told him he needed to be in his regular class. The victim told her that he did not feel comfortable in his classes and felt safe in the suspect's room. The suspect later informed witness 5 that the victim was still getting his assignments and coming to her room. The suspect told witness 5 that he was concerned about his fragile mental state, but did not want to be doing anything that would hurt his grades. About this time the victim's progress report came and his mother went to witness 3 concerned about the victim's grades. In the fall of 2003 witness 2 came to her concerned about the victim and his depression. Witness 5 advised that she met with the victim during witness 2's class. Witness 5 advised that she has met with the victim six or more times this school year. Each time he talked about his unhappiness at home. Witness 5 advised that she called on September 18, 2003 after his mother met him at Enoree and threatened to beat him up if he left home. D.S.S. chose not to investigate. The suspect went to witness 5 a few times this year concerned about the victim.

Witness 6 is the victim's best friend. He advised that about six months ago that the victim told him that his parents were beating up on him. Witness 6 advised that the victim was the suspect's aide last year and they have become friends. The victim will go to talk to her. On Thursday (9/18/03) the victim asked witness 6 if he could come over on Friday to spend the night. Witness 6 advised that he asked his mother and she gave permission. On Friday, he was at school and was supposed to stay at school and leave with the victim and the suspect, but he went home with his mom, witness 4. The victim went by witness 6's home and picked him up in the suspect's blazer. The victim was by himself.

PROPERTY	TYPE	None							TOTAL VALUE	
	STOLEN									
	DAMAGED									
	BURNED									
	RECOVERED									
	SEIZED									
ADMIN	SUBJECT IDENTIFIED		SUBJECT LOCATED		☐ ACTIVE ☐ ADMIN. CLOSED		☐ ARRESTED UNDER 18		☐ EX-CLEAR UNDER 18	
	☒ YES ☐ NO		☒ YES ☐ NO		☐ UNFOUNDED		☒ ARRESTED 1 BAND OVER		☐ EX-CLEAR 18 AND OVER	
	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ VICTIM/DECLINES COOPERATION 4. ☐ EXTRADITION DENIED 5. ☐ JUVENILE-NO ARREST									
	REPORTING OFFICER(S)		DATE		UNIT NO.		APPROVING OFFICER		DATE	
	Lambert, L.J. *201		09-30-03		477		Smith Shea Sgt. *320 872 (OFFICER)		406	

AGENCY I.D.
SCO230000

GREENVILLE COUNTY SHERIFF'S OFFICE
SUPPLEMENTAL REPORT

CASE NUMBER

03000141202

NCIC

INO.	ENT.

OF

☐ ORIGINAL REPORT	☒ STATUS CHANGE	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL STOLEN PROPERTY	INCIDENT TYPE: <u>Contributing / Enticing</u>
☒ SUPPLEMENTAL REPORT	☐	☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL RECOVERED PROPERTY	PATROL DISTRICT: <u>09</u> PAGE <u>4</u> OF <u>4</u> PAGES

I.D. OVERFLOW	☐ COMPLAINANT	NAME (LAST, FIRST, MIDDLE)		VICTIM RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	D.O.B.	ETH	
	☒ VICTIM #	F. Joshua		Known									
	☐ SUBJECT #	ADDRESS		CITY	STATE	ZIP CODE	PATROL DISTRICT	DAYPHONE		EVENING PHONE			
	☐ RUNAWAY			Greenville	SC	29617							
	☐ WANTED	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL, PECULIARITIES, ETC.							
	☐ WARRANT												
	☐ ARREST	☐ VICTIM NO. ☐ VISIBLE INJURY: ☐ YES ☐ NO		☐ COMPLAINT OF NON-VISIBLE INJURIES: ☐ NO ☐ YES		☐ VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK		☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPL. ASMT. ☐ ALONE					
	☐ MISSING	EXPLAIN:				☐ DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK		☐ ONE-MAN VEHICLE ☐ OTHER		☐ ASSISTED			
	☐ JAIL	☐ SUBJECT NO. ☐ USING ALCOHOL: ☐ NO ☐ YES ☐ UNK				☐ LINK.		☐ ARRESTED ON CURRENT OFFENSE					
	☐	☐ USING DRUGS: ☐ NO ☐ YES TYPE: ☐ LINK.						☐ CLEARED BY ARREST ON PRIOR OFFENSE					
ARRESTEE ARMED ☐ YES ☐ NO WEAPON TYPE: ☐ SEMI-AUTO ☐ FULL-AUTO ☐ ON VIEW ARREST ☐ SUMMONED ☐ CUSTODY													
JUVENILE DISPOSITION: 1. ☐ HANDLED, RELEASED ☐ REFERRED TO OTHER AUTHORITY													

. They went back to the school and spoke with the suspect for a little bit. Witness 6 and the victim left and went to Wal-Mart in the suspect's blazer. Witness 6 advised that they tried to buy a movie, but they would not let them buy it, so they stopped, got gas, and returned to the incident location. The suspect then took witness 6 and the victim to witness 6's home. All three went inside. The suspect talked to witness 4 about how the victim's parents beat the victim up and staying the night with them. The suspect knew that the victim was supposed to go to an aunt's house to live. The suspect left. Later that night the victim's mother came to the house and knocked on the door. The victim got up and ran into witness 6's bathroom. The next morning witness 4 called and told witness 6 that the victim had an hour and then he would have to leave. The victim left on his bicycle. Witness 6 advised that he called the suspect's cell phone, and the victim answered.

Sgt. Smith apprised Howard Steinberg and Betty Strom of the situation. They both advised that the appropriate charges would be Enticing an Enrolled Child from Attendance in School and Contributing to the Delinquency of a Minor. Based on this and the statements obtained, I went to Mag. Cagle's and obtained warrants H-506060 and H-506059 for the above charges, respectively. After obtaining the warrants, Sgt. Smith and I met with the suspect. Sgt. Smith advised her of her Miranda rights. The suspect advised that she understood her rights and signed the waiver. The suspect advised the following:

The suspect met the victim in April of 2002. She was the victim's homebound teacher. During that time the suspect started to confide in the suspect. The victim started at the incident location in August of 2002. The suspect has never been his classroom teacher during the time he has been at the incident location. Around October the victim started going by the suspect's classroom every day. The victim had been the victim of a crime (02-53785) and the trial began sometime in October. Some time after Christmas the victim cut himself. The suspect reported it to Ms. Lynn Foxx (team leader). She took the victim to witness 5. After this, the victim came to the suspect's room daily. Ms. Miller, one of the victim's teachers was very concerned about the victim missing class. Some time later, the victim's mother came up to the school and they discussed the victim's grades because the victim was not doing well.

This year the victim wanted to be the suspect's aide. The principal told the victim no. In the beginning, the victim would come by the suspect's class and would talk to the suspect before school, in between classes and after school. About three weeks ago, the victim went by the suspect's room, and he was hysterical. The victim was so upset that the suspect advised she wrote witness 1 a note asking her to excuse the victim that day. After that he would spend lunch in the suspect's room almost every day. The suspect advised that she wrote several notes (3-5) to witness 1 to excuse him from class. The suspect advised that she wrote witness 2 two notes, but she would let the victim go to the suspect's room when he finished his work.

The suspect advised that the week before last, she took the victim with her to Instructional Materials. The suspect advised that she got the victim's mother's permission prior to this and permission for the victim to drive her car. The suspect advised that they ended up at Teacher's

PROPERTY	TYPE	None							TOTAL VALUE	
	STOLEN									
	DAMAGED									
	BURNED									
	RECOVERED									
	SEIZED									
ADMIN	SUBJECT IDENTIFIED		SUBJECT LOCATED		☐ ACTIVE ☐ ADMIN. CLOSED		☐ ARRESTED UNDER 18		☐ EX-CLEAR UNDER 18	
	☒ YES ☐ NO		☒ YES ☐ NO		☐ UNFOUNDED		☒ ARRESTED 18 AND OVER		☐ EX-CLEAR 18 AND OVER	
	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ VICTIM/DECLINES COOPERATION 4. ☐ EXTRADITION DENIED 5. ☐ JUVENILE-NO ARREST									
	REPORTING OFFICER(S)			DATE	UNIT NO.	APPROVING OFFICER			DATE	UNIT NO.
	Lambert, L.J. *201			09-30-03	477	Smith, Shea Sgt. *320				406
						☐ YES ☒ NO (OFFICER)				

AGENCY I.D.
SCO230000

GREENVILLE COUNTY SHERIFF'S OFFICE
SUPPLEMENTAL REPORT

CASE NUMBER

0 3 0 0 0 1 4 1 2 0 2

NCIC

INQ. ENT.

☐ ORIGINAL REPORT	☒ STATUS CHANGE	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL STOLEN PROPERTY	INCIDENT TYPE: <u>Contributing / Enticing</u>
☒ SUPPLEMENTAL REPORT	☐	☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL RECOVERED PROPERTY	PATROL DISTRICT: <u>09</u> PAGE <u>5</u> OF <u>5</u> PAGES

I.D. OVERFLOW	☐ COMPLAINANT	NAME (LAST, FIRST, MIDDLE)		VICTIM RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	D.O.B.	ETH	
	☒ VICTIM #	F. Joshua		Otherwise Known			W	M	16			
	☐ SUBJECT #	ADDRESS		CITY	STATE	ZIP CODE	PATROL DISTRICT	DAYPHONE		EVENING PHONE		
	☐ RUNAWAY			Greenville	SC	29617		232-9708		232-9708		
	☐ WANTED	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL, PECULIARITIES, ETC.						
	☐ WARRANT											
	☐ ARREST	☐ VICTIM NO. VISIBLE INJURY: ☐ YES ☐ NO		☐ COMPLAINT OF NON-VISIBLE INJURIES: ☐ NO ☐ YES		☐ VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK		☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPLASMT ☐ ALONE				
	☐ MISSING	EXPLAIN:				☐ DRUGS ☐ NO ☐ YES TYPE: ☐ UNK		☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED				
	☐ JAIL	☐ SUBJECT NO. USING ALCOHOL: ☐ NO ☐ YES ☐ UNK				☐ USING DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK		☐ ARRESTED ON CURRENT OFFENSE				
	☐							☐ CLEARED BY ARREST ON PRIOR OFFENSE				
ARRESTEE ARMED ☐ YES ☐ NO WEAPON TYPE: ☐ SEMI-AUTO ☐ FULL-AUTO ☐ ON VIEW ARREST ☐ SUMMONED ☐ CUSTODY												
JUVENILE DISPOSITION: 1. ☐ HANDLED, RELEASED ☐ REFERRED TO OTHER AUTHORITY												

Choice because the other place had moved to somewhere in Greer. They got gas and met the suspect's mother at the Rainbow Restaurant for Supper. After that they went to the suspect's house so the victim could set up the suspect's email. The suspect advised that they had only been at her house about five minutes when she realized that it was 8:05 p.m. The suspect had the victim call his mother. She was very upset so she took the victim right home.

The suspect advised that during spring break last school year she let him set Excent up on her laptop. The victim told her that he had put it on his computer at home. The suspect advised that she gave the victim no personal information on any students and the CD never left the incident location.

