

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Certiorari to Richland County

Honorable Donald B. Hocker, Circuit Court Judge

COURTNEY SHANTE THOMPSON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-001994

APPENDIX

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	)	2013-GS-40-06515
	)	2013-GS-40-06522
	)	
The State	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
Antonio Robert Guinyard	)	
	)	
Courtney Thompson	)	
	)	
Defendants	)	

May 19 - 28, 2014
Columbia, South Carolina

BEFORE:

The Honorable Robert E. Hood, Judge

APPEARANCES:

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Joanna McDuffie, Asst. Solicitor
Meghan Walker, Asst. Solicitor
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Jessica Eisenhower, Esq.
Attorneys for Defendant Robert Guinyard, Sr.

Adam Ruffin, Esq.
Tracy Pinnock, Esq.
Eric Staggs, Esq.
Attorneys for Defendant Courtney Thompson

KAREN AMBROZIAK
Official Court Reporter

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<u>No.</u>	<u>Description</u>	<u>ID</u>	<u>EV</u>
1	Advice of Rights (Thompson)	171	1,210
2	Statement (Thompson)	171	
2-A	Redacted Statement (Thompson)	1,181	1,217
3	Advice of Rights (Guinyard)	171	1,203
4	Statement (Guinyard)	171	913
5	Advice of Rights (Thompson)	171	1,244
6	Statement (Thompson)	171	1,672
6-A	Redacted Statement (Thompson)	1,181	1,253
7	Advice of Rights (Guinyard)	171	1,247
8	Photo	231	560
9	Photo	231	560
10	Photo	231	560
11	Photo	231	560
12	Photo	662	
13	Photo	662	724
14	Photo	662	
15	Photo	662	724
16	Photo	662	724

STATE'S EXHIBITS: (Continued)

<u>No.</u>	<u>Description</u>	<u>ID</u>	<u>EV</u>
17	Photo	662	724
18	Photo	662	724
19	Photo	662	724
20	Photo	695	743
21	Photo	695	743
22	Photo	695	743
23	Photo	695	743
24	Photo	695	743
25	Photo	695	743
26	Photo	695	743
27	Photo	695	743
28	Photo	695	743
29	Photo	695	743
30	Photo	695	743
31	Photo	695	743
32	Photo	695	743
33	Photo	695	743
34	Photo	695	743
35	Photo	695	743

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No.	Description	ID	EV
36	Photo	695	740
37	Photo	695	740
38	Photo	695	740
39	Photo	695	740
40	Photo	695	740
41	Photo	695	741
42	Photo	695	741
43	Photo	695	741
44	Photo	695	741
45	Photo	231	466
46	Photo	586	731
47	Photo	586	731
48	Photo	586	731
49	Photo	586	731
50	Photo	586	731
51	Photo	586	731
52	Photo	586	731
53	Photo	586	731
54	Photo	586	731

STATE'S EXHIBITS: (Continued)

<u>No.</u>	<u>Description</u>	<u>ID</u>	<u>EV</u>
55	Photo	586	731
56	Photo	586	731
57	Photo	586	731
58	Photo	586	731
59	Photo	586	731
60	Photo	695	743
61	Photo	695	743
62	Photo	695	743
63	Photo	695	743
64	Photo	231	439
65	Photo	231	439
66	Photo	231	439
67	Photo	231	439
68	Photo	231	439
69	Photo	231	439
70	Photo	231	439
71	Photo	231	439
72	Photo	231	439
73	Photo	231	439

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No.	Description	ID	EV
74	Photo	695	743
75	Photo	662	724
76	Photo	662	
77	Photo	662	
78	Photo	662	
79	Photo	662	
80	Photo	662	724
81	Photo	662	724
82	Photo	662	
83	Photo	662	724
84	Photo	662	724
85	Photo	662	724
86	Photo	231	444
87	Photo	231	444
88	Photo	231	444
89	Photo	231	444
90	Photo	231	444
91	Photo	231	444
92	Photo	231	444

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<u>No.</u>	<u>Description</u>	<u>ID</u>	<u>EV</u>
93	Photo	231	444
94	Photo	231	444
95	Photo	231	444
96	Photo	231	444
97	Photo	231	444
98	Photo	231	444
99	Photo	231	444
100	Photo	231	444
101	Photo	231	444
102	Swabs	231	450
103	White Pole	231	443
104	Swab Marks (1,3,4,5,6)	695	747
105	Carpet & Washcloth	586	735
106	Photo	662	769
107	Photo	662	
108	Photo	662	
109	Photo	662	
110	Photo	695	769
111	Photo	695	769

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<u>No.</u>	<u>Description</u>	<u>ID</u>	<u>EV</u>
112	Photo	695	774
113	Photo	695	774
114	Photo	695	774
115	Photo	695	774
116	Photo	695	774
117	Photo	695	774
118	Photo	695	774
119	Photo	695	774
120	Photo	695	774
121	Photo	695	774
122	Photo	695	774
123	Photo	695	774
124	Photo	695	774
125	Photo	695	774
126	Photo	695	774
127	Photo	695	774
128	Photo	695	774
129	Photo	695	774
130	Photo	662	724

STATE'S EXHIBITS: (Continued)

<u>No.</u>	<u>Description</u>	<u>ID</u>	<u>EV</u>
131	Photo	662	
132	Photo	662	
133	Photo	662	
134	Photo	662	
135	Photo	662	
136	Photo	662	724
137	Photo	662	724
138	Photo	662/708	724
139	Photo	662	724
140	Photo	662	
141	Photo	662	
142	Photo	662	
143	Photo	662	
144	Photo	662	724
145	Photo	662	
146	Photo	662	724
147	Photo	662	724
148	Photo	662	
149	Photo	662	

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<u>No.</u>	<u>Description</u>	<u>ID</u>	<u>EV</u>
150	Photo	662	
151	Broom/Dowel Rod	708	789
152	Photo	586	691
153	Photo	586	691
154	Photo	586	691
155	Photo	586	691
156	Photo	586	691
157	Photo	586	691
158	Photo	586	691
159	Photo	586	691
160	Photo	586	691
161	Photo	586	691
162	Photo	586	691
163	Photo	586	691
164	Photo	586	691
165	Photo	586	691
166	Photo	586	691
167	Photo	586	691
168	Photo	586	691

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<u>No.</u>	<u>Description</u>	<u>ID</u>	<u>EV</u>
169	Photo	586	691
170	Nail Scraping (Guinyard)	586	690
171	Nail Scraping (Thompson)	586	690
172	Photo	695	786
173	Photo	695	786
174	Photo	695	786
175	Photo	695	786
176	Photo	695	786
177	Photo	695	786
178	Photo	695	786
179	Photo	695	786
180	Photo	695	786
181	Photo	695	786
182	Photo	695	786
183	Photo	695	786
184	Photo	695	786
185	Photo	695	786
186	Photo	695	786
187	Photo	695	786

STATE'S EXHIBITS: (Continued)

No.	Description	ID	EV
188	Photo	695	786
189	Photo	695	786
190	Photo	695	786
191	Photo	695	786
192	Photo	695	786
193	Photo	695	786
194	Photo	695	786
195	Photo	695	786
196	Photo	695	786
197	Photo	695	786
198	Photo	695	786
199	Photo (withdrawn 1806)	695	786
200	Photo	695	786
201	Swab from Dowel	695	797
202	Swab from Closet	695	790
203	Hospital Gown & Shirt	695	793
204	Red Shoes & Shirt	695	772
205	Buccal Swab (Thompson)	695	1,026
206	Buccal Swab (Guinyard)	695	1,026

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<u>No.</u>	<u>Description</u>	<u>ID</u>	<u>EV</u>
207	Buccal Swab (Victim)	695	816
208	Victim's Jeans	695	817
209	Victim's Prints	695	816
210	Cell Phone (Thompson)	695	898
211	Map Blow Up	231	453
212	Blow Up	695	
213	Blow Up	695	1,280
214	Blow Up	695	
215	Photo	586	633
216	Photo	586	633
217	Photo	586	633
218	Photo	586	633
219	Photo	586	633
220	Photo	586	633
221	Photo	586	633
222	Photo	586	633
223	911 Call	1,284	
224	Photo	586	736
225	Photo	802	1,112

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<u>No.</u>	<u>Description</u>	<u>ID</u>	<u>EV</u>
226	Photo	802	
227	Photo	802	1, 113
228	Photo	802	1, 113
229	Photo	802	1, 113
230	Photo	802	1, 119
231	Photo	802	1, 110
232	Photo	802	
233	Photo	802	
234	Photo	802	
235	Photo	802	
236	Photo	802	
237	Photo	802	
238	Photo	802	
239	Photo	802	
240	Photo	802	1, 124
241	Photo	708/802	1, 124
242	Photo	802	1, 129
243	Photo	802	
244	Photo	802	

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No.	Description	ID	EV
245	Photo	802	
246	Photo	802	
247	Photo	802	896
248	Photo	802	896
249	Photo	802	896
250	Phone Data Report	802	987
250-A	Redacted Data Report	1,271	1,271
251	Photo	802	942
252	DNA Blow Up Summary	802	1,028
253	DNA Blow Up Summary	802	1,028
254	Disk-Jail phone call	1,009	1,285
255	Diagram	802	1,108
256	Diagram	802	1,108
257	Taxi Cab Phone Records	802	1,177
258	Coroner Video	802	1,666
259	Photo Facebook	802	1,565
260	Statement (Thompson) 7/1/13	1.655	1.669

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<u>No.</u>	<u>Description</u>	<u>ID</u>	<u>EV</u>
1	911 Call	1,374	1,597

COURT'S EXHIBITS:

<u>No.</u>	<u>Description</u>	<u>ID</u>	<u>EV</u>
1	State's voir dire	29	
2	Defense's voir dire	29	
3	Proposed Statement 7/2/13	177	
4	Proposed Statement 7/11/13	177	
5	Pretrial Motions	177	
6	Motion by Defense	231	
7	CP Video - Coroner	298	
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9	Report	806	
10	Request to Charge	1,700	
11	Note from Jury	1,807	

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Closing Statement by Mr. Li	1,722
Closing Statement by Ms. Pinnock	1,732
Closing Statement by Ms. Campbell	1,745
Jury Charge	1,782
Verdict	1,810
Sentencing	1,825
CERTIFICATE OF REPORTER	1,827

1 (WHEREUPON, Court's Exhibits Numbers 1 and 2 were
2 marked for identification only.)

3 THE COURT: All right. We're on the record in
4 The State of South Carolina vs. Robert Antonio
5 Guinyard 2013-GS-40-6520 and 6521. We're also on the
6 record in The State of South Carolina vs. Courtney
7 Thompson, 2013-GS-40-6515 and 6522. The State is
8 present and represented by Luck Campbell, Meghan
9 Walker, and Joanna McDuffie. Mr. Guinyard is present
10 in the courtroom and represented by Victor Li and
11 Jessica Eisenhower, and Ms. Thompson is present and
12 represented by Tracy Pinnock, Eric Staggs, and Adam
13 Ruffin. Are there any pretrial matters to take up
14 before we move on to jury selection?

15 MS. CAMPBELL: Your Honor, the only thing, we do
16 have one matter as to a certain juror.

17 THE COURT: Do you know her number or her name?

18 MS. CAMPBELL: Her name is Mrs. Fields.

19 THE COURT: I don't believe she is in our panel.

20 MS. CAMPBELL: Then it's a moot issue. The only
21 other thing we'd ask to be heard on is the voir dire
22 request.

23 THE COURT: Okay. We're going to come around to
24 that.

25 Do you see Mrs. Fields, Jackie, on the list?

1 THE CLERK: No, Your Honor.

2 THE COURT: All right. If Mrs. Fields, if she
3 walks in and I'm overlooking it on my list, just bring
4 it to my attention. We'll deal with it at sidebar.

5 All right, Mr. Li, do you want to be heard on a
6 matter?

7 MR. LI: Thank you, Your Honor, we would make a
8 request to unshackle his feet. Under Deck v. Missouri
9 the State needs to make an affirmative showing other
10 than saying that these charges carry a great amount of
11 time, and I don't think they can do so. There's been
12 no previous outburst, no violent history. There is no
13 demonstration in the court that he will cause any kind
14 of disruption, Your Honor. We would ask that his feet
15 be unshackled.

16 THE COURT: All right. What's your position on
17 that, Ms. Campbell, or whoever wants to talk?

18 MS. CAMPBELL: Your Honor, we would defer to
19 whatever you think is appropriate. We usually go with
20 what security does in all cases involving either a
21 murder or a serious charge, even if it's just armed
22 robbery. The defendant's feet are traditionally
23 shackled. I would note that his arm shackles and his
24 hand shackles have been taken off. That is what we
25 have done traditionally in this courthouse. We would,

1 of course, do whatever you think is appropriate.