Friday, September 19, 2003, the victim was in her class during fourth block. The victim had started moving the suspect's computer to the front of the class. Close to 1530 the suspect told the victim to finish it on Monday. The victim left. He came back a short time later and was very angry. The victim grabbed the suspect's cell phone and called witness 6. He was angry with witness 6 because he left without him. The victim hung up. The phone rang right back. It was witness 6. They talked and the victim calmed down and left. A few minutes later the victim and witness 6 came back to the suspect's room. The victim told the suspect that Ingles was holding a video for him and asked her to let him drive up there to get it. The suspect gave the victim the keys to her black blazer and told him to come straight back. Once they got back, the suspect took the boys to witness 6's home. She went in with them. They discussed the victim's wanting to run away. The victim talked about trying to go live with his aunt. Witness 4 was upset that the victim mentioned running away. The suspect advised that the victim said stuff like that all the time. The following day the victim went to the suspect's home. The victim rode his bike to her house and put it up under the suspect's house. The suspect advised that she called the complainant who told her to call the Sheriff's Office, which she did. The suspect advised that the victim had told her that he had been packing stuff in his locker. He told her that he had even brought his laptop and put it in there. The victim often leaves items in her room, but she advised that he never left personal things like clothing there. The following Monday, the suspect talked with witness 1 and told her what had happened over the weekend. She also told her that under no circumstances was the victim to come back to her room.

The suspect was taken into custody. The complainant served the above listed warrants on the suspect. I transported the suspect to the LEC. The suspect was arraigned by Mag. Keaton who, after contacting the victim and his mother and waiting for them to come to the arraignment, set bond at \$10,000 for the Contributing and \$2000 for the Enticing charges. The suspect was released to the custody of her mother. A condition of the release was that the suspect have no contact, direct or indirect, with the victim or his parents.

Sgt. Smith and Sgt. McCann were both notified of the above.

Case is Cleared by Arrest X 1 Adult.

PROPERTY	TYPE	None						TOTAL VALUE
	STOLEN							
	DAMAGED							
	BURNED							
	RECOVERED							
	SEIZED							
ADMIN	SUBJECT IDENTIFIED		SUBJECT LOCATED		☐ ACTIVE ☐ ADMIN. CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ EX-CLEAR UNDER 18	
	☒ YES ☐ NO		☒ YES ☐ NO		☐ ARRESTED 1 BAND OVER		☐ EX-CLEAR 18 AND OVER	
	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ VICTIM/DECLINES COOPERATION 4. ☐ EXTRADITION DENIED 5. ☐ JUVENILE-NO ARREST							
	REPORTING OFFICER(S)		DATE		UNIT NO.		DATE	
	Lambert, L.J. *201		09-30-03		477		406	
				APPROVING OFFICER				
				Smith Shea Sgt. *320				
				874		(OFFICER)		
				☐ YES ☒ NO				

Greenville County Sheriff's Office

4 McGee St.
Greenville, South Carolina 29601

VICTIM/WITNESS STATEMENT

Case Number 1-03-141202
Date 9-25-2003

I, Joshua Lee F [REDACTED], do hereby give freely and voluntarily this statement to
D. OSLACER and N/A who have identified themselves to
me to be Deputies of the Greenville County Sheriff's Office, Greenville, South Carolina.

I am 16 years old and I reside at [REDACTED] Greenville, SC 29617

On Saturday, September 20, I rode my Bicycle to Ms. McBride's House. I have been there once before. When I got there, I knocked on the door, and Mrs. Sherrie McBride came to the door. She had a white shirt w/ paint on it and shorts. She already knew that I had ran away. Then she said, Put your bike somewhere so that no one could see it. I pointed at a door that goes underneath her house and asked "There" and she replied that it would be good. I put it under her house. It is a Green Multi-speed bicycle. It has rubber handlebars and one of the brakes does not work. Then we went inside her house. We talked for a little bit. She lives at [REDACTED] near the Ennore Career Center. Her house has a lot of windows, a cement front porch. It's a brick house and one story. If you go into the front living room there is a television on the left and a couch on the right. If

I have read the above statement of 2 pages and it is true and correct as best as I recall.

WITNESS:

D.A. OSLACER
Elizabeth [REDACTED]

Joshua Lee F [REDACTED]
I have received a copy of this statement.

Joshua Lee F [REDACTED]

Sworn before me this _____ day of _____, _____

NOTARY PUBLIC FOR SOUTH CAROLINA

Greenville County Sheriff's Office

4 McGee St.
Greenville, South Carolina 29601

VICTIM/WITNESS STATEMENT

Case Number 1-03-141202
Date 9-25-2003

I, Joshua Lee F [REDACTED], do hereby give freely and voluntarily this statement to
D. Oslager and N/A who have identified themselves to
me to be Deputies of the Greenville County Sheriff's Office, Greenville, South Carolina.

I am 16 years old and I reside at [REDACTED] Greenville SC 29617

you keep walking STRAIGHT there is a hallway to the left that if
you go down the first room on the left is a Computer Room.
That is as far as I went. If you don't turn down the
Hallway but go STRAIGHT is her kitchen. Through the kitchen to
the right is a Dining Room. While I was there on Saturday
her husband was there but he was on the couch.

Two or three weeks ago, Mrs McBride walked out back
with me to ask if I could go to the Teacher's outlet to help her
pick out Posters for her Classroom. We went and did that, then
went and got something to eat. I remember that my mom
told Ms McBride I had to be back by 7:00 PM. Then we went
back to Ms. McBride's house to set up her E-Bay account. Then
she brought me back home, it was about 8:30 PM. We were
late and my mom got upset and told Ms. McBride that I
could not go anywhere else with her.

I have read the above statement of 2 pages and it is true and correct as best as I recall.

WITNESS:

D.A. Oslager
Elizabeth [REDACTED]

Joshua Lee F [REDACTED]
I have received a copy of this statement.

Joshua Lee F [REDACTED]

Sworn before me this _____ day of _____, _____

NOTARY PUBLIC FOR SOUTH CAROLINA

Greenville County Sheriff's Office

4 McGee St.
Greenville, South Carolina 29601

VICTIM/WITNESS STATEMENT

1-03-14/202
Case Number 1-03-140760
Date 9-25-2003

I, CAROLYN J. KIGHT, do hereby give freely and voluntarily this statement to
D. OSLAGER and N/A who have identified themselves to
me to be Deputies of the Greenville County Sheriff's Office, Greenville, South Carolina.

I am 58 years old and I reside at [REDACTED] Greenville 29607

JOSH F [REDACTED] is in my Third Block Class. He is taking
Housing and Home Furnishings. His Grade is a 4B which is
Failing. According to my Records he has only turned in
work for one daily Grade, and two major Grades (Test)
He has missed about 14-18 Days due to notes to be in
Mrs. McBride's Room. I think there was only one time
that I received a note from Ms. Fanning in Guidance.
Most of the notes were written by Ms. McBride for Josh
to come to her Room due to his Emotional State. A few of
the notes were written by Ms. McBride stating he needed
to be excused to go to Guidance (Ms. Fanning). Most of the
Reasons were due to Emotional Situations at Home. I talked w/
Ms. McBride on numerous occasions to try to get him in class
or work something out about home bound instruction. I
finally got to the point that I told Ms. McBride and

I have read the above statement of 2 pages and it is true and correct as best as I recall.

WITNESS:

D.A. Oslager
[Signature]

Carolyn Kight
I have received a copy of this statement.

Carolyn Kight

Sworn before me this _____ day of _____,

NOTARY PUBLIC FOR SOUTH CAROLINA

Greenville County Sheriff's Office

4 McGee St.
Greenville, South Carolina 29601

VICTIM/WITNESS STATEMENT

Case Number 1-03-141202
Date 1-03-140760
9-25-2003

I, CAROLY J. KIGHT, do hereby give freely and voluntarily this statement to
D. OSLAGER and N/A who have identified themselves to
me to be Deputies of the Greenville County Sheriff's Office, Greenville, South Carolina.

I am 58 years old and I reside at [REDACTED] Greenville, 29607

JOSH AT SEPERATE TIMES THAT I WOULD NOT ALLOW HIM TO BE
OUT OF MY CLASS, NO EXCEPTIONS SINCE THEN HE HAS ONLY
MISSSED TWO DAYS OF CLASS. I FEEL THAT SINCE I REQUIRED
HIM TO BE HERE HIS CLASSWORK HAS INCREASED AND ULTIMATELY
HIS GRADES WILL INCREASE. I DO NOT HAVE THE NOTES, BECAUSE
I NORMALLY DONT KEEP THEM, THEY WERE JUST WRITTEN ON
VARIOUS PIECES OF PAPER. THEY WOULD SAY THAT JOSH WOULD
MAKE UP HIS WORK BUT HE NEVER DID.

I have read the above statement of 2 pages and it is true and correct as best as I recall.

WITNESS:

D.A. OSLAGER
[Signature]

Carolyn Kight
I have received a copy of this statement.

Carolyn Kight

Sworn before me this _____ day of _____, _____

NOTARY PUBLIC FOR SOUTH CAROLINA

Greenville County Sheriff's Office

4 McGee St.
Greenville, South Carolina 29601

VICTIM/WITNESS STATEMENT

Case Number 1-03-141202

Date 09-25-2003

I, KATHLEEN G. HILLS, do hereby give freely and voluntarily this statement to
INV. LESLIE LAMBERT and D. OSLAGER who have identified themselves to
me to be Deputies of the Greenville County Sheriffs Office, Greenville, South Carolina.

I am 48 years old and I reside at [REDACTED] GREENVILLE, SC 29617

KH In regards to Josh F [REDACTED], he is a student in my math tech 4 class. He has been in my class since 8-25-2003. He began the first two weeks in my class with excellent grades and attendance. Beginning 9-8-2003 Josh gave me a note asking if he could be allowed to stay with Mrs. McBride due to his personal problems. He subsequently produced notes to be excused from the entire class period on 9-10, 9-11, and 9-18. I believe he was actually out of my class with notes from Mrs. McBride on at least three (3) other days that are not documented in my grade book. Most recently he has been absent 9-23 and 9-24 and he has not come to see me with notes. During the third week in my class Josh came and spoke with me about his personal problems. He said that his parents have abused him both mentally and physically. I always take what students tell me with a grain of salt, however I went to Mrs. McBride and Ms. Fanning to report what he had confided in me. Both said that Josh was having problems with his parents and had a prior suicide attempt. I expressed my concerns over Josh missing too many of my classes to Mrs. McBride, but I did feel that he could make up his work, and that Mrs. McBride was more capable of meeting his emotional needs. Josh on another occasion said that Mrs. McBride was going to help him, and let him live with her. The next day he said he could not go live with her because she would get in trouble. He also said that he may go and stay with an aunt. I told Josh that since he was sixteen there were legal issues involved and he needed to speak with Ms. Fanning because she was an authority on such matters. It has been my observation that Mrs. McBride was trying to counsel Josh and help him get through his emotional problems. Due to his lack of attendance his grades reflect that he is listed at a "C" when I feel as his teacher that he is capable of much better work and achieving an "A". *KH*

KH I have read the above statement of 1 pages and it is true and correct as best as I recall.

WITNESS:

D.A. Oslager

[Signature]
I have received a copy of this statement.

Sworn before me this _____ day of _____, _____

NOTARY PUBLIC FOR SOUTH CAROLINA

OF

5	Lyian				104	100	10		0	10	80	81	90			
	"Pind" 630											385				
6	Konstantina				100	100	10		10	10	100	75	94			RR
	Margisda 596											405				
7	Tamela				40	100	10		0	10	75	AA	90	325	76	
												238	RR			
8	Joshua 11				90	80	10	with teacher	with 10	10	10	AA	83	238	83	AA
	639											75	RR			358
9	Dominique				80	100	10		10	10	50	45				
											RR	RR	305			
10	Keondra				70	110	10		10	10	75	356				A
	"Mario" 630											71				
11	Janaro	rel. tar			60	100	10	AA	AA	10	95	75	84			RR
												360				RR
12	Patrick 11				100	AA	10		0	10	90	57	62			
												RR	367			
13	Cisco Robert				78	110	10		10	10	100	69	90			
	630											387				
14	Joshua				94	105	10		10	10	100	65	92			
												394				
15	Beanna				104	110	0		10	10	104	83	98			
	Markese											431				
16	Tommy				A	100	A		0	10	63	67	81			
	686											RR	350			
17	Haronica				80	100	10		10	10	100	93	94			
	686											403				
18	Litanga				100	110	10	left nurse	10	10	100	43	94			
	639											73	RR	96		
19	Anda				100	100	10		RR	10	95	71	92			
												RR	396			
20	"Josh" Joshua				56	75	10		10	10	100	71	77			
												RR	332			

880

September 25, 2003

Re: Josh F [REDACTED]

In the spring of this year, I needed to speak with Josh about his schedule for 2003-04. When I sent my guidance aide to find him, his teacher said that he was in Mrs. McBride's room. I went to Mrs. McBride's room where I found Josh. When I asked her what he was doing in there, she said that he had permission from his classroom teacher to come to her (Mrs. McBride's) class to do his work. I explained that that could not be allowed, that Josh needed to be in his regular class. She said that she would make sure that he returned to his class and would not be allowed to stay in her class any longer.

Cybil Hunt

Greenville County Sheriff's Office

4 McGee St.
Greenville, South Carolina 29601

VICTIM/WITNESS STATEMENT

Case Number 03-141202

Date 9/25/03

I, Linda Brazie Boehmke, do hereby give freely and voluntarily this statement to
Inv. L.J. Lambert and _____ who have identified themselves to
me to be Deputies of the Greenville County Sheriffs Office, Greenville, South Carolina.

I am 44 years old and I reside at _____ Greenville, SC 29617

Last Friday after I picked up my son Chris from school, he told me that Josh was going to come by. They were going to go to Walmart to buy a movie. Chris had already asked me if Josh could spend the night and I gave him permission. Some time around 5 p.m. Josh came to the door and got Chris. They left in a black SUV. They were gone about an hour and came back with Mrs. McBride. Mrs. McBride came in. She told me that the school had contacted D.S.S. They said they couldn't do anything because Josh would be seventeen in two months. She wanted to know if he was going to stay with us that night. Josh said he was running away and would be living with his aunt as of Saturday. Mrs. McBride said she would take him home, but she had no place to for him to sleep. Mrs. McBride left.

At approximately 12:15 Friday morning, Josh's mom came to the house. Because I had been told that Josh had been abused, I told his momm that he wasn't at my house. I told Josh that his mom had come. Josh said that she would go home, get drunk, and look for him tomorrow. He had told us earlier that if he went home Friday night that his mom would beat him. *****
*****End of Statement*****

I have read the above statement of YLB 71 pages and it is true and correct as best as I recall.

WITNESS:

D.A. Oso
[Signature]

Linda Brazie Boehmke
I have received a copy of this statement.

Sworn before me this _____ day of _____, _____

NOTARY PUBLIC FOR SOUTH CAROLINA

Greenville County Sheriff's Office

4 McGee St.
Greenville, South Carolina 29601

VICTIM/WITNESS STATEMENT

Case Number 1-03-141202 *KPT*
Date 9-25-03

I, Kim Fanning *KPT*, do hereby give freely and voluntarily this statement to
INV. Lambert *KPT* and D. Oslager *KPT* who have identified themselves to
me to be Deputies of the Greenville County Sheriffs Office, Greenville, South Carolina.

I am 31 *KPT* years old and I reside at [REDACTED], Greenville, SC 29617 *KPT*

Spring 2003

Last spring on a Friday 2003: Note: Mrs. Hunt was Josh's 10th grade counselor but she was out this day. Ms. Foxx came to me to request that I meet with Josh [REDACTED]. Josh was extremely upset and had been cutting his arms and had gone to Mrs. McBride. Mrs. McBride had to cover another's teacher's class, so she asked Ms. Foxx to come get me. I met with Josh in Mrs. McBride's room. He refused to go to his JROTC class. He said he felt extremely comfortable with Mrs. McBride because she had been his homebound teacher the year before when he was a 9th grader. Josh told me about what had happened to him at Greenville Tech Charter High School. Mrs. McBride insisted that Josh show me where he was cutting himself. He spoke freely with me but he did not volunteer this information until Mrs. McBride made him when she returned from watching the other class. Josh and I (and maybe Mrs. McBride) met Josh's mother after school to fill her in on his emotional state. I then talked to Josh's mother later on that day.

Josh was out of school that Monday due to a doctor's appointment. He came to me that Tuesday when he returned. He was still very upset and did not want to go to class. Since he had an appointment with his mental health counselor the next day and I thought that might help him, at Josh's request I wrote a note to his teachers asking them to let Josh work on his assignments in Mrs. McBride's room for the day. The note only asked for this special alternative arrangement for that day until he met with his counselor.

Later, Mrs. McBride later informed me that Josh was still coming to her room with his assignments from his teachers rather than going to class. I talked to Josh about this and stressed that he needed to go to class. He said that he didn't feel comfortable in his classes with the other students and that he felt safe in Mrs. McBride's room. He gave me his therapist's number to contact him. Mr. Norman and I emailed each other and set up phone conference times, but he never did contact me.

Mrs. McBride later informed me that Josh was still getting his assignments and coming to her room. She was concerned about him and his fragile mental state but didn't want to be doing anything that would hurt his grades. About this time, Josh's mother received a progress report/report card and came to Mrs. Hunt concerned about his grades. She said that Josh was not talking to her about things

I have read the above statement of 2 pages and it is true and correct as best as I recall.

WITNESS:

D.A. Oslager
[Signature]

Kim Fanning
I have received a copy of this statement.

Kim Fanning

Sworn before me this _____ day of _____, _____

NOTARY PUBLIC FOR SOUTH CAROLINA

Greenville County Sheriff's Office

4 McGee St.
Greenville, South Carolina 29601

VICTIM/WITNESS STATEMENT

Case Number 1-03-141202

Date 09-25-2003

I, KIM FANNING, do hereby give freely and voluntarily this statement to
INV. LAMBERT and D. OSLAGER who have identified themselves to
me to be Deputies of the Greenville County Sheriffs Office, Greenville, South Carolina.

I am 31^{year} years old and I reside at [REDACTED] Greenville, SC 29617
and that he was cutting himself to rebel against her. She was crying and emotionally exhausted and didn't know what to do. Mrs. Hunt
called a school social worker and got 2 or 3 names and numbers of counselors who work with adolescents that cut themselves and gave
them to Mrs. F. We both encouraged the counseling and for the entire family to get involved with the counseling.

I checked on Josh a few other times the rest of the year and he ended up passing the 10th grade.

Fall 2003

Josh's math teacher, Mrs. Hills came to me concerned about Josh and his depression. I met with Josh during her class and found out that
he was not suicidal, but he had thoughts of cutting himself. He showed me his arms but he had not cut himself - it was just something he
thought of sometimes. We talked about his personal problems at home and the stress he feels.

Josh came to me wanting to know what his rights were concerning having to live with his parents. He's only 16 so we explained that he
couldn't leave until he's 17. He expressed emphatically that he did not want to go home, so Mrs. Hunt called our resource officer to see
if there were any other options for him.

I've met with Josh a total of probably 6 or more times this school year and each time he talks about his unhappiness living at home and
the stress he feels. I even called DSS on Sept. 18 after his mother met him after his Enoree career center class and threatened to beat
him up if he left home. DSS chose not to investigate.

Mrs. McBride has come to me a few times this year concerned about Josh.

*****End of Statement*****

I have read the above statement of 2 pages and it is true and correct as best as I recall.

WITNESS:

Kim Fanning
I have received a copy of this statement.

D. Oslager
[Signature]

Kim Fanning

Sworn before me this _____ day of _____, _____

NOTARY PUBLIC FOR SOUTH CAROLINA

Greenville County Sheriff's Office

4 McGee St.
Greenville, South Carolina 29601

VICTIM/WITNESS STATEMENT

Case Number 03-141202

Date 09-25-03

I, CHRISTOPHER David B [REDACTED], do hereby give freely and voluntarily this statement to
B.S. Smith and D. OSLAGER who have identified themselves to
me to be Deputies of the Greenville County Sheriff's Office, Greenville, South Carolina.

I am 15 years old and I reside at [REDACTED] Greenville, SC 29617

Me AND JOSH F [REDACTED] Have been FRIENDS For about 7-8 months.
A Couple of Months After we met JOSH Told me That his Parents
have beat up on him. I know That Ms. McBride has had him AS
AN aid (LAST YEAR). AS A Result They have been FRIENDS AND he
Goes There To Talk To her. I AM NOT Sure much but I JUST
know he Goes There. On Thursday he asked me if he Could
Come Over on Friday To Spend The night. I Told him I would ASK
my mom, I AM NOT Sure when I asked her but She said it
was okay. On Friday I was at School AND Seen him. At The End
of The Day I was Supposed To Stay here AND Leave with JOSH AND
Ms. McBride but I went home with my Mom. Then JOSH Came
AND Picked me up in Ms. McBride's BLAZER. JOSH was by
himself. we Both went back To School, AND Spoke with Ms.
McBride For a Little Bit. Then we Both left AND went
To WALMART in Ms. McBride's BLAZER. WE TRIED To Buy A

I have read the above statement of 3 pages and it is true and correct as best as I recall.

WITNESS:

B.S. Smith #329 406
D.A. OSLAGER

Chris [REDACTED]

I have received a copy of this statement.

Chris [REDACTED]

Sworn before me this _____ day of _____, _____

NOTARY PUBLIC FOR SOUTH CAROLINA

Greenville County Sheriff's Office

4 McGee St.
Greenville, South Carolina 29601

VICTIM/WITNESS STATEMENT

Case Number 03-141202

Date 09-25-03

I, Christopher David B [REDACTED], do hereby give freely and voluntarily this statement to
B.S. SMITH and D. OSLAGER who have identified themselves to
me to be Deputies of the Greenville County Sheriff's Office, Greenville, South Carolina.

I am 15 years old and I reside at [REDACTED] Greenville, SC 29617

A movie, but they would not let us buy it. So we stopped, got
gas, then returned to school. Then Ms. McBride took both of
us to my house. We all three went inside. She talked to
my mom about how his parents beat up on Josh. We talked
about how his parents are and that he could stay the night.
She knew the next day he was supposed to go to an Aunt's house
to live there. Ms. McBride left. Later that night Josh's
mom came and knocked on the door. My mom went. Josh got
up and ran into my bathroom. I think he might have been
scared. His mom wanted Kristina [REDACTED]'s number because
he told her that he was supposed to go to the mall. Next
morning my mom called, and I told her he was still there.
My mom told me he had a hour and he would have to leave.
Then he got his bicycle from my back yard and left. At
that time I did not know where he was going so later on

I have read the above statement of 3 pages and it is true and correct as best as I recall.

WITNESS:

B.S. Smith # 320 406
D.A. Oslager

Chris B [REDACTED]

I have received a copy of this statement.

Chris B [REDACTED]

Sworn before me this _____ day of _____, _____

NOTARY PUBLIC FOR SOUTH CAROLINA

Greenville County Sheriff's Office

4 McGee St.
Greenville, South Carolina 29601

VICTIM/WITNESS STATEMENT

Case Number 03-141202
Date 9-25-03

I, Christopher David B [REDACTED], do hereby give freely and voluntarily this statement to
B.S. Smith and D. OSLAGER who have identified themselves to
me to be Deputies of the Greenville County Sheriff's Office, Greenville, South Carolina.