2 THE COURT: All right. Sergeant Doudoukjian, are
3 you in charge?

4 THE DEPUTY: Yes.

5 THE COURT: What's your position?

6 THE DEPUTY: At this point, I'd like to leave
7 them on.

8 THE COURT: All right. At this point in time, we
9 are going to leave them on. This is probably going to
10 be a lengthy trial. I may change my mind throughout
11 the trial. Let's make it through a day or so and see
12 what things are like. For the record, the jury would
13 be unable to see his feet based on the way the tables
14 are created --- the way the tables are made, and his
15 hands --- are you shackled at the hands, Mr. Guinyard?

16 DEFENDANT GUINYARD: No, sir.

17 THE COURT: Are you shackled around the waist?

18 DEFENDANT GUINYARD: No, sir.

19 THE COURT: All right. So his hands are not
20 shackled and his waist is not shackled. At this point
21 in time, just his feet are shackled; is that correct?

22 THE DEPUTY: That's correct.

23 THE COURT: Let's go a few days into trial and
24 we'll just see how things are going and what, if
25 anything, happens and I may change my mind on that or

1 Sergeant, you may change your position on that. At
2 this point in time, out of an abundance of caution for
3 the record, we are working in a courtroom with two
4 defendants present, which is a bit of an --- it's not
5 highly unusual, but it is unusual from the normal
6 course of business in trials. I know everybody is
7 taking security in the proper manner, so we'll leave
8 them on for right now, but let's give it a day or so.
9 I'll be happy to revisit it or think about it based
10 upon how things go.

11 Anything before we get to voir dire, anything
12 else?

13 THE COURT: All right. For the record, the State
14 has submitted proposed voir dire. Is there any
15 objection to that voir dire from defendant Guinyard?

16 MR. LI: No, Your Honor.

17 THE COURT: And from defendant Thompson?

18 MS. PINNOCK: No, Your Honor.

19 THE COURT: All right. Number three, I will ask
20 that question, so that's number three on the State's
21 list is in my standard questions that I ask. Okay.

22 And then let's go to defendant Guinyard's
23 requested voir dire. What's the State's position?

24 MS. CAMPBELL: Your Honor, we feel like a number
25 of his requests are basically comments on the facts

1 and maybe if they were more general, it would be, of
2 course --- it's anybody who was raised by a single
3 family household or has a parent who is frequently
4 absent. I don't know exactly where that's coming from
5 in this case, since both parents were active in this
6 household and both were there when this offense
7 occurred. They were there when the police showed up.
8 That's my understanding. I don't know how it would
9 apply to this case even if he were to comment on the
10 facts.

11 Number two, I don't know what relevance there
12 would be in asking if they're a single parent. We
13 don't oppose that.

14 Number three, the consumption of alcohol, the
15 only mention of alcohol in this case that I'm aware of
16 is that the defendant in this case may have had a beer
17 earlier that morning. This occurs and the police
18 respond around six that night. The only mention of
19 any alcohol is that he did volunteer that he bought a
20 beer that morning before.

21 Your Honor, as far as a negative view of people
22 who receive food stamps or live in government
23 subsidized housing, in this case, Your Honor, they
24 were subsidized, however, I don't know how much of
25 that we would be getting into. I would think --- I

1 just don't like the verbiage in this case as far as,
2 you know if they cannot be fair and impartial if a
3 person involved in this case is on welfare or receives
4 food stamps, I don't mind that verbiage, but to say
5 they have a negative view, I don't think would be
6 appropriate.

7 He is also making a comment on the facts of
8 individuals who have multiple children and cannot
9 afford to care for them. I am not aware and don't
10 know if there is any evidence that they could not
11 afford to pay for them. The apartment was clean and in
12 good shape. They were paying their rent and
13 everything was going forward, so I don't even know how
14 that would apply in this case.

15 As far as tattoos, again, instead of using a
16 negative view, basically is there anything about a
17 person having a tattoo that would cause them to not be
18 able to be fair and impartial. I'm assuming he is
19 referring to his client's tattoos on his face?

20 MR. LI: Yes.

21 MS. CAMPBELL: I don't mind number seven, Your
22 Honor, CDV. It's not a criminal domestic violence
23 case, however, we would just that ask any crimes you
24 ask about if they been accused, if they been a victim
25 of, if you could make it reciprocal as well, make it a

1 victim of as well, whatever you think is appropriate.

2 I think number eight is inappropriate.

3 I think number nine, if you have a child under
4 the age of five years old. This does involve a death
5 of a four-year-old. I think that would be included in
6 your general charge. Just briefly outline the facts in
7 this case, we would prefer the verbiage that you would
8 use.

9 Your Honor, number ten, I don't know what an
10 unnatural death of a child would be.

11 THE COURT: Hold on one second.

12 (Pause.)

13 Okay. Go ahead.

14 MS. CAMPBELL: On number ten, is there anyone
15 who has experienced the unnatural death of a child. I
16 don't know what unnatural death, what that would
17 necessarily mean. I think if you want to inquire if
18 anyone had the death of a child, say under the age of
19 five.

20 As far as any corporal punishment, I don't think
21 the words fundamental opposed would be appropriate.
22 Again, if you were to grant their request and, of
23 course, this is all up to you, Judge, but if it would
24 cause them not to be able to be fair and impartial.

25 I don't understand number 12 and how that works

1 here, but a woman can never be the head of the
2 household?

3 Your Honor, there is some evidence that the ---
4 one of the defendants or both of the defendants in
5 this case would tell people that the child was
6 afflicted with autism. However, that was not true.
7 However, they did tell people that. Again, if you
8 could change the verbiage on that as far as mentioning
9 the autism part.

10 THE COURT: All right. Mr. Li.

11 MR. LI: Your Honor, I believe that we don't have
12 to disclose the theory of our defense to the
13 prosecution, Your Honor. These questions that we are
14 inquiring into, I don't think any of them are
15 fundamental unfair. The verbiage of if you have a
16 negative view towards something, that's the verbiage,
17 if they don't like it, we have no problem with
18 changing the wording to something that's more, I
19 guess, what they perceive as neutral, but these are
20 issues that we'd like to be asked, Your Honor.

21 If we are limited in our voir dire --- I think
22 these are neutral questions, whether or not they know
23 the entirety --- they know the facts that they know,
24 Your Honor, and we know the facts that we know.
25 Ms. Thompson's attorney knows the facts that they

1 know. So we don't have to explain to them why some of
2 these questions are in here as long as they're not
3 fundamental unfair. We believe that we have the right
4 to question the jury members about this. We don't
5 think any of them are fundamental unfair. Just
6 because they don't understand, it doesn't mean that we
7 don't understand it.

8 THE COURT: Well, I don't understand unnatural
9 death.

10 MR. LI: Well, unnatural death, we were trying to
11 think of a way to phrase that and maybe the wording on
12 that one is not good. Your Honor, we're trying to ask
13 has anybody experienced the death of a child that's
14 under 5 years old due to something other than like a
15 terminal illness, born with, diagnosed with something,
16 something that was basically that, Your Honor.
17 Something other than the natural, I guess, you know,
18 unpreventable death.

19 THE COURT: I mean, anybody that has a child
20 that's ever died could answer number ten. I mean, I
21 don't --- all right, sir. Let's go through them one
22 at the same time. What does single family household
23 have to do with this case?

24 MR. LI: Well, to answer that, Your Honor,
25 would --- I think to answer that question would be to

1 force us to divulge our defense, Your Honor. We
2 believe that's a relevant question. It's not
3 prejudicial. It doesn't cause any harm either way.

4 THE COURT: I mean, you just want to know this?

5 MR. LI: Yes.

6 THE COURT: Or do you want me to ask them if it
7 would affect their ability to be fair and impartial?

8 MR. LI: All of these I would ask you to ask if
9 it would affect their ability to be fair and
10 impartial. So the extra wording that Ms. Campbell
11 would like to add, that's fine on that, but the
12 subject matter, that's what we're interested about.

13 THE COURT: So what is the extra wording you
14 want, Ms. Campbell?

15 MS. CAMPBELL: Your Honor, I don't think on
16 number one or number two that we would want any extra
17 verbiage.

18 THE COURT: Okay.

19 MS. CAMPBELL: Those are not the ones I'm
20 referring to.

21 THE COURT: Okay. What's the extra --- how do
22 you want the wording changed on number four?

23 MS. CAMPBELL: Whenever he is saying on number
24 four a negative view of people, you just pose the
25 question that there may be evidence of people on

1 welfare or receive food stamps. Is there anything
2 about that that would cause you not to be fair and
3 impartial.

4 THE COURT: Is that okay with you?

5 MR. LI: Yes, Your Honor, that's fine.

6 THE COURT: Okay.

7 MS. CAMPBELL: Just take the negative view,
8 fundamentally opposed, those words, out.

9 THE COURT: I'm going to change most of these
10 around to, is there any member of the jury panel who
11 has an issue with ---

12 MR. LI: That's right.

13 THE COURT: --- with whatever the topic area is
14 that would cause you to be fair and impartial. If any
15 of that evidence were to come into the trial at all.
16 Is that okay with you, Mr. Li?

17 MR. LI: Yes, Your Honor.

18 THE COURT: You're going to have to come up with
19 a more creative way to ask number ten.

20 MR. LI: We can ask it the way you proposed, Your
21 Honor. Well --- well, if you can ask it to inquire
22 into any person that had a child under the age of five
23 who has passed away.

24 THE COURT: Who is deceased?

25 MR. LI: Who is deceased.

1 THE COURT: All right. I mean, when we're
2 dealing with these questions like that, when people
3 stand up, I'm just going to pull them up front. I
4 won't make them answer in front of everybody because
5 we don't need to take a panel with a lot of these
6 answers, so if somebody stands up, I'm going to pull
7 them up front. It will be on the record. The
8 attorneys are going to be allowed to hear, but I don't
9 need to share that kind of information with the whole
10 panel.

11 MR. LI: Yes, sir.

12 THE COURT: I don't want it to influence anybody
13 inappropriately.

14 Okay. All right, and Defendant Thompson's voir
15 dire?

16 MS. CAMPBELL: Your Honor, I believe number one
17 was addressed as --- that's part of your general
18 charge.

19 THE COURT: Did Judge Benjamin go over next week
20 this morning?

21 MS. CAMPBELL: She did.

22 THE COURT: Good.

23 MS. CAMPBELL: Your Honor, on number two and
24 three, we would ask these be made reciprocal, has
25 anyone been accused?

1 THE COURT: Okay.

2 MS. CAMPBELL: I have no problem with number four
3 and number five on DSS.

4 THE COURT: Okay.

5 MS. CAMPBELL: Number six, I think, is probably
6 part of your standard, number seven is standard,
7 number eight is standard. You might consolidate
8 those, I don't know. As far as being appointed a
9 guardian ad litem, I don't have a problem with that
10 one.

11 THE COURT: Okay.

12 MS. CAMPBELL: On number ten, if they ever
13 testified before, I don't know, Judge. That's in your
14 discretion; I don't know whether you usually ask that
15 one or not.

16 THE COURT: I don't.

17 MS. CAMPBELL: I don't usually see it asked, so
18 we would object to number ten. Number 11 and number
19 12 would be part of your general charge that I think
20 you'll educate them on.

21 Number 13, if they want that, I don't understand
22 why.

23 THE COURT: I don't know this. Who is Lillian
24 Koller? Is that the Greenwood case?

25 MS. CAMPBELL: No. She is the head of DSS.

1 THE COURT: Okay.

2 MS. CAMPBELL: That's been in legislative
3 hearings lately.

4 THE COURT: Not about this case, though, right?

5 MS. CAMPBELL: It's not about this case at all.

6 THE COURT: The legislative hearings haven't ---

7 MS. CAMPBELL: This case came up at the
8 legislative hearings.

9 THE COURT: Okay.

10 MS. CAMPBELL: To be fair.

11 THE COURT: Let's keep going and then we'll come
12 back, all right. Number 14 is fine. We ask 14 and
13 15.

14 MS. CAMPBELL: Yes, 15 is part of yours anyway.

15 THE COURT: All right. So, let's go back to 13.
16 What's the issue with 13, Ms. Pinnock?

17 MS. PINNOCK: Your Honor, Ms. Koller is the head
18 of DSS. Any time there is a news article or report on
19 TV or in the newspaper or on social media, this case
20 is mentioned, so we did a search just with
21 Ms. Thompson's name, and I did a search just yesterday
22 putting in the name Lillian Koller and they
23 continuously talk about the death of CHILD
24 every time you pull up the reports of what's going
25 on with DSS.

1 THE COURT: Okay.

2 MS. PINNOCK: That's why I was expanding it not
3 just with Ms. Thompson's name, but also with
4 Ms. Koller, because if they had read or heard
5 something about Ms. Koller, they more than likely have
6 heard something about this case.

7 THE COURT: Okay. I'll probably lump all that
8 together, have you heard anything about this case or
9 the DSS issue or the legislative issue with DSS and
10 Lillian Koller, whatever. We'll take all that. If
11 they respond, we'll take all that individually. We'll
12 take them up one at a time.