I am 15 years old and I reside at [REDACTED] Greenville, SC 29617

I Called Ms. McBride's Cell Phone because I thought he may
have gone to her house. Josh answered the phone. I figured
he went there because I knew he was her Aid last year and
they talk a lot. He told me he could not talk, that he was
going to talk with her. That is the last I heard from him.
On Friday night is when he told us he was going to his Aunt's
and that is when I started to get suspicious after his
mom came.

I have read the above statement of 3 pages and it is true and correct as best as I recall.

WITNESS:

Chris P [REDACTED]
I have received a copy of this statement.

D.A. OSLAGER

Chris P [REDACTED]

Sworn before me this _____ day of _____, _____

NOTARY PUBLIC FOR SOUTH CAROLINA

YOUR RIGHTS

Sheriffs Office

Greenville, S.C.

Date 09-25-03

Time 11:39

Before we ask you any questions, you must understand your rights. *JM*

You have the right to remain silent. *JM*

Anything you say can be used against you in court. *JM*

You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning. *JM*

If you have no money to pay a lawyer's fee, the court will appoint one to represent you without cost if you wish. *JM*

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer. *JM*

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me. *JM*

Signed *JM*

Shemie M. Bride

Witness *B.S. Smith*

Witness *A. J. Lambert*

Time 11:39

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

03-141202

I, Sherrie Mann McBride

Inv. L.J. Lambert

do hereby give freely and voluntarily this statement to
and

who have identified themselves to me to be Deputies of the Greenville County Sheriff's Office, Greenville, South Carolina. I have been advised that I do not have to make this or any other statement, and that what I say can be used against me in a Court of Law. I have been advised that I have the right to Counsel with an Attorney of my choice, that if I am financially unable to obtain an Attorney the Court will appoint an Attorney to represent me. I have not been threatened or promised any reward to make this statement.

I am 38 years old, and I reside at: [REDACTED] Greenville, SC 29617

I have a 20 grade education, and I can read and write.

I met with Josh F. [REDACTED] in April of 2002. I was his homebound teacher. During that time Josh started confiding in me. Josh came to Berea H.S. in August 2002. I have not been his classroom teacher since he was on homebound. Around October Josh started coming to see me every day. (Josh had been the victim of a crime and the trial began some time in October).

It was after Christmas that Josh cut himself. I reported it to Lynn Fox (our team leader). Ms. Fox took Josh to Ms. Fanning. After this time Josh came to my class daily. Ms. Miller was very concerned about Josh missing class. Sometime later Josh's mom came up to the school and they discussed Josh's grades. Josh was not doing well.

This year Josh wanted to be my aide. He was told no. In the beginning he came by my class and would talk to me before school, in between classes and after school. About three weeks ago, Josh came by my room, and he was hysterical. He was so upset that I wrote Ms. Kight a note asking her to excuse Josh that day because he was so emotionally distraught. After that he spent lunch in my room almost every day. I know I wrote several notes (3-5) to Ms. Kight to excuse him from class. I only wrote Ms. Hill two notes, but she would let him come to my room when he finished his work.

The week before last, I took Josh with me to Instructional Materials after school. I let Josh Drive my black blazer. (I talked to Josh's mom and got permission for him to come with me and to drive my car). We ended up at Teacher's Choice because the other place had moved to somewhere in Greer. We got gas. We went to the Rainbow restaurant with my mother to eat. After that we went to my house so Josh could set up my email (I had gotten Josh's mother's permission) We had only been at the house about five minutes when I realized that it was 8:05 p.m. (Josh was supposed to be home at 8:00 p.m.) Josh called his mom. I could hear her screaming on the phone so I took him right home. His mom was very angry with me for bringing Josh home late.

I let Josh set Excent up on my laptop computer last year during the spring break. He did it at his house and later told me that he put it on his computer at home. I gave him no personal information on any students. The CD never left school.

Last Friday Josh was in my class during 4th block. Josh had started moving my computer to the front. Close to 3:30 p.m. I told him to finish it up on Monday. He left. He came back a short time later very angry. He grabbed my cell phone and called Chris. He was angry with Chris for leaving without him.. He hung up. The phone rang right back. It was Chris. They talked and Josh calmed down and left. A few minutes later Josh and Chris came to my room. Josh told me that Ingles was holding a video for him and asked me to let him drive up there to get it. I gave him the keys to my black blazer and told him to come straight back. He did.

I took both boys to Chris' house. I went in with them. We discussed Josh's wanting to run away. Josh talked about trying to go live with his aunt. Chris' mom and I talked about Josh. Chris' mom was upset because Josh mentioned running away. Chris' mom said, Not tonight! I told Chris' mom that Josh says stuff like that all the time. The next day Josh came to my house. He rode his bike to my house and put it up under my house. I called Officer O who told me to call the Sheriff's Office, which I did.

I have read the above statement of 2 pages and it is true and correct as best I recall.

WITNESS:

[Signature]

I HAVE RECEIVED A COPY OF THIS STATEMENT

[Signature]

Sworn before me this _____ day of _____ 19 _____

NOTARY PUBLIC FOR SOUTH CAROLINA

OF

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

03-141202

I, Sherrie Mann McBride
Inv. L.J. Lambert

• do hereby give freely and voluntarily this statement to
and

who have identified themselves to me to be Deputies of the Greenville County Sheriff's Office, Greenville, South Carolina. I have been advised that I do not have to make this or any other statement, and that what I say can be used against me in a Court of Law. I have been advised that I have the right to Counsel with an Attorney of my choice, that if I am financially unable to obtain an Attorney the Court will appoint an Attorney to represent me. I have not been threatened or promised any reward to make this statement.

I am 38 years old, and I reside at: [REDACTED], Greenville, SC 29617

I have a 20 grade education, and I can read and write.

Josh has told me that he has been packing stuff in his locker. He told me had even brought his laptop and put it in there. Josh often leaves items in my room. Monday, I talked with Ms. Kight and told her what had happened over the weekend and told her that under no circumstances was josh to come back to my room. *****End of Statement*****

I have read the above statement of 2 pages and it is true and correct as best I recall.

WITNESS:

[Signature]

Sherrie M. McBride

I HAVE RECEIVED A COPY OF THIS STATEMENT

Sherrie M. McBride

Sworn before me this _____ day of _____ 19 _____

NOTARY PUBLIC FOR SOUTH CAROLINA

10 6.7.11

I first met Sherrie McBride in 2002 while my son was on homebound. Right from the start Mrs. McBride would come to our home and drop off Josh's work say who it was from and she would say I hope you know how to do that or we will be in trouble because I don't know how to do it. However she would continue to stay here but only to sit and talk about her husband and the other students she had on homebound and the problems she had with them. When Josh went back to school after summer break he was doing good and had A's and B's. Then in January Mrs. McBride started to get Josh out of his classes so he could help her. His grades began to fall. She brought another student by then name of Dana Cochran over to our house at 9 so he could help her study for her exams Mrs. McBride did not return to pick her up until 11:30. Then Mrs. McBride sent Dana back the next morning very early so Josh could help her some more. Then Mrs. McBride asked me to let Josh go with her and her students on a field trip and I told her no that Josh needs to go to his classes. Then Mrs. McBride started to get Josh out of his classes everyday. When I got Josh's progress report for the last quarter he had 1 D and 3 F's. I went to the school to talk to Mrs. Hunt and Ms. Fanning to find out why Josh's grades had fallen so much over the last quarter. Mrs. Hunt went to talk to Josh's teachers and find out what the problem was. She found out that Mrs. McBride was asking Josh's teachers to let him come to her room and do his work. However he was not doing his work he was doing her work. During Spring Break Mrs. McBride came over to my house and brought Josh past student IEP's so he could do her IEP's while she went on a cruise. Mrs. McBride gave Josh all the passwords for the software he would need to do the IEP's. She said she would pay Josh to do this because she wanted to go on a cruise but her boss Dr. East was wanting the IEP's done. She also let Josh design her school website and also gave him the password for that when she was supposed to have designed it and set it up herself. For the last 4 weeks of school Josh had to work very hard to get his grades back up so he could pass his grades which he successfully did. Then he got out of school for the summer and Mrs. McBride would call the house but he would not answer the phone because she was wanting him to come to the school and help her change rooms and help her do lesson plans. We told Josh when school started this year we did not want him around Mrs. McBride and that he needed to do his work and she needed to do hers. Everything was going good. Then on September 11th Mrs. McBride came out to the car after school and asked if Josh could go with her to get some stuff for her classroom. I told her we did not want him going anywhere on school night but she kept on begging and said she would have him home by 7 so I let him go with her. However 7 o'clock came and still no Josh. She did not bring him home until 8:30 and we got into it. Now I found out that she had let Josh take her car and go places and she has been writing him passes to be out of Mrs. Hills and Mrs. Kight's classes. She knew Josh was going to runaway and she allowed him to bring some of his clothes and keep them in her filing cabinet. Friday September the 19th she took Josh to his friends house and told his friends mom Mrs. Boehmke that Josh was running away and he needed to stay the night with them and Mrs. McBride left. The next day, Saturday, Josh left his friends and went to Mrs. McBride at about 11:00. Mrs. McBride called the law and Josh was brought back home. Tuesday Josh wanted to leave school and go to the Family Court and Mrs. McBride wrote him a pass and he gave it to Mrs. Hills to be excused from her class. Josh then used Mrs. McBride's car to go there and he returned to school. Today, Wednesday, Josh used Mrs. McBride's car again however she claims she did not know he was using it however Josh

told her he was going to Legal Aid today and she told him to go and ask Mrs. Mills if he could be in her room when she knew he wouldn't be there. He did and Mrs. Mills said that would be ok. When Josh returned Mrs. McBride accused Josh of stealing her car. I do not think Mrs. McBride should be a teacher at any school. She does not act enough like an adult and especially not a teacher to be teaching kids.

Elizabeth Ann F [REDACTED]

Clarence Lee F [REDACTED]

[REDACTED]
Greenville, S.C

29617

Phone - 864-232-9708

ARREST WARRANT

506060

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
GREENVILLE

THE STATE 03-141202

against

SHERRIE MANN MCBRIDE

Address: GREENVILLE SC 29617 - 0000

 Date of Birth: 8/01/65 SSN: [REDACTED]
 Race: F Height: 5 Weight: 165

DL #: 8/01/65 Agency ORI#: [REDACTED]

Prosecuting Agency: GREENVILLE COUNTY SHERIFF

Prosecuting Officer: LESLIE LAMBERT

 Offense: SCHOOL / ENTICING ENROLL
ED CHILD FROM AT Offense Code: 0750

Code/Ordinance Sec. 16-17-0510.

 This warrant is CERTIFIED FOR SERVICE in the
☒ County/ ☐ Municipality of

 The accused
 to be arrested and brought before me to be
 salt with according to law.

Signature of Judge (L.S.)