13 MS. PINNOCK: Thank you, Your Honor.

14 THE COURT: Okay. Anything further?

15 MS. CAMPBELL: Nothing from the State, Your
16 Honor.

17 THE COURT: Mr. Li?

18 MR. LI: Nothing from Guinyard, Your Honor.

19 THE COURT: All right. Bring them up.

20 MS. PINNOCK: I'm sorry, just for the record, I
21 don't think Ms. Campbell was objecting, I think she
22 mentioned 10 and 11. I don't believe she objected to
23 those if, I'm right on that.

24 MS. CAMPBELL: Oh, I'm sorry. I skipped those.
25 The testified one, I did object to ten.

1 MS. PINNOCK: Okay. Did you object to 11?

2 MS. CAMPBELL: I think that would be included in
3 his general, is what I said.

4 MS. PINNOCK: Okay.

5 MS. CAMPBELL: Eleven and twelve.

6 MS. PINNOCK: Well, Your Honor ---

7 MS. CAMPBELL: I don't think he's going to say
8 anything about the nature of these allegations,
9 because it's going to be repetitive. I think he will
10 cover it. That was my position on those.

11 MS. PINNOCK: For number ten, Your Honor, I think
12 if anybody has testified in any criminal proceeding,
13 you know, just trying to figure out what their
14 involvement was, being called as the State's witness,
15 defense witness, I don't think is too much of a
16 stretch of the imagination if they are involved in the
17 criminal system to find out what their involvement has
18 been.

19 THE COURT: All right. I'll think about it,
20 okay. All right. Let's bring them up.

21 (WHEREUPON, the jury panel entered the
22 courtroom.)

23 THE BAILIFF: Jury panel is seated, Your Honor,
24 are can.

25 THE COURT: You good?

1 THE BAILIFF: Yes, sir.

2 THE COURT: Good morning, ladies and gentlemen.

3 THE JURORS: Good morning, Your Honor.

4 THE COURT: It's all right to speak up. I know
5 you've been here a long time already. My name is
6 Robert Hood. I'm one of your resident circuit court
7 judges. We are about to select a jury in this case.
8 Let me explain to you, I know that we are approaching,
9 close to or past the lunch hour for some of you.

10 Let me explain what's going to happen the rest of
11 the day so you know. If you actually make it onto my
12 jury, once you're selected, I'll give you a very
13 short, less than ten minutes of information that
14 you'll need to know for tonight, then you will be sent
15 home for the rest of the day, if you actually make it
16 on my jury. If you do not make it on my jury, you
17 will go back down to the jury assembly room where
18 you'll be released and allowed to go eat lunch. You
19 may be released for the day. I'm not positive of
20 that. Don't quote me on that. You will be allowed to
21 go eat lunch soon.

22 Due to the timing of this case, we're going to
23 try to get the jury selected this morning so we can
24 take things up this afternoon that we need to. Then
25 if you actually make it onto my jury, you will be

1 required to report back here tomorrow morning at 9:30
2 to start the trial of the case.

3 Okay. All right. Before we begin this trial, I
4 need to tell you that this trial will be different
5 from what you might expect. Many people do not have
6 the chance or the opportunity to attend actual court
7 sessions as you are doing now, and may think from TV
8 or movies or books that trials are always full of high
9 drama, intense action, and riveting circumstances.
10 While all of these things may be true at times, this
11 trial is not for entertainment.

12 This is a fundamental part of our democracy. It
13 is a search for the truth between the parties before
14 this court. Searching for the truth and making sure
15 that justice is done is often slow, deliberate and
16 repetitive, the opposite of what you may have seen on
17 television or in movies or in books.

18 This courtroom, ladies and gentlemen, is a place
19 of honor, dedicated to the protection and preservation
20 of citizen's rights through what many have called the
21 greatest justice system ever created. The attorneys
22 who will appear before you this week are advocates for
23 the sides that they represent. First and foremost,
24 they are officers of this court. They are sworn to
25 uphold the integrity and the fairness of our judicial

1 system and to help you in the search for the truth.

2 You should expect the attorneys to be
3 professional, to be competent and ethical in the
4 representation of their client's interest. Remember
5 that if your get selected on my jury, you will take an
6 oath to try this case and reach a fair and just
7 verdict. You are also expected to be professional,
8 reasonable and ethical. Thank you for accepting this
9 important responsibility of jury service this week and
10 for your contributions to our justice system.

11 Jury service is a key democratic check on our
12 judicial system. This is your control on our judicial
13 branch of government. Jury service is evidence of a
14 participatory democracy in our country, so again, I
15 know that you all were forced and summoned to be here.
16 There are a million other places that I know you would
17 rather be and other things that you would rather be
18 doing and there are important things going on in your
19 life, but on behalf of the court and all the judges
20 who sit here in Richland County, I want to say thank
21 you for your service this week.

22 We are now ready to select a jury in the case and
23 the State may call the case.

24 MS. WALKER: Thank you, Your Honor. At this
25 time, the State calls the trial the State vs. Courtney

1 Shante Thompson, indictments number 2013-GS-40-6515
2 and 6522 for the charges of homicide by child abuse
3 and unlawful conduct towards a child. The State also
4 called the State vs. Robert Antonio Guinyard,
5 indictments 2013-GS-40-6520 and 6521 for the charges
6 of homicide by child abuse and unlawful conduct
7 towards a child.

8 THE COURT: Thank you, Ms. Walker.

9 Ladies and gentlemen, the first case the State
10 has called this week is 2013-GS-40-6515, the State of
11 South Carolina against Courtney Shante Thompson. This
12 indictment reads --- it's for homicide by child abuse
13 and it reads that Courtney Shante Thompson did in
14 Richland County on or between June 15, 2013, and
15 July 1st of 2013, cause the death of **CHILD**
16 **█**, a child under the age of 11 while committing
17 child abuse or neglect and the child's death occurred
18 under circumstances manifesting in extreme
19 indifference to human life in violation of Section
20 16-3 85 (A)(1) of the South Carolina Code of Laws.

21 The second charge brought against Ms. Thompson
22 this week is unlawful conduct towards a child. This
23 indictment reads that Courtney Shante Thompson did in
24 Richland County on or between April 18th, 2009, to
25 July 1st, 2013, while having charge or custody or

1 being the parent or guardian or being responsible for
2 the welfare of the minor child CHILD
3 did place the child at unreasonable risk of harm
4 affecting the child's life, physical or mental health
5 or safety or did unlawfully or maliciously cause or
6 cause to be done bodily harm to the child so that the
7 life or the health of the child was endangered or was
8 likely to be endangered or did willfully abandon the
9 child in violation of the South Carolina Code of Laws.

10 The second set of charges this morning that the
11 State has brought against Robert Antonio Guinyard
12 indictment 2013-GS-40-6520. This indictment is for
13 homicide by child abuse. It reads that Robert Antonio
14 Guinyard did in Richland County on or between
15 June 15th, 2013, and July 1st of 2013, cause the death
16 of CHILD a child under the age of 11
17 while committing child abuse or neglect, and the
18 child's death occurred under circumstances manifesting
19 an extreme indifference to human life in violation of
20 the South Carolina code of laws as amended.

21 The last indictment is 2013-GS-40-6521, The State
22 of South Carolina versus Robert Antonio Guinyard. It
23 states that Robert Antonio Guinyard did in Richland
24 County on or between April 18th of 2009, to July 1st
25 of 2013, while having charge or custody or being the

1 part or guardian or being responsible for the welfare
2 of the minor child, **CHILD** ., did place
3 the child at unreasonable risk of harm affecting the
4 child's life, physical or mental health or safety or
5 did unlawfully or maliciously cause to be done bodily
6 harm to the child so that the life or health of the
7 child was in danger or was likely to be in danger or
8 did willfully abandon the child in violation of the
9 South Carolina Code of Laws.

10 Now, ladies and gentlemen, to these indictments,
11 the defendants both have pled not guilty and request a
12 trial by jury.

13 Now, I'm going to tell you this again, but please
14 listen as I tell you this closely, these indictments
15 that I hold in my hand, which have been true billed by
16 the Richland County grand jury are not evidence of
17 anything. They are not proof of anything. They are
18 merely the documents that allow this case to be called
19 before this court, and they are not to be considered
20 as evidence or proof of anything in this case in any
21 way, shape, or form.

22 To these indictments both defendants have pled
23 not guilty and have requested a trial by jury.

24 Now, ladies and gentlemen, just a few hours ago,
25 you were sworn in before Judge Benjamin during general

1 jury qualifications. That oath you took this morning
2 still applies to you now.

3 The questions that I'm about to ask you, I ask
4 that you answer honestly and completely.

5 The purpose of jury selection is so that both
6 sides or in this case, all three sides can see the
7 potential jurors that may be called in the case. They
8 can evaluate the characteristics of the jurors or
9 things they may know or not know about the jurors and
10 make a decision about who to place on this jury and
11 who not to.

12 To do that and to accomplish that, it is
13 absolutely crucial that you provide accurate and
14 truthful information to these questions, and I can't
15 stress that enough.

16 There is no wrong answer. There is no right
17 answer. What we request of you, and what I
18 specifically request of you, is that you answer all of
19 these questions truthfully. Now, let me give you an
20 example. In just a few moments I'm going to ask you
21 if you know any of the attorneys that are seated down
22 before you. Okay. Last year I was picking a jury and
23 I asked that question. There was a lawyer on the
24 front row the jury panel, somebody that practices law
25 in our community. I didn't know him. I had no

1 relationship with him, but he had informed us earlier
2 that he was a lawyer. Well, at the end of this
3 process, all of the lawyers came up front, all the
4 lawyers that were trying the case, and they said,
5 "Judge, do you know the lawyer on the front row?" I
6 said, "Well, yeah, I heard him stand up and say he was
7 a lawyer." "We all went to law school with him,
8 okay." That's three years of your life where you're
9 in school with a very small group of people.

10 So I pulled him up, and I said, "Do you know all
11 these lawyers?" He said, "Yes." I said, "Well, did
12 you go to school with them?" He said, "Yes." I said,
13 "Well, why didn't you stand up and answer the
14 question?" He said, "I didn't really think that's
15 what you meant."

16 That didn't make any sense to me just like it
17 doesn't make sense to you right now. I tell you that
18 story to tell you this, if you think a question might
19 apply to you or you're guessing or you think maybe I
20 should answer that or just tell the judge this, you
21 err on the side of providing us too much information
22 as opposed to too little information so that everybody
23 here can make good decisions about who to put on the
24 jury.

25 I don't tell you that story to embarrass anybody.

1 I tell you that story to make sure you understand the
2 importance of providing us with accurate and truthful
3 information as we go through this.

4 As I ask you these questions, if you think or
5 believe or know they apply to you, just go ahead and
6 stand up. We'll take you one at a time. Now, on some
7 questions that are of a personal nature, I'll ask you
8 to come forward and answer those questions within the
9 earshot of the attorneys and myself and the court
10 reporter so as to not cause anybody embarrassment in
11 any way, shape, or form.

12 Okay. All right. Now, you all have been
13 previously sworn. Let's start by doing this. Mr. Li,
14 if you will please stand, rise and introduce everybody
15 at your table.

16 MR. LI: Absolutely. I'm Victor Li. I practice
17 here in Columbia. My office is at 1720 Main, and this
18 is my associate, Jessica Eisenhower. She is a law
19 school graduate of University of South Carolina. She
20 works with me in my office, and this Antonio Guinyard
21 and he is from Columbia, South Carolina, as well.

22 THE COURT: All right. Is anybody --- thank you
23 very much. You all may be seated. I appreciate that.

24 Is anybody related by blood or marriage, close
25 personal friends with or have any connection to,

1 friendship with, business with --- have you ever been
2 represented by Mr. Li or Ms. Eisenhower, either on the
3 same side as them, or on the other side of them or
4 have any connection to Mr. Guinyard, personal,
5 business, social, any type of relationship with any of
6 the three people who just stood up, please stand.

7 All right. Mr. Postic.

8 PROSPECTIVE JUROR: Judge, I know Victor. I've
9 known him for a long time. I'm also a lawyer.

10 THE COURT: And how about Ms. Eisenhower?

11 PROSPECTIVE JUROR: I've seen her before, but I
12 don't know her.

13 THE COURT: What about Mr. Guinyard?

14 PROSPECTIVE JUROR: Don't know Mr. Guinyard.

15 THE COURT: Would your ability --- would your
16 relationship with Mr. Li affect your ability to be
17 fair and impartial in this case?

18 PROSPECTIVE JUROR: No, Your Honor.

19 THE COURT: Are you willing to base your decision
20 off the evidence and the law as it comes into this
21 courtroom?

22 PROSPECTIVE JUROR: Yes, sir.

23 THE COURT: Thank you very much, Mr. Postic.
24 Mr. Hough?

25 PROSPECTIVE JUROR: Thank you, Your Honor. I

1 have known Mr. Li as an attorney for many years.
2 We're actually in the same building. I've seen
3 Ms. Eisenhower in the elevator. I do not know the
4 defendant.

5 THE COURT: Thank you, Mr. Hough. Would these
6 relationships affect your ability to fair and
7 impartial in this case?

8 PROSPECTIVE JUROR: No, they would not, Your
9 Honor.

10 THE COURT: Are you willing to base your decision
11 solely off the evidence and the law as it comes into
12 this courtroom?

13 PROSPECTIVE JUROR: Yes, Your Honor.

14 THE COURT: Thank you, Mr. Hough. All right.
15 Anybody else?

16 (There was no response.)

17 THE COURT: All right. Ms. Pinnock, Mr. Ruffin
18 and Mr. Staggs, please stand up and introduce
19 yourselves and your client.

20 MS. PINNOCK: My name is Tracy Pinnock. I work
21 for the Public Defender's Office. This is Eric Staggs
22 and Adam Ruffin. We all work for the Public
23 Defender's Office. We represent Courtney Thompson.

24 THE COURT: All right. Thank you very much. I
25 appreciate you all doing that.

1 Is there anybody related by blood or marriage,
2 close personal friends with, have a relationship with,
3 social, business, or otherwise have any connection to
4 any of these attorneys? Have you ever been
5 represented by them or on the other side of the case
6 from them or the same exact questions as to
7 Ms. Thompson? Do you have any type of personal,
8 business, social relationship with her, know who she
9 is or anything about her or do you have any connection
10 to anybody in the Fifth Circuit Public Defenders
11 Office, which encompasses Richland and Kershaw County?
12 If so, please stand.

13 THE COURT: All right. Mr. Postic.

14 PROSPECTIVE JUROR: Thank you, Your Honor. I
15 know the public defenders pretty well. I know
16 Ms. Pinnock well. She and I had co-defendants once.
17 I don't know if it was her case or not at a
18 preliminary hearing. Very similar. It was an
19 unlawful conduct towards a child case.

20 THE COURT: All right. And do you know
21 Ms. Thompson?

22 PROSPECTIVE JUROR: I do not know Ms. Thompson.

23 THE COURT: Okay. Would these relationships that
24 you have with the Public Defender's Office affect your
25 ability to be fair and impartial in this case?

1 PROSPECTIVE JUROR: I don't think so, Your Honor.

2 THE COURT: Are you willing to base your decision
3 solely off the evidence and the law?

4 PROSPECTIVE JUROR: Yes, sir.

5 THE COURT: Okay. Thank you, Mr. Postic.
6 Mr. Hough?

7 PROSPECTIVE JUROR: Your Honor, I do know the
8 public defenders, especially Ms. Pinnock, we seem to
9 be at preliminary hearings together a lot. I think
10 maybe we've had co-defendants before. I do not know
11 her client.

12 THE COURT: All right. Would these relationships
13 affect your ability to be fair and impartial in this
14 case?

15 PROSPECTIVE JUROR: It would not, Your Honor.

16 THE COURT: Are you willing to base your decision
17 solely off the evidence and the law as it comes into
18 this courtroom?

19 PROSPECTIVE JUROR: I am, Your Honor.

20 THE COURT: Thank you very much. Anybody else?
21 (There was no response.)

22 THE COURT: All right. Ms. McDuffie, would you
23 stand up and introduce everybody that's with you,
24 please.

25 MS. McDUFFIE: Good afternoon. I'm Joanna

1 McDuffie. I'm assistant solicitor for the fifth
2 judicial circuit. With me are Meghan Walker and Luck
3 Campbell, also assistant solicitors for the Fifth
4 Judicial Circuit.

5 THE COURT: All right. Is anybody related by
6 blood or marriage, close personal friends with, social
7 friends with, have any business connection to, have
8 you ever been represented by any of these lawyers or
9 on the other side of a case from any of these lawyers
10 or do you have any connection to the Fifth Circuit
11 Solicitor's Office, which encompass Richland and
12 Kershaw counties? If so, please stand.

13 All right. The usual suspects. All right,
14 Mr. Postic, go ahead.

15 PROSPECTIVE JUROR: Don't connect me with him.

16 Your Honor, I was at the Fifth Circuit
17 Solicitor's Office. I was an assistant solicitor for
18 five years before I started my own practice. I worked
19 with Ms. Campbell. I had cases with Ms. Campbell. I
20 have had maybe one or two cases against Ms. Campbell
21 and Ms. Walker in private practice, Your Honor.

22 I am --- I know Ms. McDuffie very well too, Your
23 Honor. I know the solicitor, Mr. Johnson, very well,
24 too. I worked with him as an assistant solicitor when
25 I was there.

1 THE COURT: All right. Would that affect your
2 ability to be fair and impartial in this case?

3 PROSPECTIVE JUROR: I don't think so.

4 THE COURT: Are you willing to base your decision
5 solely off the evidence and the law?

6 PROSPECTIVE JUROR: Yes, Your Honor.

7 THE COURT: All right. Mr. Hough.

8 PROSPECTIVE JUROR: Your Honor, I've known Luck
9 Campbell since 1989, and I worked in the solicitor's
10 office. I know all three of the prosecutors. I know
11 Mr. Johnson and everyone that works for him, and I
12 think that covers it. I've had trials with
13 Ms. Campbell. I've had cases against her.

14 THE COURT: All right. Would that affect your
15 ability to be fair and impartial in this case?

16 PROSPECTIVE JUROR: It would not, Your Honor.

17 THE COURT: Are you willing to base your decision
18 solely off the evidence and the law?

19 PROSPECTIVE JUROR: I am, Your Honor.

20 THE COURT: Are you willing to do that?

21 PROSPECTIVE JUROR: Yes, Your Honor.

22 THE COURT: Thank you, Mr. Hough.

23 All right. The next thing I'm going to do is
24 read a list of potential witnesses in the case. Now,
25 this list is rather lengthy, so if you hear a name

1 that you think you know that person or you might know
2 that person, just go ahead and stand up. Remember
3 that person's name. If you need more identifying
4 information, like, say the person's name is John
5 Smith, we can get you more identifying information if
6 you're not sure of whether or not you know that
7 person, but if you hear a name that you recognize,
8 just go ahead and stand up.

9 Vivian Adams, Matthew Gregory, Daphne Helms,
10 Patricia Guinyard --- and if you're present in the
11 courtroom, if you would please stand up if I call your
12 name. You can stand up and sit back down. If you're
13 present, please stand up.

14 Kimberly Kennedy Gooden, Princess Hodges, Andrew
15 Jones, Denise Jones, Leverina Lewis. Did I say that
16 right? Angela Metze, Myleka Praylow, Dr. Olga Rosa,
17 Ernest Smith, Ajuennah Thompson, Crystal Thompson,
18 Gladys Thompson, thank you, ma'am.

19 Maria Nicole Thompson, thank you. Melissa
20 Thompson, thank you, ma'am. Natalie Thompson. Are
21 you Natalie or Melissa?

22 THE WITNESS: I'm Natalie Melissa.

23 THE COURT: Okay.

24 Karen Davis Tucker, Latoya Anderson, Denise
25 Anderson, Ciara Anderson, Betty Corbett.

1 Anyone that works at the 911 center in Columbia,
2 the custodian of records for the Alvin S. Glenn
3 Detention Center, Sergeant Jackson of the Alvin S.
4 Glenn Detention Center, Peter Biviano of the Columbia
5 Fire Department, Jeremy Days, DSS.

6 Just remember --- I made a bad decision when I
7 said stand up. Just sit back down and just remember.
8 Okay. I'm sorry. I should have just told you to
9 remember and please stand up. Please forgive me,
10 ma'am.

11 Deborah Jordan with DSS, Denise Watson with DSS,
12 April Alston with DSS, Mike Gutshall with DSS,
13 Christine Isler or Isler with DSS, Roger Hoefer with
14 DSS, Sharon Stevenson with DSS, Elizabeth Stroup with
15 DSS, Dr. Kiersten Lofton with Five Points Pediatrics,
16 Dr. Silvia Brook, Dr. Monica McCutcheon, Dr. Amy Durso
17 with Palmetto Richland, Dr. Sheila Jones with Palmetto
18 Richland, Dr. Bradley Marcus with Palmetto Richland,
19 Coroner Gary Watts with Richland County Coroner's
20 Office.

21 Deputy Coroner Ted Powell with the Richland
22 County Coroner's office, Deputy Coroner Charles
23 Benton, Deputy Coroner Jane Powell, Deputy Coroner
24 David Burns. Thank you, ma'am. Deputy Coroner Ricky
25 Montgomery, Esther Curran with Richland County EMS,

1 Donald Oliver with Richland County EMS, Gray Amick
2 with the Richland County Sheriff's Department, John
3 Barron with the Richland County Sheriff's Department,
4 Christine Barrickman with the sheriff's department,
5 Ashleigh Dixon with the sheriff's department.

6 William Cedarstaff with the sheriff's department,
7 Melody Galinski with the sheriff's department, Brian
8 Metz with the sheriff's department, Yvonne Woods with
9 the sheriff's department, Tim Lee with the sheriff's
10 department, Shawn Schroder with the sheriff's
11 department, Investigator Laurita --- did I say that
12 right, sir?

13 THE WITNESS: Yes, sir.

14 THE COURT: Okay. Thank you. Deputy Lemmond
15 with the sheriff's department, Corporal Clemmons with
16 the sheriff's department, Deputy Robert Bloomingburg
17 with the sheriff's department, Captain Lancy Melton
18 with the sheriff's department; thank you, ma'am.
19 Investigator Holly Wagner with the sheriff's
20 department.

21 All right. Thank you, ma'am. CSI Kristen Polis
22 with the sheriff's department. Investigator Robert
23 Oates with the sheriff's department, Sergeant Stan
24 Richards with the sheriff's department, Investigator
25 Robbie Crane with the sheriff's department,

1 Investigator Travis Holdorf, thank you, sir, with the
2 sheriff's department.

3 Deputy Trobathian Johnson with the sheriff's
4 department, Sergeant Christopher Lindler with the
5 sheriff's department, Investigator Tanesha Reese with
6 the sheriff's department, Sergeant Faust with the
7 sheriff's department, Deputy Albert McLendon with the
8 sheriff's department, Deputy Jimmy Wilder. Thank you,
9 sir. Deputy Jimmy Wilder with the sheriff's
10 department. Thank you, sir.

11 Deputy Luis Diaz, thank you, sir, with the
12 sheriff's department.

13 Deputy Kenneth Williams with the sheriff's
14 department, Master Deputy Eric Shaw with the sheriff's
15 department. Thank you, sir. Rachel Grant with the
16 sheriff's department, Patty Weed with the sheriff's
17 department, Lieutenant Erwin Williams with SLED, State
18 Law Enforcement Division, Shana Sorrells with the
19 State Law Enforcement Division.

20 Dr. Kimberly Collins, Steve English with the Blue
21 Ribbon Cab Company, Gary Young, Patricia Guinyard.
22 Thank you, ma'am.

23 Charles Robinson, Anne Cooper, Crystal Thompson,
24 Maria Nicole Thompson. Thank you, ma'am.

25 Natalie Thompson, thank you, ma'am.

1 Gladys Thompson, thank you, ma'am. Angela Metze,
2 M-E-T-Z-E.

3 Okay. All right. So if you know any of those
4 people, think you know any of those people, might know
5 any of those people, have any relationship with any of
6 those people, please stand up.

7 All right. We're going to go one at a time.

8 Now, what the attorneys will need to find you is
9 your juror number. So if you have that, I think it's
10 on your badges. All right. Let's start right here.
11 What's your number, ma'am?

12 PROSPECTIVE JUROR: 267.

13 THE COURT: 267. Ms. Truesdale?

14 PROSPECTIVE JUROR: Yes, sir.

15 THE COURT: Okay. Tell us --- let's start with
16 this. Tell us who you know.

17 PROSPECTIVE JUROR: The only person I know is
18 Robert Oates with the Richland County Sheriff's
19 Department.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR: I used to attend church with
22 him.

23 THE COURT: Very well. Almost done. Would that
24 affect your ability to be fair and impartial in this
25 case?

1 PROSPECTIVE JUROR: No, Your Honor.

2 THE COURT: And are you willing to base your
3 decision solely off the evidence and the law?

4 PROSPECTIVE JUROR: Yes, Your Honor.

5 THE COURT: Are you willing to do that?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: Okay. Thank you.

8 All right. Let's come right here, in the black
9 sweater, what's your number?

10 PROSPECTIVE JUROR: The number is 293.

11 THE COURT: All right. Ms. Wilson?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: Okay. Let's start. Who do you know?

14 PROSPECTIVE JUROR: The name Steve English at
15 Blue Ribbon. I know there was someone I grew up with
16 many years ago.

17 THE COURT: That's fine. Would that affect your
18 ability to be fair and impartial in this case?

19 PROSPECTIVE JUROR: No, sir.

20 THE COURT: Are you willing to base your decision
21 solely off the evidence and the law as it comes into
22 this courtroom?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: Thank you, ma'am.