RETURN

 copy of this arrest warrant was delivered to
 defendant SHERRIE MANN MCBRIDE

 Date: 9-25-2003
 Signature of Constable/Law Enforcement Officer: [Signature] *255 Unit 755

 RETURN WARRANT TO:
 GREENVILLE CO. MAGISTRATE-CAGLE
 6247 WHITE HORSE RD.
 GREENVILLE SC 29611 - 0000

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
GREENVILLE

AFFIDAVIT

 Approved by
 Attorney General
 July 26, 1980
 SCCA 518

 Personally appeared before me the affiant LESLIE LAMBERT who
 being duly sworn deposes and says that defendant SHERRIE MANN MCBRIDE
 did within this county and state on 8/25/03 violate the criminal laws of the
 State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of)

In the following particulars:

DESCRIPTION OF OFFENSE: SCHOOL / ENTICING ENROLLED CHILD FROM AT

 I further state that there is probable cause to believe that the defendant named above did commit
 the crime set forth and that probable cause is based on the following facts:

 THE AFFIANT HAS A STATEMENT FROM A 16 YR. OLD CHILD WHICH STATES
 THE DEFENDANT, A TEACHER, DID ENCOURAGE THE CHILD TO LEAVE SCHOOL
 ON MORE THAN ONE OCCASION BY PROVIDING THE CHILD WITH THE KEYS
 TO HER CAR AND ALLOWING HIM TO DRIVE HER CAR FROM THE SCHOOL
 DURING THE CHILD'S AFTERNOON CLASSES, THUS VIOLATING 16-17-510.
 THIS OFFENSE OCCURRED AT 515 BEREA DRIVE LOCATED IN GREENVILLE
 COUNTY. THE ABOVE OCCURRED BETWEEN THE DATES OF 08-25-03 AND
 09-25-03.

 Sworn to and subscribed before me
 on 8/25/03

 Signature of Affiant [Signature]
 Affiant's Address 4 MCGEE STREET
 GREENVILLE SC 29601 - 0000
 Signature of Issuing Judge [Signature] (L.S.)

Affiant's Telephone 864 271-5210

DEFENDANT'S EXHIBIT

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
GREENVILLE

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

 It appearing from the above affidavit that there are reasonable grounds to believe that
 on 8/25/03 defendant SHERRIE MANN MCBRIDE

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☐ Municipality of) as set forth below.

DESCRIPTION OF OFFENSE: SCHOOL / ENTICING ENROLLED CHILD FROM AT

 Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
 me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
 defendant at the time of its execution, or as soon thereafter as is practicable.

 Judge's Address 6247 WHITEHORSE RD.
 GREENVILLE SC 29611 - 0000
 Signature of Issuing Judge [Signature] (L.S.)
 Judge's Telephone 864 294-4610
 Judge Code: 5531

 Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

DEFEND/ COPY

ARREST WARRANT

H-506059

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
GREENVILLE

 THE STATE 03-141202
against

SHERRIE MANN MCBRIDE

Address: GREENVILLE SC 29617 - 0000

 Phone: _____ SSN: _____
Sex: F Race: W Height: 5 Weight: 165

DL State: _____ DL #: 8/01/85

DOB: _____ Agency ORI #: GREENVILLE COUNTY SHERIFF

 Prosecuting Agency: _____
Prosecuting Officer: LESLIE LAMBERT

 Offense: MINOR / CONTRIB TO THE
DELINQ OF MINOR Offense Code: 0048

Code/Ordinance Sec. 16-17-0490

 This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of

 The accused
is to be arrested and brought before me to be
dealt with according to law.

 _____ (L.S.)
Signature of Judge

Date: _____

RETURN

 A copy of this arrest warrant was delivered to
defendant SHERRIE MANN MCBRIDE
on _____

Signature of Constable/Law Enforcement Officer

 RETURN WARRANT TO:
GREENVILLE CO. MAGISTRATE-CAGLE
6247 WHITE HORSE RD.
GREENVILLE SC 29611 0000

 STATE OF SOUTH CAROLINA)
☐ County/ ☒ Municipality of)
GREENVILLE)

AFFIDAVIT

LESLIE LAMBERT

 Personally appeared before me the affiant _____ who
being duly sworn deposes and says that defendant _____
did within this county and state on 8/25/03 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____)
in the following particulars:
DESCRIPTION OF OFFENSE: MINOR / CONTRIB TO THE DELINQ OF MINOR
OF A MINOR (GS)

 I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

 THE AFFIANT HAS A WRITTEN STATEMENT FROM THE VICTIM, A 16 YR. OLD
JUVENILE WHICH STATES THAT HE TOLD THE DEFENDANT, A TEACHER, THAT
HE WAS PLANNING TO RUN AWAY. THE DEFENDANT ENCOURAGED HIM BY
ALLOWING HIM TO STORE ITEMS IN HER CLASSROOM, PROVIDED
TRANSPORTATION FROM SCHOOL TO LOCATION OTHER THAN HIS HOME AND
ASKED THE ADULT TO KEEP HIM BECAUSE HE WAS RUNNING AWAY. THE DEF.
WROTE NUMEROUS EXCUSES TO TAKE THE CHILD OUT OF CLASS DESPITE HIS
PARENTS DESIRE FOR HIM TO STAY IN CLASS, THUS VIOLATING 16-17-490
AND THIS DID OCCUR IN GREENVILLE COUNTY. THE ABOVE OCCURRED
BETWEEN 08-25-03 AND 09-25-03.

 Sworn to and subscribed before me)
on 8/25/03)
_____) (L.S.)
Signature of Issuing Judge

 Signature of Affiant _____
Affiant's Address 4 MCGEE STREET
GREENVILLE SC 29601 - 0000
Affiant's Telephone 864 271-5210

 STATE OF SOUTH CAROLINA)
☐ County/ ☒ Municipality of)
GREENVILLE)

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

 It appearing from the above affidavit that there are reasonable grounds to believe that
on 8/25/03 defendant SHERRIE MANN MCBRIDE
did violate the criminal laws of the State of South Carolina (or ordinance of
☐ County/ ☐ Municipality of _____) as set forth below:
DESCRIPTION OF OFFENSE: MINOR / CONTRIB TO THE DELINQ OF MINOR
OF A MINOR (GS)

 Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
defendant at the time of its execution, or as soon thereafter as is practicable.

 _____) Judge's Address 6247 WHITEHORSE RD.
_____) (L.S.) GREENVILLE SC 29611 - 0000
Signature of Issuing Judge _____ Judge's Telephone 864 294-4810
Judge Code: 3551 Issuing Court: ☐ Magistrate ☐ Municipal ☐ Circuit
DEFENDANT'S
EXHIBIT

12 6.7.11

 Form Approved by
S.C. Attorney General
July 28, 1990
SCCA 518

WITNESSES

L. LAMBERT

GCSO

09/25/03

ARREST WARRANT NUMBER

H-506059

805
ACTION OF GRAND JURY
TRUE BILL

Russell Patten
FOREMAN GRAND JURY

1 Person of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2003-GS-23-

JDR

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2003

THE STATE

vs.

SHERRIE MANN MCBRIDE

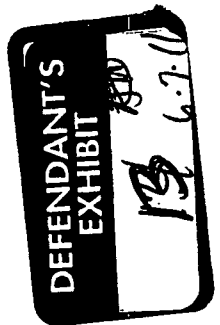
AUG 30 2004
ENDED

Indictment for

0048

CONTRIBUTING TO THE DELINQUENCY OF A
MINOR

VIOLATION § 16-17-490



Certified Copy
Paul B. Winkens
Clerk of Court C.P. & G.S.
Greenville County, SC
Dated 11-1-07

525

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
CONTRIBUTING TO THE DELINQUENCY OF A MINOR

At a Court of General Sessions, convened on NOVEMBER 18, 2003 the
Grand Jurors of Greenville County present upon their oath:

That SHERRIE MANN MCBRIDE did in Greenville County, on or about the 25th day of August, 2003, knowingly and willfully encourage, aid, or cause Joshua F. [REDACTED] to do any act which caused or influenced Joshua F. [REDACTED] to deport himself in a manner so as to willfully injure or endanger his morals or health or the morals or health of others. This is in violation of §16-17-490 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

e statute in such case made and provided.

John Paul Russell
SOLICITOR

SOLICITOR

ARREST WARRANT

H- 506059

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
GREENVILLE

 THE STATE 03-141202
against

SHERRIE MANN MCBRIDE

Address: GREENVILLE SC 29617 - 0000

Phone: SSN: Race: Height: Weight: 155

DL State: DL #: DOB: Agency ORI#:

Prosecuting Agency: GREENVILLE COUNTY SHERIFF

Prosecuting Officer: LESLIE LAMBERT

Offense: MINOR / CONTRIB TO THE DELINQ OF MINOR

Code/Ordinance Sec. 16-17-0490

 This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of

 The accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge (L.S.)

RETURN

 A copy of this arrest warrant was delivered to
defendant SHERRIE MANN MCBRIDE
on 9-25-2003

Signature of Constable/Law Enforcement Officer

 RETURN WARRANT TO: SC 61 S2 448 0007
GREENVILLE CO. MAGISTRATE COURT
WHITE HORSE RD. OFFICE
GREENVILLE 29611-0000
RECEIVED

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
GREENVILLE

AFFIDAVIT

 Personally appeared before me the affiant LESLIE LAMBERT who
being duly sworn deposes and says that defendant SHERRIE MANN MCBRIDE
did within this county and state on 8/25/03 violate the criminal laws of the

 State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of)

in the following particulars:

 DESCRIPTION OF OFFENSE: MINOR / CONTRIB TO THE DELINQ OF MINOR
OF A MINOR (GS)

 I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

 THE AFFIANT HAS A WRITTEN STATEMENT FROM THE VICTIM, A 16 YR. OLD
JUVENILE WHICH STATES THAT HE TOLD THE DEFENDANT, A TEACHER, THAT
HE WAS PLANNING TO RUN AWAY. THE DEFENDANT ENCOURAGED HIM BY
ALLOWING HIM TO STORE ITEMS IN HER CLASSROOM, PROVIDED
TRANSPORTATION FROM SCHOOL TO LOCATION OTHER THAN HIS HOME AND
ASKED THE ADULT TO KEEP HIM BECAUSE HE WAS RUNNING AWAY. THE DEF.
WROTE NUMEROUS EXCUSES TO TAKE THE CHILD OUT OF CLASS DESPITE THE
PARENTS' DESIRE FOR HIM TO STAY IN CLASS, THUS VIOLATING 16-17-0490
AND THIS DID OCCUR IN GREENVILLE COUNTY. THE ABOVE OCCURRED
BETWEEN 08-25-03 AND 09-25-03

 Sworn to and subscribed before me
on 9/25/03

 Signature of Affiant
Affiant's Address 4 MCGEE STREET
GREENVILLE SC 29611 - 0000
Signature of Issuing Judge (L.S.)
Affiant's Telephone 864 271-5210

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
GREENVILLE

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

 It appearing from the above affidavit that there are reasonable grounds to believe that
on 8/25/03 defendant SHERRIE MANN MCBRIDE
did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☐ Municipality of) as set forth below:
DESCRIPTION OF OFFENSE: MINOR / CONTRIB TO THE DELINQ OF MINOR
OF A MINOR (GS)

 Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
defendant at the time of its execution, or as soon thereafter as is practicable.