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: Yes, ma'am, and what's your number?

2 PROSPECTIVE JUROR: Thirty-two.

3 THE COURT: Number 32. All right. Ms. Bowling.

4 Did I say that right?

5 PROSPECTIVE JUROR: You did.

6 THE COURT: Okay, and tell us who you know.

7 PROSPECTIVE JUROR: I worked with Yvonne Woods as
8 a DARE officer when she was a DARE officer at my
9 school, and I think I met Jane Powell at our dive
10 shop.

11 THE COURT: Would that affect your ability to be
12 fair and impartial in this case?

13 PROSPECTIVE JUROR: No.

14 THE COURT: Are you willing to base your
15 decisions solely off the evidence and the law as it
16 comes in this courtroom?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: All right. Thank you. The lady who
19 stood up so long earlier. What's your number?

20 PROSPECTIVE JUROR: 307.

21 THE COURT: Okay. 307, Ms. Kennedy?

22 PROSPECTIVE JUROR: Uh-huh.

23 THE COURT: Who do you know?

24 PROSPECTIVE JUROR: I know Maria and Melissa. We
25 were in middle school together.

1 THE COURT: What are their last names?

2 PROSPECTIVE JUROR: Thompson.

3 THE COURT: Thompson? Okay, and would this
4 affect your ability to be fair and impartial in this
5 case?

6 PROSPECTIVE JUROR: No, sir.

7 THE COURT: Are you willing to base your decision
8 solely off the evidence and the law?

9 PROSPECTIVE JUROR: Yes, sir.

10 THE COURT: Are you willing to do that?

11 PROSPECTIVE JUROR: Yes, sir.

12 THE COURT: Thank you, ma'am. Did she say no?
13 What was her answer to the question? Can you read
14 that back, please?

15 (The Court Reporter read back the last question
16 and response.)

17 THE COURT: And before that?

18 (The Court Reporter read back the prior question
19 and response.)

20 THE COURT: Sorry. Sometimes I hear things. We
21 all hear things differently.

22 Yes, ma'am, in the orange. What's your number?

23 PROSPECTIVE JUROR: Twenty-five.

24 THE COURT: Twenty-five. Ms. McVey?

25 PROSPECTIVE JUROR: Yes, sir.

1 THE COURT: And who do you know?

2 PROSPECTIVE JUROR: I work with Dr. Amy Durso and
3 Dr. Bradley Marcus.

4 THE COURT: Would that affect your ability to be
5 fair and impartial in this case?

6 PROSPECTIVE JUROR: No, sir, it wouldn't.

7 THE COURT: Are you willing to base your decision
8 solely off the evidence and the law as it comes into
9 this courtroom?

10 PROSPECTIVE JUROR: Yes, sir.

11 THE COURT: Are your willing to do that?

12 PROSPECTIVE JUROR: Yes, sir.

13 THE COURT: Thank you.

14 THE COURT: Yes, ma'am, in the gray. What's your
15 number?

16 PROSPECTIVE JUROR: Fifty-two.

17 THE COURT: Number 52, just one second, okay.
18 Ms. Cohen?

19 PROSPECTIVE JUROR: Yes, sir.

20 THE COURT: Okay. Who do you know, Ms. Cohen?

21 PROSPECTIVE JUROR: Sir, I don't know for sure,
22 but the young lady. She stood up. I don't know if I
23 know her from work or where, but I know her face. You
24 know how you know someone, but you don't know their
25 name?

1 THE COURT: Sure.

2 PROSPECTIVE JUROR: The young lady in the front.
3 I can't even think where I know her from.

4 THE COURT: Okay. All right. Would that affect
5 your ability to be fair and impartial in this case?

6 PROSPECTIVE JUROR: No, sir, no, sir.

7 THE COURT: Are you willing to base your decision
8 solely off the evidence and the law?

9 PROSPECTIVE JUROR: Yes, sir.

10 THE COURT: Are you willing to do that?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: All right. Mr. Postic.

13 PROSPECTIVE JUROR: Number 216, Your Honor.

14 THE COURT: Yes, sir.

15 PROSPECTIVE JUROR: I know Princess Hodges at DSS
16 or she used to be at DSS. I knew her pretty well as
17 an attorney. I know Travis Wheeler. I prosecuted
18 cases that he made when I was at the solicitor's
19 office. I don't think I've had any since I've been in
20 private practice. I do know Lancy Melton. Also, I
21 prosecuted cases that she made when I was in the
22 prosecutor's office. I also defended cases that she
23 made as a criminal defense attorney.

24 I am social media friends with her and friendly
25 with her. I know Chris Lindler with the sheriff's

1 department and I also know Scott Faust. I've known
2 Scott Faust since high school, with the sheriff's
3 department.

4 THE COURT: All right. Would that affect your
5 ability to be fair and impartial in this case?

6 PROSPECTIVE JUROR: I don't think so.

7 THE COURT: Are you willing to base your
8 decision solely off the evidence and the law?

9 PROSPECTIVE JUROR: Yes, Your Honor.

10 THE COURT: Thank you, sir. What's your number,
11 sir.

12 PROSPECTIVE JUROR: 171.

13 THE COURT: Mr. Littlejohn?

14 PROSPECTIVE JUROR: Yes, sir.

15 THE COURT: Who do you know, Mr. Littlejohn?

16 PROSPECTIVE JUROR: Coroner Watts. I've known
17 him for several years.

18 THE COURT: Would that affect your ability to be
19 fair and impartial in this case?

20 PROSPECTIVE JUROR: No, sir.

21 THE COURT: Are you willing to base your decision
22 solely off the evidence and the law?

23 PROSPECTIVE JUROR: Yes, sir.

24 THE COURT: And will you do that?

25 PROSPECTIVE JUROR: Yes, sir.

1 THE COURT: Thank you.

2 Yes, ma'am in the blue jean jacket. What's your
3 number?

4 PROSPECTIVE JUROR: 127.

5 THE COURT: 127?

6 PROSPECTIVE JUROR: Yes, sir.

7 THE COURT: All right. Ms. Harrison?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: Who do you know?

10 PROSPECTIVE JUROR: The Thompsons look familiar.

11 THE COURT: The Thompsons, the witnesses with the
12 name of Thompson that stood up look familiar?

13 PROSPECTIVE JUROR: (Nods in the affirmative.)

14 THE COURT: Do you know the defendant,
15 Ms. Thompson?

16 PROSPECTIVE JUROR: The defendant and the lady
17 right there.

18 THE COURT: Would that affect your ability to be
19 fair and impartial in this case?

20 PROSPECTIVE JUROR: No, sir.

21 THE COURT: Are you willing to base your decision
22 solely off the evidence and the law?

23 PROSPECTIVE JUROR: Yes, sir.

24 THE COURT: Will you do that?

25 PROSPECTIVE JUROR: Yes, sir.

1 THE COURT: Okay. Thank you.

2 Yes, ma'am.

3 PROSPECTIVE JUROR: 183.

4 THE COURT: Ms. McMaster, and who do you know,
5 Ms. McMaster?

6 PROSPECTIVE JUROR: I just recognized the
7 gentleman down here, I think Adam Ruffin. I'm not
8 sure where I know him. I've seen him around.

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

11 PROSPECTIVE JUROR: No, it would not.

12 THE COURT: Are you willing to base your decision
13 solely off the evidence and the law as it comes into
14 this courtroom?

15 PROSPECTIVE JUROR: I will.

16 THE COURT: Are you willing to do that?

17 PROSPECTIVE JUROR: I will.

18 THE COURT: Yes, sir, what's your number?

19 PROSPECTIVE JUROR: 249.

20 THE COURT: All right. Mr. Smallwood?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: Who do you know, sir?

23 PROSPECTIVE JUROR: Trobathian Johnson. I
24 believe he's with the sheriff's department, if I'm
25 remembering his name correctly.

1 THE COURT: Anybody else?

2 PROSPECTIVE JUROR: No.

3 THE COURT: Would that affect your ability to be
4 fair and impartial?

5 PROSPECTIVE JUROR: No, Your Honor.

6 THE COURT: Are you willing to base your decision
7 solely off the evidence and the law?

8 PROSPECTIVE JUROR: Yes, sir.

9 THE COURT: Will you do that?

10 PROSPECTIVE JUROR: Yes, sir.

11 THE COURT: Thank you, sir. All right. Yes,
12 ma'am.

13 PROSPECTIVE JUROR: 124.

14 THE COURT: Ms. Harris?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: All right. Who do you know,
17 Ms. Harris?

18 PROSPECTIVE JUROR: I think I know Patricia
19 Guinyard. I'm not 100 percent sure. It sounds
20 familiar.

21 THE COURT: All right. Thank you, I'm glad you
22 told me. Will that affect your ability to be fair and
23 impartial in this case?

24 PROSPECTIVE JUROR: No.

25 THE COURT: Are you willing to base your decision

1 solely on the testimony and the law as it comes into
2 this courtroom?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: Are your willing to do that?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: Mr. Hough.

7 PROSPECTIVE JUROR: I've had professional
8 dealings with Princess Hodges. Frankly, I probably
9 should have taken notes. After five law enforcement
10 officers that I know, I lost count. I do have a
11 social media connection with Lancy Melton. The
12 coroner, I probably ran into in the past, same with
13 Leon Lott on that, Your Honor.

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

16 PROSPECTIVE JUROR: It would not, Your Honor.

17 THE COURT: Are your willing to base your
18 decision solely off the evidence and the law as it
19 comes into this courtroom?

20 PROSPECTIVE JUROR: I am, Your Honor.

21 THE COURT: Thank you, Mr. Hough. Anybody else
22 on knowing anybody whose name I said so far today?

23 I was wondering when you were going to stand up.

24 All right. Hold on. For the record this is
25 Ms. Scott. She is juror number ---

1 PROSPECTIVE JUROR: 240.

2 THE COURT: Juror number 240.

3 PROSPECTIVE JUROR: Yes, sir.

4 THE COURT: Hold on. Let me find you, Ms. Scott.

5 Okay. All right. This is juror number 240.

6 Yes, ma'am.

7 PROSPECTIVE JUROR: My husband used to work in
8 the solicitor's office here. I've met Ms. Campbell a
9 few times at social events, but other than that I
10 know --- and the solicitor's office they're not
11 necessarily in the courtroom and I know the gentleman
12 over there, the sheriff.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR: That's it.

15 THE COURT: And your husband is currently a
16 prosecutor in the 1st Judicial Circuit.

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: Is that correct?

19 PROSPECTIVE JUROR: Yes, sir.

20 THE COURT: Will that affect your ability to be
21 fair and impartial in this case?

22 PROSPECTIVE JUROR: No, sir.

23 THE COURT: Are you willing to base your decision
24 solely off the evidence and the law?

25 PROSPECTIVE JUROR: Yes, sir.

1 THE COURT: Thank you, Ms. Scott.

2 All right. Anybody else?

3 (There was no response.)

4 THE COURT: Okay. Has any member of the jury
5 panel formed or expressed an opinion about any issue
6 or matter involved in this case? If so, please stand.

7 (There was no response.)

8 THE COURT: There has been some news media on
9 this case. Has anybody seen, read, heard on the
10 internet, radio, television, newspaper, social media,
11 any other type of source that I don't understand,
12 anything about this case? If so, please stand.

13 Okay. All right. We're going to take you three
14 one at a time up front, and I'm not --- I'm doing this
15 so as to not taint anybody else with any information
16 that you may have. All right. This lady right here
17 in the purple, come on up front. You two gentlemen,
18 if you'll please just form a line right down here at
19 the microphone.

20 (The following was heard sidebar.)

21 Come here, ma'am.

22 PROSPECTIVE JUROR: Me?

23 THE COURT: Come on. We don't mean to be
24 confusing.

25 PROSPECTIVE JUROR: That's okay.

1 THE COURT: You have to speak up loud enough for
2 this lady to hear you, okay?

3 PROSPECTIVE JUROR: Okay.

4 THE COURT: Your number is 279?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: Okay. Ms. Sturgeon?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: Okay. What have you heard about this
9 case?

10 PROSPECTIVE JUROR: I just remember it being in
11 the news.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR: And it was a, you know, a
14 child death case.

15 THE COURT: Okay.

16 THE COURT: Yeah, speak down a little bit.

17 PROSPECTIVE JUROR: Oh.

18 THE COURT: Was that recently or in the past?

19 PROSPECTIVE JUROR: Probably when it happened.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR: I remember when it happened.

22 THE COURT: Not like you didn't see it yesterday
23 or today or anything like that?

24 PROSPECTIVE JUROR: No, no.

25 THE COURT: Would that affect your ability to be

1 fair and impartial in this case?

2 PROSPECTIVE JUROR: No.

3 THE COURT: And are you willing to set all that
4 aside and base your decision solely on what happens in
5 this courtroom?

6 PROSPECTIVE JUROR: Yes, sir.

7 THE COURT: Okay. Are you willing to do that?

8 PROSPECTIVE JUROR: Yes, sir.

9 THE COURT: Okay. Thank you, ma'am.

10 PROSPECTIVE JUROR: Okay.

11 THE BAILIFF: 249.

12 THE COURT: 249 come on up. Okay.

13 Now, this is tricky, you have to speak loud
14 enough for her to hear you.

15 PROSPECTIVE JUROR: Okay.

16 THE COURT: But not for the whole world to hear
17 you.

18 PROSPECTIVE JUROR: Okay.

19 THE COURT: You saw some media in this case?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: Was that recently or in the past?

22 PROSPECTIVE JUROR: Past, it was in the past.

23 THE COURT: Was that on TV or ---

24 PROSPECTIVE JUROR: It was on TV. It was on the
25 news, yes.

1 THE COURT: Would that affect your ability to be
2 fair and impartial in this case?

3 PROSPECTIVE JUROR: No.

4 THE COURT: Are you willing to base your decision
5 solely on what happens in the courtroom?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: Are you willing to do that?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: Okay. Thank you.

10 THE BAILIFF: 238.

11 THE COURT: Okay.

12 Mr. Russell?

13 PROSPECTIVE JUROR: Yes, sir.

14 THE COURT: Okay. Did you see some media on this
15 case?

16 PROSPECTIVE JUROR: Yes, I have.

17 THE COURT: When did you see it?

18 PROSPECTIVE JUROR: It was about a year or so
19 ago.

20 THE COURT: Was that on TV or the internet or ---

21 PROSPECTIVE JUROR: TV and internet.

22 THE COURT: Have you seen anything recently on
23 this case?

24 PROSPECTIVE JUROR: No, sir, I haven't.

25 THE COURT: Would that affect your ability to be

1 fair and impartial in this case?

2 PROSPECTIVE JUROR: No, I don't think so.

3 THE COURT: Are you willing to be fair and
4 impartial in this case?

5 PROSPECTIVE JUROR: Yes, sir.

6 THE COURT: Are you willing to base your decision
7 solely on what happens here in the courtroom and
8 nothing else?

9 PROSPECTIVE JUROR: Yes, sir.

10 THE COURT: Thank you very much.

11 All right. Anybody else on seeing any media
12 about the case? That means internet, social media,
13 newspaper, radio, television, anything like that?

14 (There was no response.)

15 All right. Is any member of the jury panel aware
16 of any bias or prejudice towards either the State or
17 either of the defendants in this case? If so, please
18 stand.

19 (There was no response.)

20 THE COURT: All right. Is there any member of
21 the jury panel who is a member of or contributor to
22 any group which has as its primary concern the
23 promotion of law enforcement or victim's rights or
24 defendant's rights? Now, I'm going to give you some
25 examples of groups. This is not an exhaustive list.

1 This is just an example, MADD, SADD, CASA, CAVE, the
2 Innocence Project, anything like that? Are you a
3 member of contributor to any type of group which has
4 as its primary purpose the promotion of either law
5 enforcement or victim's rights or defendant's rights.

6 All right. Mr. Postic, what are you a member of?

7 PROSPECTIVE JUROR: I am not a member, Your
8 Honor, but I have contributed to the Innocence
9 Project. I've also contributed to the solicitor's
10 election campaigns.

11 THE COURT: Would that affect your ability to be
12 fair and impartial in this case?

13 PROSPECTIVE JUROR: No, Your Honor.

14 THE COURT: Are you willing to base your decision
15 solely off the evidence and the law?

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: Thank you, Mr. Postic.

18 Yes, sir, what's your number?

19 PROSPECTIVE JUROR: Forty-three.

20 THE COURT: Forty-three?

21 PROSPECTIVE JUROR: Yeah.

22 THE COURT: Mr. Carlos?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: And what are you a member of or
25 contributor to?

1 PROSPECTIVE JUROR: I've contributed to the
2 guardian ad litem and some other organizations that
3 work directly with the police promotion.

4 THE COURT: Would that affect your ability to be
5 fair and impartial in this case?

6 PROSPECTIVE JUROR: No.

7 THE COURT: Are you willing to base your decision
8 solely off the evidence and the law in this courtroom?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: Are you willing to do that?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: Thank you, sir.

13 Blue shirt, what is your number, sir?

14 PROSPECTIVE JUROR: 133.

15 THE COURT: Is it Mr. Haffer?

16 PROSPECTIVE JUROR: Hoefel.

17 THE COURT: I apologize, sir.

18 PROSPECTIVE JUROR: It's okay.

19 THE COURT: I mean no disrespect. Tell us what
20 you are a member of or contributor to.

21 PROSPECTIVE JUROR: I have contributed to the
22 South Carolina Sheriff's Association.

23 THE COURT: Would that affect your ability to be
24 fair and impartial in this case?

25 PROSPECTIVE JUROR: No, sir.

1 THE COURT: Are you willing to base your decision
2 solely off the evidence and the law?

3 PROSPECTIVE JUROR: I am.

4 THE COURT: Will you do that?

5 PROSPECTIVE JUROR: Yes, sir.

6 THE COURT: Thank you, sir. Okay, and Mr. Hough.

7 PROSPECTIVE JUROR: Thank you, Your Honor. I've
8 contributed to the Innocence Project. I'm also a
9 contributor to Solicitor Johnson's campaign, as well
10 as multiple solicitors' campaigns. I'm a contributor
11 to the National Association of Criminal Defense
12 Lawyers and the National College for DUI Defense.

13 THE COURT: Would that affect your ability to be
14 fair and impartial?

15 PROSPECTIVE JUROR: It would not, Your Honor.

16 THE COURT: Are you willing to base your decision
17 solely off the evidence and the law as it comes from
18 this courtroom?

19 PROSPECTIVE JUROR: I am, Your Honor.

20 THE COURT: All right. Thank you very much.
21 Anybody else?

22 PROSPECTIVE JUROR: Your Honor, I did --- I'm
23 sorry.

24 THE COURT: This is Mr. Postic, for the record.

25 PROSPECTIVE JUROR: Your Honor, I failed to

1 mention I'm also a member of the South Carolina
2 Association of Criminal Defense Lawyers.

3 THE COURT: Would that affect your ability to be
4 fair and impartial in this case?

5 PROSPECTIVE JUROR: No, Your Honor.

6 THE COURT: Are you willing to base your
7 decisions solely off the evidence and the law?

8 PROSPECTIVE JUROR: Yes, Your Honor, thank you.

9 THE COURT: Thank you, Mr. Postic.

10 All right. Does any member of the jury panel
11 know of any reason whatsoever why he or she should not
12 serve as a juror in this case? If so, please stand.

13 (There was no response.)

14 THE COURT: All right. I now have some other
15 questions to ask you. Some of them may be repetitive.
16 I work off different lists. I like to err on the side
17 of asking too many questions as opposed to too little,
18 so if I ask the same question again, I apologize.

19 All right. Has any member of the jury panel or
20 any member of their family ever been accused of or
21 charged with a violent crime or a crime against a
22 child? If so, please stand.

23 Okay. Hold on, don't answer out loud. You can
24 stand up.

25 All right. Anybody else?

1 Okay. Let's do this young lady in the black and
2 white first, come on forward.

3 (The following was heard sidebar.)

4 Okay. And your number is?

5 PROSPECTIVE JUROR: 267.

6 THE COURT: This is juror number 267, hold on one
7 second.

8 PROSPECTIVE JUROR: Okay.

9 THE COURT: Ms. Truesdale?

10 PROSPECTIVE JUROR: Yes, sir.

11 THE COURT: Okay. All right. Now, is this you
12 or a family member?

13 PROSPECTIVE JUROR: Family member.

14 THE COURT: Okay. Give me just a little bit of
15 what you know.

16 PROSPECTIVE JUROR: My daughter, Jessica Nance,
17 I'm not sure of the exact charges. I guess that's
18 pending. That's from 2000 --- two years ago, 2012.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR: Accused of possibly hurting a
21 child.

22 THE COURT: Okay. Where are those charges
23 pending? What county?

24 PROSPECTIVE JUROR: Richland.

25 THE COURT: Here in Richland.

1 PROSPECTIVE JUROR: Yeah, that was going to be my
2 next question, but since Mr. Postic knows everybody, I
3 know him.

4 THE COURT: Okay. That doesn't count.

5 PROSPECTIVE JUROR: I know.

6 THE COURT: Okay. So your daughter has pending
7 charges ---

8 PROSPECTIVE JUROR: Yeah.

9 THE COURT: In the county for allegedly doing
10 something against a child? I'm not saying she did it.

11 PROSPECTIVE JUROR: Yeah, yeah.

12 THE COURT: What's her name?

13 PROSPECTIVE JUROR: Jessica Lynn Nance.

14 THE COURT: Thank you. Would that affect your
15 ability to be fair and impartial in this case?

16 PROSPECTIVE JUROR: No.

17 THE COURT: Are you willing to base your decision
18 solely off the evidence and the law?

19 PROSPECTIVE JUROR: Yes, sir.

20 THE COURT: Okay. Thank you.

21 MS. PINNOCK: Judge, I represented the co-
22 defendant for her daughter.

23 THE COURT: Okay. Are you okay with that?

24 MR. LI: She said she can be fair and impartial,
25 Your Honor.

1 THE COURT: No. She said she represents the co-
2 defendant.

3 MR. LI: No, I had no idea.

4 THE COURT: Hey.

5 PROSPECTIVE JUROR: 104.

6 THE COURT: Keep your voice down just a little
7 bit.

8 PROSPECTIVE JUROR: Okay.

9 THE COURT: I've got to find you, okay?

10 PROSPECTIVE JUROR: Okay.

11 THE COURT: Ms. Glover.

12 PROSPECTIVE JUROR: Yeah.

13 THE COURT: Okay. This is you or a family
14 member?

15 PROSPECTIVE JUROR: Well, it's my son in prison.
16 It happened on first degree robbery and somebody was
17 assaulted.

18 THE COURT: Where was that?

19 PROSPECTIVE JUROR: In Hawaii.

20 THE COURT: Hawaii.

21 PROSPECTIVE JUROR: Yeah.

22 THE COURT: Would that affect your ability to be
23 fair and impartial?

24 PROSPECTIVE JUROR: No.

25 THE COURT: Are you going to base your decision

1 solely off the evidence and the law?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: Okay. Thank you.

4 Okay. Number 256. Hold on one second, okay.

5 Ms. Sumrall?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: Is this you or somebody you know?

8 PROSPECTIVE JUROR: My brother in law has a case
9 against him with sexual contact with a minor.

10 THE COURT: With a minor?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: What county is that pending in?

13 PROSPECTIVE JUROR: City?

14 THE COURT: Where?

15 PROSPECTIVE JUROR: Richland.

16 THE COURT: Would that affect your ability to be
17 fair and impartial in this case?

18 PROSPECTIVE JUROR: No.

19 THE COURT: Are you willing to base your decision
20 solely off the evidence and the law?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: Okay. Thank you.

23 MS. PINNOCK: There's a 40 percent chance that I
24 represent him. Could we get his name?

25 THE COURT: Oh, yes, ma'am. Ms. Sumrall, come

1 back real quick, please.

2 MS. PINNOCK: Sorry.

3 THE COURT: I need to ask you one more question.
4 What is his name?

5 PROSPECTIVE JUROR: Kevin Alvarez.

6 MS. PINNOCK: (Indicating in the negative.)

7 THE COURT: Kevin Alvarez. Okay. Do you know
8 who his lawyer is?

9 PROSPECTIVE JUROR: No.

10 THE COURT: A-l-v-a-r-e-z?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: Okay. Thank you. You all just stay
13 right here.

14 Okay. Now, I'm going to ask the same question.

15 I'm going to ask it just a little bit differently.

16 Has any member of the jury panel or a family ever been
17 a victim of, a witness to or accused of a crime of
18 violation, included but not limited to homicide,
19 assault and battery, other things like that or anybody
20 --- basically anybody in your family ever been
21 involved in a crime of violence on either side,
22 defendant or victim or accused of and you didn't
23 already previously answer me.

24 Okay. All right. Let's do them one at a time.

25 Just form a line right there, and this would include

1 any type of child abuse or neglect.

2 (The following was heard sidebar.)

3 THE COURT: Okay. What's your number?

4 PROSPECTIVE JUROR: 293.

5 THE COURT: Ms. Wilson?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: All right. Is this you or a family
8 member?

9 PROSPECTIVE JUROR: My niece.

10 THE COURT: Okay. What was the deal there?

11 PROSPECTIVE JUROR: She was shot.

12 THE COURT: She was shot.

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: Was that here locally?

15 PROSPECTIVE JUROR: It was in '07.

16 THE COURT: Has the person been tried?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: Were they convicted?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: When was that?

21 PROSPECTIVE JUROR: I don't know. Like I said, I
22 don't know.

23 THE COURT: What was your niece's name?

24 PROSPECTIVE JUROR: Tanisha Smallwood.

25 THE COURT: Tanisha Smallwood.

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: Would that affect your ability to be
3 fair and impartial in this case?