 Signature of Issuing Judge (L.S.)
Judge's Address 6247 WHITEHORSE RD.
GREENVILLE SC 29611 - 0000
Judge's Telephone 864 294-4810
Issuing Court: ☐ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

BAIL set by

Judge JB Keaton
On 9-25-03
Type and Amount \$10,000 Surety
Name of Surety _____

PRELIMINARY HEARING held by

Judge _____
On _____
Defense Attorney _____
Disposition _____

DISPOSITION before

89
Judge _____
On _____
by _____
(indicate jury trial, bench trial, plea, not pros., etc.)
Disposition _____
Sentence _____

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____

CODEFENDANT'S

2003 OCT 23 AM 9:34
FILED-CLERK OF COURT
PAUL B. WICKENS
CLERK
OCT 23 2003

STATE OF SOUTH CAROLINA
COUNTY OF Beaufort
STATE OF SOUTH CAROLINA

Ticket or Warrant No.: H306659-660
IN THE (X) COURT OF GENERAL SESSIONS
() MAGISTRATE'S COURT
() MUNICIPAL COURT OF Cape

Sherrie M McBride
Name of Defendant

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE
(Bail Proceeding Form 2)

Offense Charged: Enticing Enrolled Child from School, Cont'd / Minor
At a bail proceeding conducted by undersigned judge, for the defendant named above, it was determined by the court (check one or both):

- ☐ The release of the defendant on recognizance will not reasonably assure his appearance as required.
☐ The release of the defendant on recognizance will result in an unreasonable danger to the community.
This determination was based upon the following findings of fact:

[Considerations: Nature and circumstances of the offense charged, the accused's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.]

THEREFORE, IT IS HEREBY ORDERED:

- That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior.
- That the above named defendant be released from custody provided as follows (check one):

CASH IN LIEU OF BOND

- ☐ The defendant, acknowledging himself to be indebted to the State of South Carolina, deposits \$_____ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

- ☐ The defendant acknowledges himself to be indebted to the State of South Carolina in the sum of \$_____, his release to be obtained by payment to the court of _____ (%) of this bond in cash, this amount being \$_____. The defendant will be obligated to the State in the full amount of \$_____, such sum to be levied on his real and personal property for the use of the State, should he fail to perform the conditions of this Order.

APPEARANCE RECOGNIZANCE WITH SURETY

- ☒ The defendant will provide good and sufficient surety approved in the court, in the form set forth on the reverse side, acknowledging an indebtedness to the State in the amount of \$12,000.

- ☒ That the defendant shall appear at (check one):

☒ the term of the court of general sessions beginning on [Date: To Be Notified] at [Time: _____] o'clock, _____ M., at [Place: _____]

and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.

☐ the session of magistrate/municipal (circle one) court beginning on [Date: _____] at [Time: _____] o'clock, _____ M., at [Place: _____]. If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

Initials of Defendant: SM

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described on the reverse side which are marked.

SBrecker
Signature of Judge

9/25/23
Date

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, including any conditions included on the reverse side of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, an additional criminal charge will be instituted against me. If the failure to appear is in connection with a felony charge, or while awaiting sentence, or pending appeal or certiorari after conviction, the penalty is a fine of not more than \$5,000 or imprisonment for not more than five years, or both; if I fail to appear in connection with a misdemeanor charge, the penalty is a fine of not more than \$1,000 or imprisonment for not more than one year, or both.

I acknowledge the receipt of a copy of this Order and understand the conditions of my release and the penalties applicable to me in the event I violate any condition of the Order or fail to appear as required.

X [Redacted Address]
Address
Greenville, SC 29617
City/State/Zip

Sherrie M McBride
Signature of Defendant

Date

X [Redacted Social Security Number] (864) 787-1797
Social Security Number/Telephone No.

Attorney Representing Accused (If known)

ORIGINAL AND ONE COPY OF THIS FORM ARE TO BE COMPLETED IN EVERY BAIL PROCEEDING IN WHICH IT IS USED.

Original copy for the Trial Court - Copy for the Defendant

SPECIAL CONDITIONS OF RELEASE

a. ☐ Placement in custody. The defendant is placed in the custody of: NANCY L. MANN
 x [REDACTED] Greenville x SC 29605 322-7590
 Address City State/Zip Telephone

who agrees (1) to supervise the defendant in accordance with conditions set forth by the court, (2) to use every effort to assure the appearance of the defendant at all scheduled hearings before the court, and (3) to notify the court immediately in the event the defendant violates any conditions of his release or disappears.

Nancy L. Mann x 9-25-03
 Signature of Custodian (If Appointed) Date

b. ☐ Restrictions on Travel, Association or Residence. The defendant will comply with each of the following conditions:

c. ☐ Part-time Release. The defendant will be released from custody from ____ o'clock, ____ M. to ____ o'clock, ____ M. on ____ on condition that he return to the custody of ____ at ____ as designated.

d. ☒ Other Conditions. The defendant will comply with the following other conditions of release:

No contact with victim.

APPEARANCE RECOGNIZANCE WITH SURETY

On the 25th day of Sept., 2003, personally appeared before the undersigned judge the surety named below who acknowledged himself indebted to the State of South Carolina, in the sum of \$ 10,000, such sum to be levied on his real and personal property for the use of the State, if the within named defendant shall fail in performing the conditions of this Order.

The surety, being duly sworn, says that he is a resident and free holder within the State and is worth the sum acknowledged and underwritten herein, over all his debts and liabilities, and exclusive of property exempt from execution.

Name of Surety (Printed or Typed) _____

Address of Surety _____

City/State/Zip _____

Nancy L. Mann
 Signature of Surety

D. B. Kester
 Signature of Judge

9/25/03
 Date

Form Approved by
 S.C. Attorney General
 Section 17-15-40
 March 4, 2000

Preliminary Hearing Notice

NI
10-11-03

OF: ☐ Request for Copy of Warrant(s) - Part I

☐ Warrant Dismissal(s) - Part II

STATE vs. Sherrie McBride

PART I

TO: CLERK OF COURT. A preliminary hearing has been requested by the above named defendant and will be held _____

DATE / TIME / PLACE

Defendant represented by: _____

Please provide a certified copy of the listed criminal warrant(s) for the purpose of a preliminary hearing.

Warrant Number

Warrant Number

1. H504039-60
2. 03-8460
- 3.

- 4.
- 5.
- 6.

PART II

TO: SOLICITOR. A preliminary hearing was held in the case of the above named defendant. The warrant(s) listed below was dismissed on the date indicated.

Warrant Number

Date Dismissed

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Date Transmitted: 10/09/03

531
Judge Code

Diane D. Cagle / PSC
Signature

Copies to:

Clerk of Court - White
Summary Court File - Canary
Solicitor - Pink

Greenville
Municipality

County

INSTRUCTIONS FOR THE USE OF THE PRELIMINARY HEARING NOTICE FORM

PURPOSE

SCCA/509 Form (Part I) is used to inform the clerk and the solicitor that a preliminary hearing will be held involving certain warrant(s) and to request that the clerk provide to the summary court certified copies of those warrant(s).

SCCA/509 Form (Part II) is to inform the solicitor that the warrant(s) has been dismissed so that the solicitor can either notify the clerk to remove the case from the pending criminal case files or in the alternative for the solicitor to proceed on a direct indictment from the grand jury.

INSTRUCTIONS FOR MAGISTRATES AND MUNICIPAL JUDGES

If the summary court is requesting a copy of the warrant(s), the first block "Request for Copy of Warrant(s)" is marked, the defendant's name is inserted and the summary court must complete Part I of the form by indicating the place, time and date of the scheduled preliminary hearing and the name of the defense attorney. Insert each applicable warrant number in the space provided. If the number of warrants exceed six, list the others on a separate form and attach. At the bottom of the form add your judge code and sign. Also state what municipality or county you represent and the date you transmitted the form to the clerk. The clerk will get the white copy, the solicitor the pink copy and the summary court will retain the canary copy as its file copy.

If you are notifying the solicitor that a warrant has been dismissed, mark the second block "Warrant Dismissal(s)", insert the defendant's name and complete Part II. In Part II you will list each warrant number and the date the warrant was dismissed. You must send this form to the solicitor within two (2) business days following a warrant's dismissal. Insert the date you transmitted the form to the solicitor, insert your judge code and sign. Also add the municipality or county you represent. The solicitor will get the pink copy, the clerk the white copy and the summary court will retain the canary copy as its file copy.

INSTRUCTIONS FOR THE CLERK

Upon receipt of the Preliminary Hearing Notice Form with a request for a copy of the warrant(s), please provide the requesting summary court with a certified copy of the listed warrant(s). The request (white copy) should be filed with the pending warrant. If the form is providing notice to the solicitor that a warrant(s) was dismissed (Part II), just file the white copy with the pending warrant.

INSTRUCTIONS FOR THE SOLICITOR

Your receipt of a Preliminary Hearing Notice Form (Part I) will inform you of the date, time and place of a scheduled preliminary hearing.

Upon receipt of a Preliminary Hearing Notice Form informing you of a dismissal of a certain warrant(s) (Part II), you should take one of the two following actions based on whether or not a true-bill was returned by the grand jury prior to your receipt of the Preliminary Hearing Notice Form.

1. If a true-bill has not been returned at the time you receive the Preliminary Hearing Notice Form, complete the General Sessions Docket Sheet (SCCA/211) by marking block 8 and show the date of disposition as the date the warrant was dismissed at the preliminary hearing. The solicitor will sign the docket sheet and return it to the clerk of court.
2. If the grand jury has already returned a true-bill on the warrant(s) prior to the receipt by the solicitor of the Preliminary Hearing Notice Form, the solicitor can proceed as if it were a direct indictment. The same docket sheet will be used but a note should be placed on the explain line of the docket sheet stating that this was a direct indictment because the warrant listed above was dismissed at a preliminary hearing.

GENERAL SESSIONS DOCKET TRACKING SHEET

Name: Sherrie McBride

Indictment #: 2003GS2308460

Address: [REDACTED]

Warrant/Ticket #: H506059

City: GREENVILLE State: SC Zip: 29617

No Warrant:

SS #: [REDACTED] Sex: F Race: W

Offense Code: 0048

Date of Birth: 08/01/1965

Offense Name: MINOR /CONTRIBUT TO THE
DELINQUENCY OF M

State: _____ Driver's License #:

Date of Arrest: 09/25/2003

DATE OF DISPOSITION: 8/24/04

DISPOSITION:

AUG 30 2004

☐ 1. Guilty	☐ 6. Judicial Dismissal
☐ 2. Trial (Guilty)	☐ 7. Remanded
☐ 3. Trial (Not Guilty)	☐ 8. Dismissed at Prelim.
☒ 4. Dism/Nol Pros/Pros Ended	☐ 8. No Bill
* ☐ 5. PTI	* ☐ 9. Failure to Appear
* ☐ 5. Judicial Commitment	* ☐ 0. Other

* Explain: Prosecutorial Discretion

Judge:

Ct. Reporter:

Defense Attorney: PASCHAL, JR., H. W. (P) Solicitor: John Rowell

Offense Code:

Offense Name:

Sentence:

DEFENDANT'S
EXHIBIT

YOUR RIGHTS

74 6.8.11

Sheriffs Office

Greenville, S.C.

Date 09-25-03

Time 11:39

Before we ask you any questions, you must understand your rights. *JM*

You have the right to remain silent. *JM*

Anything you say can be used against you in court. *JM*

You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning. *JM*

If you have no money to pay a lawyer's fee, the court will appoint one to represent you without cost if you wish. *JM*

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer. *JM*

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Signed

JM
Sherrie M. Bride

Witness

B. S. Smith

Witness

A. J. Hunter

Time

11:39

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

03-141202

15 6-8-11

I, Sherrie Mann McBride do hereby give freely and voluntarily this statement to
Inv. L.J. Lambert and

who have identified themselves to me to be Deputies of the Greenville County Sheriff's Office, Greenville, South Carolina. I have been advised that I do not have to make this or any other statement, and that what I say can be used against me in a Court of Law. I have been advised that I have the right to Counsel with an Attorney of my choice, that if I am financially unable to obtain an Attorney the Court will appoint an Attorney to represent me. I have not been threatened or promised any reward to make this statement.

I am 38 years old, and I reside at: [REDACTED] Greenville, SC 29617

I have a 20 grade education, and I can read and write.

I met with Josh [REDACTED] in April of 2002. I was his homebound teacher. During that time Josh started confiding in me. Josh came to Berea H.S. in August 2002. I have not been his classroom teacher since he was on homebound. Around October Josh started coming to see me every day. (Josh had been the victim of a crime and the trial began some time in October).

It was after Christmas that Josh cut himself. I reported it to Lynn Fox (our team leader). Ms. Fox took Josh to Ms. Fanning. After this time Josh came to my class daily. Ms. Miller was very concerned about Josh missing class. Sometime later Josh's mom came up to the school and they discussed Josh's grades. Josh was not doing well.

This year Josh wanted to be my aide. He was told no. In the beginning he came by my class and would talk to me before school, in between classes and after school. About three weeks ago, Josh came by my room, and he was hysterical. He was so upset that I wrote Ms. Kight a note asking her to excuse Josh that day because he was so emotionally distraught. After that he spent lunch in my room almost every day. I know I wrote several notes (3-5) to Ms. Kight to excuse him from class. I only wrote Ms. Hill two notes, but she would let him come to my room when he finished his work.

The week before last, I took Josh with me to Instructional Materials after school. I let Josh Drive my black blazer. (I talked to Josh's mom and got permission for him to come with me and to drive my car). We ended up at Teacher's Choice because the other place had moved to somewhere in Greer. We got gas. We went to the Rainbow restaurant with my mother to eat. After that we went to my house so Josh could set up my email (I had gotten Josh's mother's permission) We had only been at the house about five minutes when I realized that it was 8:05 p.m. (Josh was supposed to be home at 8:00 p.m.) Josh called his mom. I could hear her screaming on the phone so I took him right home. His mom was very angry with me for bringing Josh home late.

I let Josh set Excent up on my laptop computer last year during the spring break. He did it at his house and later told me that he put it on his computer at home. I gave him no personal information on any students. The CD never left school.

Last Friday Josh was in my class during 4th block. Josh had started moving my computer to the front. Close to 3:30 p.m. I told him to finish it up on Monday. He left. He came back a short time later very angry. He grabbed my cell phone and called Chris. He was angry with Chris for leaving without him.. He hung up. The phone rang right back. It was Chris. They talked and Josh calmed dow and left. A few minutes later Josh and Chris came to my room. Josh told me that Ingles was holding a video for him and asked me to let him drive up ther to get it. I gave him the keys to my black blazer and told him to come straight back. He did.

I took both boys to Chris' house. I went in with them. We discussed Josh's wanting to run away. Josh talked about trying to go live with his aunt. Chris' mom and I talked about Josh. Chris' mom was upset because Josh mentioned running away. Chris' mom said, Not tonight! I told Chris' mom that Josh says stuff like that all the time. The next day Josh came to my house. He rode his bike to my house and put it up under my house. I called Officer O who told me to call the Sheriff's Office, which I did.

I have read the above statement of 2 pages and it is true and correct as best I recall.

WITNESS:

[Signature]

Sherrie M. McBride
I HAVE RECEIVED A COPY OF THIS STATEMENT
Sherrie M. McBride

Sworn before me this _____ day of _____ 19 _____

NOTARY PUBLIC FOR SOUTH CAROLINA

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

03-141202

I, Sherrie Mann McBride do hereby give freely and voluntarily this statement to
Inv. L.J. Lambert and

who have identified themselves to me to be Deputies of the Greenville County Sheriff's Office, Greenville, South Carolina. I have been advised that I do not have to make this or any other statement, and that what I say can be used against me in a Court of Law. I have been advised that I have the right to Counsel with an Attorney of my choice, that if I am financially unable to obtain an Attorney the Court will appoint an Attorney to represent me. I have not been threatened or promised any reward to make this statement.

I am 38 years old, and I reside at: [REDACTED] Greenville, SC 29617

I have a 20 grade education, and I can read and write.

Josh has told me that he has been packing stuff in his locker. He told me had even brought his laptop and put it in there. Josh often leaves items in my room. Monday, I talked with Ms. Kight and told her what had happened over the weekend and told her that under no circumstances was josh to come back to my room. *****End of Statement*****

I have read the above statement of 2 pages and it is true and correct as best I recall.

WITNESS:

[Signature]

Sherrie M. McBride

I HAVE RECEIVED A COPY OF THIS STATEMENT

Sherrie M. McBride

Sworn before me this _____ day of _____ 19 _____

NOTARY PUBLIC FOR SOUTH CAROLINA

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

Telephone: 864-467-8647
Telefax: 864-467-8610



Greenville County Courthouse
305 E. North Street, Suite 325
Greenville, SC 29601-2185

Solicitor
Robert M. Ariail

August 24, 2004

Pat Paschal, Esquire
Price, Paschal & Ashmore, PA
644 E. Washington Street
Greenville, SC 29603

RE: State v. Sherrie McBride
CHARGES: Contributing to the Delinquency of A Minor; Enticing Enrolled Student from School

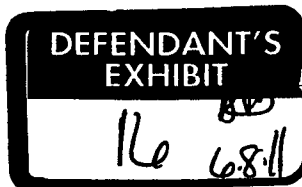
Dear Pat,

After meeting with all of the potential witnesses in this case I have decided that it is not appropriate for trial. I am dismissing both charges mentioned above today and the dismissal of the General Sessions charge should go through the Clerk's Office sometime in the next two weeks. I have spoken to Barbara Tiffin about the magistrate level charge and she advised me that she would dismiss it as well. Please let me know if you have any further questions or concerns about this matter. My number is 467-8794.

Sincerely,

A handwritten signature in black ink that reads "John David Rowell". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

John David Rowell
Assistant Solicitor



STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF GREENVILLE	)	C.A. NO.: 2005-CP-23-6048
	)	
Sherrie Mann McBride,	)	
	)	
Plaintiff,	)	DEFENDANT'S MEMORANDUM RE:
	)	RECONSTRUCTION OF THE RECORD OF
	)	THE TESTIMONY OF NANCY MANN
vs.	)	
	)	
The School District of Greenville	)	
County,	)	
	)	
Defendant.	)	
	)	

I. Introduction

Defendant, the School District of Greenville County ("School District"), as requested by the Honorable Victor C. Pyle, Circuit Court Judge, hereby submits the following memorandum regarding the plaintiff's request to reconstruct the trial record regarding the testimony of witness Nancy Mann.

II. Discussion

On April 5, 2012, the South Carolina Court of Appeals granted the plaintiff's motion to reconstruct the trial record with respect to the testimony of Nancy Mann. A hearing to reconstruct the record has been scheduled for June 18, 2012, at 2:30 p.m. The plaintiff has requested two hours for the hearing.

On May 1, 2012, the plaintiff's attorney advised the School District that Nancy Mann is deceased. As a result, the plaintiff's attorney has stated that she plans to offer the testimony of the plaintiff, "Sherrie Mann[,] and possibly one or two other witnesses who were present during

the trial to testify concerning the content of Ms. Mann's testimony." Email to Counsel, May 1, 2012.

The School District has researched the procedural rules as well as case law concerning the proper method to reconstruct Ms. Mann's testimony. It does not appear that South Carolina has adopted a specific method concerning reconstruction of a trial record. In China v. Parrott, 251 S.C. 329, 334, 162 S.E.2d 276, 278 (1968), the South Carolina Supreme Court held that where *a portion* of the court reporter's notes were lost, the trial judge properly considered affidavits from counsel and the court reporter in reconstructing the record. It appears that the record can also be reconstructed based on the court's own recollection of the testimony of the witness. Id. at 334. In Dolive v. J.E.E. Developers, Inc., 308 S.C. 380, 418 S.E.2d 319, (S.C.App.1992), the trial court granted a developer's request to reconstruct a portion of the record pertaining to an evidentiary presentation before the zoning board, and requested that the developer submit affidavits from the board chairman and witnesses and allow the other party to submit counter-affidavits. In that case, the South Carolina Court of Appeals found "no error in the circuit court's ruling allowing for reconstruction of the record." Id. at 383. In State v. Ladson, 373 S.C. 320, 644 S.E.2d 271 (S.C.App.2007), a hearing was held to reconstruct *an entire* trial record apparently based on sworn testimony from the parties' counsel as well as the trial judge's recollection. However, the South Carolina Court of Appeals held the reconstructed record was not sufficient for meaningful appellate review despite the parties' diligent efforts. Id. "Where there is a disagreement as to what the record on appeal should contain, the duty and responsibility of settling the question rests upon the trial judge." China, 251 S.C. at 334.

In this case, the School District contends that the best evidence of Ms. Mann's testimony at the second trial is her testimony at the first trial in this case. The first trial was held before the

Honorable Larry R. Patterson between October 30 and November 1, 2007. The plaintiff was represented by attorney David Thomas at that time. At the trial, Ms. Mann provided testimony under direct and cross examination. A copy of Ms. Mann's testimony in that trial is attached for the court's convenience.

The School District understands that the plaintiff intends to testify at the upcoming hearing as to the testimony given by her mother, Ms. Mann, at the second trial. Moreover, plaintiff apparently intends to offer other witnesses to testify concerning their recollection of Ms. Mann's testimony at the second trial. Defendant submits that such testimony constitutes hearsay since it consists of statement[s], other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted." Evidence Rule 801. Hearsay is not admissible unless excepted by other applicable rules. Evidence Rules 802, 803. If the South Carolina Court of Appeals ultimately determines that the reconstructed record in this case is not sufficient for meaningful appellate review, the plaintiff's remedy would be to have the case remanded for a third trial. However, the defendant contends that the only evidence which would be admissible at a third trial concerning Ms. Mann's testimony, is her testimony from the second trial which could be read into the record. See Civil Rule 32(a)(3)A)("The deposition of a witness, whether or not a party, may be used by any party for any purpose if the court finds: (A) that the witness is dead"). See also Evidence Rule 801(d)(1).

Here, the plaintiff has not demonstrated how the testimony of Ms. Mann was material to her claims or is relevant to any issue on appeal. In other words, it is unclear as to why Ms. Mann's reconstructed testimony is needed for the purpose of meaningful appellate review. To the extent the plaintiff intends to offer Ms. Mann's reconstructed testimony on the issue of damages, the plaintiff was provided with an opportunity to testify concerning this issue at trial.

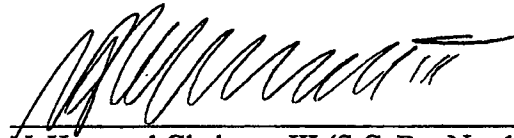
It is axiomatic that the plaintiff should not be allowed to reconstruct the record to create a new issue for appeal or to bolster the appeal. The School District submits it would improper to allow the plaintiff to provide potentially self-serving testimony, under the guise that such testimony was previously offered by Ms. Mann at the second trial, when the veracity of such testimony cannot be verified or effectively subjected to cross-examination. This is the precise reason that hearsay testimony is generally disfavored and inadmissible. In contrast, a transcript exists of Ms. Mann's testimony at the first trial and her testimony was subjected to cross examination. Accordingly, the School District believes that Ms. Mann's testimony at the first trial is the most reliable evidence for reconstructing the record as to her testimony at the second trial.

At the hearing the School District will likely submit testimony from the School District employees present during the testimony of Ms. Mann; Bill Roach, and Doug Webb. Furthermore, testimony may be submitted by counsel for the School District who were present at the trial.

III. Conclusion

For the reasons discussed above, the School District respectfully requests that the court use Ms. Mann's testimony at the first trial in this matter to reconstruct the record on appeal.