4 PROSPECTIVE JUROR: It would not.

5 THE COURT: Are you willing to base your decision
6 solely off the evidence and the law?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: Okay. Thank you.

9 What's your number, ma'am?

10 PROSPECTIVE JUROR: 187.

11 THE COURT: Ms. Mickens?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: Is this you or a family member?

14 PROSPECTIVE JUROR: It was a family member.

15 THE COURT: Okay. Who was it.

16 PROSPECTIVE JUROR: That was my cousin.

17 THE COURT: And were they ---

18 PROSPECTIVE JUROR: She was raped.

19 THE COURT: She was raped.

20 PROSPECTIVE JUROR: When she was a child.

21 THE COURT: Okay. And do you know was it here
22 locally?

23 PROSPECTIVE JUROR: Uh-huh. Yes, it was.

24 THE COURT: Was the person arrested?

25 PROSPECTIVE JUROR: Yes, it was an in-law. It

1 was my cousin's husband.

2 THE COURT: Do you know his name?

3 PROSPECTIVE JUROR: I just know his last name.

4 THE COURT: Do you know how long ago it was?

5 PROSPECTIVE JUROR: It's been some years ago.

6 THE COURT: Would that affect your ability to be
7 fair and impartial in this case?

8 PROSPECTIVE JUROR: No, sir.

9 THE COURT: Are you willing to base your decision
10 solely off the evidence and the law?

11 PROSPECTIVE JUROR: Yes, sir.

12 THE COURT: Are you willing to do that?

13 PROSPECTIVE JUROR: Yes, sir.

14 THE COURT: All right, thank you.

15 THE BAILIFF: 167.

16 THE COURT: 167?

17 PROSPECTIVE JUROR: Yes, sir.

18 THE COURT: Where was he?

19 PROSPECTIVE JUROR: I'm sorry.

20 THE COURT: Talking to her.

21 THE CLERK: Number ten.

22 THE COURT: Sorry. Mr. Lann?

23 PROSPECTIVE JUROR: Yes, sir.

24 THE COURT: Was it you or somebody else?

25 PROSPECTIVE JUROR: My cousin.

1 THE COURT: Okay. Is it victim or defendant?

2 PROSPECTIVE JUROR: He was a defendant.

3 THE COURT: Okay. Is in what kind of case?

4 PROSPECTIVE JUROR: A homicide. Well, he was
5 actually convicted of manslaughter.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR: He served seven years in
8 prison.

9 THE COURT: What county was that in?

10 PROSPECTIVE JUROR: Spartanburg.

11 THE COURT: Spartanburg County, and would that
12 affect your ability to be fair and impartial in this
13 case?

14 PROSPECTIVE JUROR: No, sir.

15 THE COURT: Are you willing to base your decision
16 solely off the evidence and the law?

17 PROSPECTIVE JUROR: Yes, sir.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR: Thank you.

20 THE BAILIFF: Fifty-two.

21 THE COURT: Ms. Cohen.

22 PROSPECTIVE JUROR: Uh-huh.

23 THE COURT: Is it you or somebody you know?

24 PROSPECTIVE JUROR: No, my sister's kids have
25 been in trouble.

1 THE COURT: Okay. What have they been in trouble
2 for?

3 PROSPECTIVE JUROR: One is in for rape and one
4 did time for a shooting at a nightclub and somebody
5 died, got in a fight or something.

6 THE COURT: Okay. And would that affect your
7 ability to be fair and impartial?

8 PROSPECTIVE JUROR: No.

9 THE COURT: Are you willing to base your decision
10 solely off the evidence and the law?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: Okay.

13 THE BAILIFF: Thirty-two.

14 THE COURT: Ms. Bowling.

15 PROSPECTIVE JUROR: Uh-huh.

16 THE COURT: Is this you or a family member?

17 PROSPECTIVE JUROR: My father was abused and
18 neglected.

19 THE COURT: Would that affect your ability to be
20 fair and impartial in this case?

21 PROSPECTIVE JUROR: No.

22 THE COURT: Are you willing to base your decision
23 solely off the evidence and the law?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: Okay. Thank you.

1 THE BAILIFF: 105.

2 THE COURT: Ms. Goodrich?

3 PROSPECTIVE JUROR: Uh-huh.

4 THE COURT: Is this you or somebody else?

5 PROSPECTIVE JUROR: One of my distant cousins ---

6 THE COURT: Okay.

7 PROSPECTIVE JUROR: --- was murdered about two
8 years ago.

9 THE COURT: Was that locally?

10 PROSPECTIVE JUROR: No, it was in Florida.

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

13 PROSPECTIVE JUROR: No, Your Honor.

14 THE COURT: Are you willing to base your decision
15 solely off the evidence and the law?

16 PROSPECTIVE JUROR: Yes, Your Honor.

17 THE COURT: Okay. Thank you.

18 THE BAILIFF: Thirty-three.

19 THE COURT: Hello, how are you, Mr. Brackett?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: Is this you or somebody you know?

22 PROSPECTIVE JUROR: It was my wife.

23 THE COURT: Your wife?

24 PROSPECTIVE JUROR: Yeah.

25 THE COURT: Was she the victim or the defendant?

1 PROSPECTIVE JUROR: What happened is she
2 dropped --- when my child was like three months old.

3 THE COURT: Yes.

4 PROSPECTIVE JUROR: She dropped her. I wasn't
5 sure if I needed to --- you know, nothing happened to
6 her. Nothing came of it, but like you said, it's
7 better to be cautious.

8 THE COURT: Did DSS come out?

9 PROSPECTIVE JUROR: No, at least not that I know
10 of. If they did, it wasn't while I was home. She was
11 a stay-at-home mom at the time.

12 THE COURT: Would that affect your ability to be
13 fair and impartial?

14 PROSPECTIVE JUROR: No.

15 THE COURT: Are you willing to base your decision
16 solely off the evidence and the law?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: Thank you very much.

19 THE BAILIFF: Sixty-eight.

20 THE COURT: Ms. Darby?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: How are you doing?

23 PROSPECTIVE JUROR: I'm fine.

24 THE COURT: Is this you or somebody you know.

25 PROSPECTIVE JUROR: My brother and sister. My

1 brother was a victim of an assault in 2012.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR: He was cut in the face with a
4 straight razor.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR: My sister, it's been many
7 years ago, but she had two children taken from her and
8 put in a foster home.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR: One returned home, but one
11 did not.

12 THE COURT: Would that affect your ability to be
13 fair and impartial?

14 PROSPECTIVE JUROR: No, it would not.

15 THE COURT: Are you willing to base your
16 decision solely off the evidence and the law?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: Are you willing to do that?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: Thank you, ma'am.

21 MS. McDUFFIE: I prosecuted the case on that.

22 THE COURT: Ms. Darby, come back just one second,
23 please. Your brother was the victim of an assault?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: Okay, what was his name?

1 PROSPECTIVE JUROR: Franklin James.

2 THE COURT: Do you know the defendant's name?

3 PROSPECTIVE JUROR: Robert Sims.

4 THE COURT: Robert Sims. Okay. Thank you.
5 Okay.

6 PROSPECTIVE JUROR: I haven't been the victim of
7 anything, but it's an easy time to come up here,
8 Ms. Truesdale, I represented her daughter.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR: I just wanted y'all to know.

11 THE COURT: Okay. Thanks. All right. Now, just
12 stay right here.

13 All right. Has any member of the jury panel or
14 any member of your family ever been subject to an
15 investigation of alleged abuse or neglect conducted by
16 any type of child protective service agency, for
17 example DSS?

18 (There was no response.)

19 THE COURT: Has anybody ever been questioned
20 about an issue concerning child abuse or neglect by a
21 child protective service agency?

22 (There was no response.)

23 THE COURT: All right. I think I asked this
24 earlier, but just in case and if you've already
25 answered you don't need to stand up. Has anybody ever

1 been or a member of your family ever been employed by
2 a local state or federal prosecutor's office besides
3 Ms. Scott, Mr. Hough and Mr. Postic?

4 Okay. Yes, ma'am and what's your number?

5 PROSPECTIVE JUROR: 209.

6 THE COURT: 209. Okay. Who was employed by the
7 prosecutor's office?

8 PROSPECTIVE JUROR: I think my father might have
9 been. I'm not 100 percent sure.

10 THE COURT: Okay. Would feel that affect your
11 ability to be fair and impartial?

12 PROSPECTIVE JUROR: No.

13 THE COURT: Are you willing to base your
14 decision off the evidence and the law?

15 PROSPECTIVE JUROR: Yes, sir.

16 THE COURT: And do you know what the office
17 potentially was?

18 PROSPECTIVE JUROR: I can't tell you.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR: I don't know. I'm sorry.

21 THE COURT: Fair enough. That's fine.

22 All right. Ms. McMaster, what's your number?

23 PROSPECTIVE JUROR: 193.

24 THE COURT: And which McMaster are you related
25 to?

1 PROSPECTIVE JUROR: All of them. Some I claim,
2 some I don't. I think Henry would be --- I guess he
3 was one.

4 THE COURT: And what's your relationship to him?

5 PROSPECTIVE JUROR: Brother-in-law.

6 THE COURT: Okay. So Henry McMaster is your
7 brother-in-law?

8 PROSPECTIVE JUROR: Correct.

9 THE COURT: Would that affect your ability to be
10 fair and impartial in this case?

11 PROSPECTIVE JUROR: No.

12 THE COURT: Are you willing to base your decision
13 solely all the evidence and the law?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: And for the record, Henry McMaster
16 was the former Attorney General for the State, right?

17 PROSPECTIVE JUROR: Right.

18 THE COURT: Thank you, Ms. McMaster.

19 Anybody else?

20 (There was no response.)

21 THE COURT: All right. Has any member of the
22 jury panel or a member of your family ever been
23 employed by any type of law enforcement agency, city
24 police? It doesn't have to be here. It could just be
25 anywhere.

1 All right. Ms. Truesdale, you're going to be
2 excused, so you don't need to answer. Just stay where
3 you are. It's easier than moving, but you don't need
4 to answer.

5 All right. What's your number, sir?

6 PROSPECTIVE JUROR: 287.

7 THE COURT: Mr. Williams?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: And what's the relationship?

10 PROSPECTIVE JUROR: My brother was a sheriff's
11 deputy in Richland County for about two years.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR: Not anymore.

14 THE COURT: Would that affect your ability to be
15 fair and impartial in this case?

16 PROSPECTIVE JUROR: No, it wouldn't.

17 THE COURT: Are you willing to base your decision
18 solely off the evidence and the law?

19 PROSPECTIVE JUROR: Yes, I am.

20 THE COURT: Thank you.

21 Yes, ma'am, what's your number.

22 PROSPECTIVE JUROR: 150.

23 THE COURT: All right. Ms. Jackson.

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: Tell me your relationship.

1 PROSPECTIVE JUROR: My aunt. She works at DJJ.

2 THE COURT: Would that affect your ability to be
3 fair and impartial?

4 PROSPECTIVE JUROR: No, Your Honor.

5 THE COURT: Are you willing to base your decision
6 solely off the evidence and the law?

7 PROSPECTIVE JUROR: Yes, Your Honor.

8 THE COURT: All right. Ms. Wilson.

9 PROSPECTIVE JUROR: 293 and my sister was a
10 correctional officer years ago.

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

13 PROSPECTIVE JUROR: No, sir.

14 THE COURT: Are you willing to base your decision
15 zeal off the evidence and the law?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: Thank you, ma'am. Purple.

18 PROSPECTIVE JUROR: 245.

19 THE COURT: 245, Ms. Singleton?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: Okay. What's your relationship?

22 PROSPECTIVE JUROR: My ex-husband is a lieutenant
23 in Spartanburg.

24 THE COURT: And would that affect your ability to
25 be fair and impartial?

1 PROSPECTIVE JUROR: No.

2 THE COURT: Are you willing to base your decision
3 solely off the evidence and the law?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: And are you willing to do that?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: Thank you. All right.

8 In the purple.

9 PROSPECTIVE JUROR: My brother was in the OSI.

10 THE COURT: Okay. What's your number again,
11 ma'am?

12 PROSPECTIVE JUROR: 279.

13 THE COURT: Okay. Sorry. 279 and your brother
14 was in the what?

15 PROSPECTIVE JUROR: It's the OSI in North
16 Carolina.

17 THE COURT: Okay. Would that affect your ability
18 to be fair and impartial?

19 PROSPECTIVE JUROR: No.

20 THE COURT: Are you willing to base your decision
21 solely off the evidence and the law?

22 PROSPECTIVE JUROR: Yes, sir.

23 THE COURT: Okay. Thank you and in the checked.

24 PROSPECTIVE JUROR: 111.

25 THE COURT: 111, Ms. Griffin.

1 PROSPECTIVE JUROR: Yes, sir.

2 THE COURT: Okay. What's your relationship?

3 PROSPECTIVE JUROR: My brother works for the
4 Department of Corrections. I have a brother-in-law
5 and a sister-in-law that both work at the Department
6 of Corrections.