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Attorneys for Defendant

Greenville, South Carolina

June 4, 2012

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF GREENVILLE	)	CASE NO. 2005-CP-23-6048
	)	
Sherrie Mann McBride,	)	
	)	
Plaintiff,	)	
	)	PLAINTIFF'S MEMORANDUM
v.	)	IN RESPONSE TO DEFENDANT'S
	)	MEMORANDUM REGARDING
The School District of Greenville	)	RECONSTRUCTION OF TESTIMONY
County,	)	
	)	
Defendant	)	
	)	

The plaintiff, Sherrie Mann McBride, appellant in the Court of Appeals (hereafter, "appellant"), files this memorandum of law in response to the memorandum previously filed by the defendant, School District of Greenville County, with regard to the reconstruction of the testimony of Nancy Mann.

I. Factual and Procedural Background.

This matter is before the court for reconstruction of the testimony of Nancy Mann, a witness in the trial of this case held June 7 and 8, 2011, before the Honorable Victor C. Pyle, Circuit Court Judge. Most of the testimony of this witness is missing from the court reporter's transcript due to malfunction of the court reporter's equipment.

Appellant appealed from the order directing a verdict in favor of the School District. After learning that the testimony of Nancy Mann was missing from the transcript, appellant filed a motion in the Court of Appeals to remand the case to the lower court for reconstruction of Ms. Mann's testimony. The School District opposed that motion. Citing *State v. Ladson*, 373 S.C. 320, 644 S.E.2d 271 (Ct. App. 2007), the School District argued appellant had to establish prejudice in order to be entitled to reconstruction of the missing

testimony. Appellant replied to the School District's return, arguing the prejudice showing of *Ladson* was not applicable at this stage of the proceedings. However, appellant also articulated why the testimony of the witness is relevant to the appeal and how appellant will be prejudiced if the testimony is not reconstructed. *See* Reply to Return to Motion to Remand for Reconstruction of Record (hereafter, "reply") (filed in Court of Appeals and previously submitted to the lower court). The Court of Appeals granted the motion to remand for reconstruction of the witness's testimony.

By email dated May 18, 2012, the trial court asked appellant's counsel to provide certain information concerning the witness and the reconstruction of her testimony. Appellant did so by email dated June 4, 2012, and provided the court (1) an excerpt of the trial transcript related to the missing testimony, (2) an excerpt of a transcript of the 2007 trial of this case, and (3) appellant's reply filed in the Court of Appeals with respect to the issue of prejudice. A copy of that email is attached to this memorandum. The trial court also invited counsel for the School District to address the court's requests if he so desired. The School District submitted a memorandum of law. This memorandum is submitted to respond to the arguments made by the School District in its memorandum.

II. Argument and Authorities.

This case was first tried in 2007. Following that trial, appellant appealed the grant of a directed verdict on multiple causes of action. The Court of Appeals reversed and remanded to the lower court for a new trial on two causes of action – abuse of process and defamation. Nancy Mann was a witness in both the original trial and in the retrial. The School District contends the court should simply adopt the testimony of Nancy Mann from the first trial as the reconstruction of her testimony in the second trial. Appellant contends that to do so

would not be in keeping with the purpose of the Court of Appeals' remand to have the trial court reconstruct the actual testimony of this witness during the second trial.

As noted in appellant's reply filed in the Court of Appeals, in the 2011 trial Ms. Mann testified concerning her knowledge of the events leading up to and following the arrest of her daughter (appellant), statements the school principal was making about her daughter after her daughter was arrested and fired from her teaching position, and the resulting injury to her daughter from both the arrest and the principal's statements. The principal's statements are the basis for the defamation cause of action.

In ruling on the directed verdict motion at the conclusion of the 2011 trial, the trial court questioned whether there was proof of the element of damages with respect to the defamation cause of action. The court noted that one witness testified concerning a statement the principal made about Ms. McBride but also testified she did not believe it and it did not make a difference to her. Appellant, appearing *pro se* in the 2011 trial, argued that others had also heard what the principal was saying. Appellant's recollection is that Nancy Mann testified concerning what others had heard the principal say about appellant. This testimony is relevant to the trial court's ruling on the defamation cause of action and the appeal of that ruling.

Specifically, Ms. Mann testified concerning telephone calls she and appellant received from a number of school employees concerning statements the principal was making about appellant. She testified concerning others who called and informed them about a poem the principal had written about appellant. She testified to the devastating effect the publication of these statements had on appellant, a component of her damages. Ms. Mann's testimony involved both the publication and the damages elements of defamation.

This testimony has a direct bearing on appellate review of the trial court's grant of a directed verdict on the defamation cause of action, which will be one of the issues on appeal. Appellant's right to meaningful appellate review will be prejudiced if this testimony is not reconstructed.

Moreover, appellant's right to meaningful review will be prejudiced if the court simply adopts the testimony of Ms. Mann from the first trial as the reconstruction of her testimony during the second trial. In the first trial, appellant's prior trial counsel did not elicit the testimony related to the defamation cause of action, focusing instead on the circumstances surrounding appellant's arrest and the damages resulting from the arrest. Because additional testimony was given by Ms. Mann in the second trial related to the defamation cause of action, any reconstruction that omits such testimony will not be accurate and will not afford meaningful appellate review with respect to the defamation cause of action. The court should take testimony and reconstruct the witness's testimony based on the recollections of those who heard the testimony.

In its memorandum, the School District reviewed some of the appellate decisions that have dealt with reconstruction of trial testimony. The District acknowledges that those decisions approved of reconstruction of the trial record through affidavits or sworn testimony of persons other than the actual witnesses, including counsel, court reporters, and other participants in the proceedings being reconstructed. *See China v. Parrott*, 251 S.C. 329, 332 & 334, 162 S.E.2d 276, 277 & 278 (1968) (where portions of stenographic notes of the trial proceedings were lost before being transcribed by the court reporter, trial court did not err in settling the record based on affidavits of plaintiff's counsel and the court reporter); *Dolive v. J.E.E. Developers, Inc.*, 308 S.C. 380, 383, 418 S.E.2d 319, 321 (Ct. App. 1992) (approving

circuit court's action allowing party to reconstruct record of zoning appeal by means of an affidavit of the former zoning board chairman, which included summaries of the witnesses' testimony).

Notwithstanding its acknowledgement of these authorities, the District contends the court should not take testimony concerning Ms. Mann's testimony in the second trial, arguing such testimony would be inadmissible hearsay. But the appellate decisions cited above specifically contemplate and approve of using affidavits and sworn testimony as to what occurred in the prior proceedings, including recitals summarizing witness testimony, as the basis for a reconstruction. Because of the nature of a reconstruction of missing testimony, the process necessarily involves relying on witnesses' recollections of the testimony, and the appellate decisions approve such reliance.

The District also contends that, if a new trial is granted, the only evidence that would be admissible in a third trial would be the transcript of the testimony of Ms. Mann from the first trial, since Ms. Mann is no longer living. Appellant submits that any reconstructed testimony from the second trial would be admissible in a third trial under the same authority relied on by the School District, because the reconstructed testimony would serve as a substitute for a transcript of that testimony.

The District alleges appellant is seeking "to create a new issue for appeal or to bolster the appeal." To the contrary, appellant merely seeks to have recreated that which was said in the courtroom by this witness during the second trial. Through no fault of appellant, a record of that testimony is not available because of the court reporter's equipment malfunction. See *Dolive*, 308 S.C. at 383, 418 S.E.2d at 321 (approving reconstruction based

on affidavit summarizing witness testimony, where vital portions of the record were lost through no fault of respondent).

The purpose of the court reporter system is to preserve a record of the trial testimony, in order to afford appellate review. The purpose of a reconstruction is to recreate the missing testimony as fully and accurately as possible, in order to afford the same level of appellate review the litigant would have received had the testimony been recorded and preserved by the court reporter. To adopt the testimony from a different trial without determining what additional testimony was offered by the witness in this trial would fall short of the purpose of reconstructing the actual testimony given by the witness during the second trial. In accordance with the Court of Appeals' order of remand, this court should reconstruct the testimony given by Ms. Mann during the second trial, rather than adopting the transcript of prior trial testimony that is not a complete and accurate reflection of her testimony in the second trial.

Respectfully submitted,



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Telephone: 803-799-4440
Attorney for Plaintiff (Appellant)

Winnsboro, South Carolina

June 13, 2011

Katherine Carruth Goode

From: Katherine Carruth Goode [kcg@carruthgoode.net]
Sent: Monday, June 04, 2012 9:20 AM
To: 'vpylej@sccourts.org'
Cc: 'hclarkson@clarksonwalsh.com'
Subject: McBride v. Greenville County School District
Attachments: excerpt from trial transcript (Oct 30 to Nov 1, 2007).pdf; excerpt from trial transcript (June 7 and 8, 2011).pdf; reply to return to motion to remand for reconstruction of record.pdf

Judge Pyle,

This email is in response to your email dated May 18, 2012, related to reconstruction of the missing testimony of one witness at the 2011 trial of this case.

The witness whose testimony is missing, Nancy Mann, is not available as a witness at the reconstruction hearing June 18, because she died shortly after the most recent trial of this case.

It is my understanding that the witness was not deposed. She did, however, testify in the first trial of this case. I am attaching to this email the transcript of her testimony from the first trial. Also enclosed are the relevant pages from the transcript of the most recent trial, showing the omission of her testimony and concluding with a brief portion of the cross-examination.

I do not believe that Ms. Mann's testimony from the most recent trial can be reconstructed simply by using her prior trial testimony. I am informed by my client, the plaintiff in the court below, that Ms. Mann's testimony in the most recent trial addressed certain matters not touched on in her testimony in the first trial. We are preparing to submit a proposed reconstruction of the testimony at the June 18 hearing, based on my client's recollection of the testimony. Of course, my client will be present to testify concerning her recollection of that testimony.

You have asked me to address the prejudice requirement. Based on my review of the case law pertaining to reconstruction of the record where a transcript is not available, I believe the prejudice showing comes into play if the record cannot be adequately reconstructed. However, this issue was raised by the respondent (the School District) in the Court of Appeals, in its return to my motion to have the case remanded for reconstruction of the record. My reply to that return filed in the Court of Appeals addressed the issue of prejudice, at pages 3-4. I am submitting that reply to you with this email, to address the issue of prejudice about which you inquired.

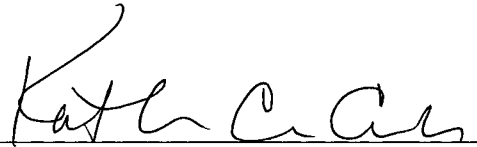
In addition to being prejudiced if the testimony is not reconstructed, as outlined in the attached reply, my client will be further prejudiced if the transcript from the first trial is adopted as the reconstructed testimony. As noted in the attached reply, this witness testified in the retrial concerning matters directly related to the publication and damages elements of the defamation cause of action, a subject not discussed in her testimony during the first trial. The grant of a directed verdict on the defamation cause of action will be one of the issues on appeal. My client will be prejudiced if the reconstruction fails to take into account the additional testimony of the witness during the retrial related to the defamation cause of action.

If there is anything further that you would like for me to submit in advance of the hearing, please let me know.

Katherine Carruth Goode
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Telephone: 803-799-4440

CERTIFICATE OF COUNSEL

Pursuant to Rule 210(g) of the South Carolina Appellate Court Rules, 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.

A handwritten signature in black ink, appearing to read "Kath Carruth Goode", written over a horizontal line.

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