7 THE COURT: Would that affect your ability to be
8 fair and impartial?

9 PROSPECTIVE JUROR: No, sir.

10 THE COURT: Are you willing to base your decision
11 solely off the evidence and the law?

12 PROSPECTIVE JUROR: Yes, sir.

13 THE COURT: Thank you, ma'am.

14 All right. Ms. Darby.

15 PROSPECTIVE JUROR: My ex sister-in-law was a
16 social worker for DJJ.

17 THE COURT: Okay. Would that affect your ability
18 to be fair and impartial?

19 PROSPECTIVE JUROR: No, sir.

20 THE COURT: Are you willing to base your decision
21 solely off the evidence and the law?

22 PROSPECTIVE JUROR: Yes, sir.

23 THE COURT: Okay. Thank you, ma'am.

24 All right. In the cream colored jacket. What's
25 your number, ma'am?

1 PROSPECTIVE JUROR: Forty-one.

2 THE COURT: Ms. Campbell?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: Okay. What's your connection.

5 PROSPECTIVE JUROR: My nephew is a corrections
6 officer in Dillon, South Carolina.

7 THE COURT: Would that affect your ability to be
8 fair and impartial?

9 PROSPECTIVE JUROR: No, sir.

10 THE COURT: Are you willing to base your decision
11 on the evidence and the law?

12 PROSPECTIVE JUROR: Yes, sir.

13 THE COURT: Thank you, ma'am.

14 All right. Yes, ma'am, right next her.

15 PROSPECTIVE JUROR: 107.

16 THE COURT: Ms. Graves.

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: All right. What's your connection?

19 PROSPECTIVE JUROR: My father was chief deputy
20 sheriff for 28 years in Dillon, South Carolina, but is
21 now retired.

22 THE COURT: Do you know Judge Manning?

23 PROSPECTIVE JUROR: Yes, I do.

24 THE COURT: All right. Would that affect your
25 ability to be fair and impartial?

1 PROSPECTIVE JUROR: No, it would not.

2 THE COURT: Are you willing to base your decision
3 solely off the evidence and the law?

4 PROSPECTIVE JUROR: Yes, I would.

5 THE COURT: All right. Thank you, ma'am.
6 Ms. Scott.

7 PROSPECTIVE JUROR: My father-in-law used to work
8 for the City of Columbia Police Department.

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

11 PROSPECTIVE JUROR: No, sir.

12 THE COURT: Are you willing to base your decision
13 off the evidence and the law?

14 PROSPECTIVE JUROR: Yes, sir.

15 THE COURT: Thank you, ma'am.

16 All right. Blue shirt.

17 PROSPECTIVE JUROR: 306.

18 THE COURT: All right. Mr. Harkins.

19 PROSPECTIVE JUROR: Yes, sir.

20 THE COURT: And your connection?

21 PROSPECTIVE JUROR: My dad, my brother and
22 several of my uncles are law enforcement officers in
23 the South Carolina Department of Natural Resources.

24 THE COURT: Would that affect your ability to be
25 fair and impartial?

1 PROSPECTIVE JUROR: No, sir.

2 THE COURT: Are you willing to base your decision
3 solely off the evidence and the law?

4 PROSPECTIVE JUROR: Yes, sir.

5 THE COURT: Thank you very much. Gray shirt.

6 PROSPECTIVE JUROR: Forty-three.

7 THE COURT: Forty-three, Mr. Carlos.

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: All right. Your connection?

10 PROSPECTIVE JUROR: I have extensive family
11 members involved in Richland County and Ohio law
12 enforcement higher office, et cetera.

13 THE COURT: Would that affect your ability to be
14 fair and impartial?

15 PROSPECTIVE JUROR: No.

16 THE COURT: Are you willing to base your decision
17 solely off the evidence and the law?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: Okay. Thank you.
20 Yes, ma'am in the blue.

21 PROSPECTIVE JUROR: 273.

22 THE COURT: 273, Ms. Wade.

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: What's your connection?

25 PROSPECTIVE JUROR: My husband is a police

1 officer and an investigator.

2 THE COURT: And where does he work?

3 PROSPECTIVE JUROR: Here in Columbia, South
4 Carolina.

5 THE COURT: And would that affect your ability to
6 be fair and impartial?

7 PROSPECTIVE JUROR: No, sir.

8 THE COURT: Are you willing to base your decision
9 solely off the evidence and the law?

10 PROSPECTIVE JUROR: Yes, sir.

11 THE COURT: All right. Mr. Hough?

12 PROSPECTIVE JUROR: Your Honor, my cousin is an
13 officer with the Charleston police department and my
14 late father-in-law was a special agent in charge of
15 the FBI.

16 THE COURT: Would that affect your ability to be
17 fair and impartial?

18 PROSPECTIVE JUROR: It would not, Your Honor.

19 THE COURT: Are you willing to base your decision
20 solely off the evidence and the law?

21 PROSPECTIVE JUROR: I am, Your Honor.

22 THE COURT: All right. Thank you very much.

23 Has anybody ever been a guardian ad litem?

24 (There was no response.)

25 THE COURT: That's a court appointed position.

1 It's called a guardian ad litem. If you had been one,
2 you would know you were one.

3 All right. Recently there have been some news
4 media about legislative hearings involving the
5 Department of Social Services involving the director
6 whose name is Lillian Koller, has anybody been exposed
7 to that or know anything about that? If so, please
8 stand.

9 PROSPECTIVE JUROR: 104.

10 THE COURT: Whoa, whoa, whoa. All right. Let
11 me --- how do I want to do this?

12 Okay. All right. Form a line and come on up.

13 THE BAILIFF: 133.

14 THE COURT: Okay. Mr. Hoefel.

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Did I get that right?

17 PROSPECTIVE JUROR: You did.

18 THE COURT: And do you know anything?

19 PROSPECTIVE JUROR: I just read the articles in
20 the paper and seen the stories on TV.

21 THE COURT: Yes.

22 PROSPECTIVE JUROR: Okay.

23 THE COURT: You haven't been up there ---

24 PROSPECTIVE JUROR: No.

25 THE COURT: --- watched anything, read any

1 transcripts?

2 PROSPECTIVE JUROR: No, just watched what's been
3 on TV.

4 THE COURT: Would that affect your ability to be
5 fair and impartial?

6 PROSPECTIVE JUROR: No.

7 THE COURT: Are you willing to base your decision
8 solely off the evidence and the law?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: Okay. Thank you.

11 THE BAILIFF: 308.

12 THE COURT: 308, Mr. Montgomery.

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: How are you doing?

15 PROSPECTIVE JUROR: I'm fine and you.

16 THE COURT: Have you seen this --- I'm good.

17 Tell us what you know.

18 PROSPECTIVE JUROR: Basically, I know it's where
19 DSS and the director is under a lot of heat.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR: And there's a hearing coming
22 up with it.

23 THE COURT: Do you know anything about it besides
24 what you've seen on the news?

25 PROSPECTIVE JUROR: No.

1 THE COURT: Do you have any personal knowledge?

2 PROSPECTIVE JUROR: No.

3 THE COURT: Did you attend any of the hearings or
4 anything like that?

5 PROSPECTIVE JUROR: No.

6 THE COURT: So you just saw it on the news?

7 PROSPECTIVE JUROR: Yeah, just saw it on the
8 news. Right, yes, being accused of not taking care of
9 the children.

10 THE COURT: Would that affect your ability to be
11 fair and impartial?

12 PROSPECTIVE JUROR: I would hope not.

13 THE COURT: That's a yes or no question.

14 PROSPECTIVE JUROR: I would say no.

15 THE COURT: Okay. Are you willing to base your
16 decision solely on what happens in this courtroom, the
17 evidence and the law as it comes into this courtroom?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: Okay. Thank you.

20 Okay. Ms. Scott. I mean, really, you took that
21 long to answer.

22 PROSPECTIVE JUROR: I'm sorry.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR: Joe is my neighbor, so he is
25 the one that's been in the news, you know, and the

1 director. I just saw it on the news.

2 THE COURT: Have you gone up there for any of
3 hearings?

4 PROSPECTIVE JUROR: No.

5 THE COURT: Or testified or anything besides
6 watching it on the news?

7 PROSPECTIVE JUROR: No.

8 THE COURT: Would that affect your ability to be
9 fair and impartial?

10 PROSPECTIVE JUROR: No.

11 THE COURT: Okay. Thank you.

12 Mr. Hough.

13 PROSPECTIVE JUROR: Your Honor, this is just a
14 general question, exposed to media coverage.

15 THE COURT: Anything besides that?

16 PROSPECTIVE JUROR: No.

17 THE COURT: Have you gone to any of the hearings
18 or testified or anything besides watching the news
19 coverage, or represented anyone or anything like that?

20 PROSPECTIVE JUROR: No.

21 THE COURT: All right. Thanks. Would that
22 affect your ability to be fair and impartial?

23 PROSPECTIVE JUROR: No, Your Honor.

24 THE COURT: Okay. Thank you.

25 All right. Yes, ma'am.

1 Remind me of your number. 279.

2 PROSPECTIVE JUROR: 279.

3 THE COURT: Yes, ma'am.

4 PROSPECTIVE JUROR: Just the news coverage.

5 THE COURT: Have you been up there, testified?

6 PROSPECTIVE JUROR: No.

7 THE COURT: Been following it other than what's
8 in the news?

9 PROSPECTIVE JUROR: No.

10 THE COURT: Would that affect your ability to be
11 fair and impartial?

12 PROSPECTIVE JUROR: No.

13 THE COURT: Are you willing to base your decision
14 on what happens here in the courtroom?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Okay, thank you.

17 104.

18 PROSPECTIVE JUROR: Yeah.

19 THE COURT: Ms. Glover.

20 PROSPECTIVE JUROR: Uh-huh.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR: I just saw it on the news,
23 the TV news.

24 THE COURT: Okay. Have you been up there,
25 testified, followed it or anything like that?

1 PROSPECTIVE JUROR: No.

2 THE COURT: Just followed it on the news?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: Would that affect your ability to be
5 fair and impartial?

6 PROSPECTIVE JUROR: Yeah --- no. I'm weak. I
7 need to eat lunch.

8 THE COURT: It can be confusing. When you saw
9 that on TV, would that affect your ability to be fair
10 and impartial in this trial?

11 PROSPECTIVE JUROR: No.

12 THE COURT: Are you willing to base your decision
13 on what happens here in the courtroom?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Thank you. Okay.

16 Yes, ma'am.

17 PROSPECTIVE JUROR: How are you doing?

18 THE COURT: Good. What's your number?

19 PROSPECTIVE JUROR: 124.

20 THE COURT: 124, okay, Ms. Harris. Okay. Have
21 you seen this on the news or?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: Okay. Have you done anything besides
24 see it on the news, go to the Statehouse ---

25 PROSPECTIVE JUROR: No.

1 THE COURT: --- or testify, or anything like
2 that?

3 PROSPECTIVE JUROR: No.

4 THE COURT: Would that affect your ability to be
5 fair and impartial?

6 PROSPECTIVE JUROR: No.

7 THE COURT: Are you willing to base your decision
8 on what happens here in the courtroom?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: Okay. Thank you.

11 All right. Mr. Smallwood.

12 Okay. You've seen it on the news or what?

13 PROSPECTIVE JUROR: I've seen it on the news and
14 in the paper. Also, I'm an adjutant professor in
15 social work at USC, so I've had a lot of exposure to
16 this issue.

17 THE COURT: What do you mean by exposure?

18 PROSPECTIVE JUROR: I have a lot of people around
19 me, at my college, that have been talking about it.

20 THE COURT: Okay. And have you been to the
21 Statehouse, testified for anybody or been an expert
22 witness or anything like that?

23 PROSPECTIVE JUROR: No, I have not.

24 THE COURT: Would that affect your ability to be
25 fair and impartial?

1 PROSPECTIVE JUROR: No.

2 THE COURT: Are you willing to base your
3 decision solely off the evidence and the law?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Okay. Thank you.

6 THE COURT: What's your number, sir?

7 PROSPECTIVE JUROR: 238.

8 THE COURT: All right. Tell us what you've seen.

9 PROSPECTIVE JUROR: What I've heard.

10 THE COURT: Mr. Russell.

11 PROSPECTIVE JUROR: Yes, I heard about the
12 negligence, about the caseworkers.

13 THE COURT: How did you hear about that?

14 PROSPECTIVE JUROR: News.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR: Internet.

17 THE COURT: Do you have any personal knowledge
18 about that?

19 PROSPECTIVE JUROR: Nothing.

20 THE COURT: Have you been up to the Statehouse or
21 testified or seen anything live?

22 PROSPECTIVE JUROR: No, I haven't.

23 THE COURT: Are you willing to base your decision
24 on what happens here in the courtroom?

25 PROSPECTIVE JUROR: That's correct, sir.

1 THE COURT: Would anything you've seen affect
2 your ability to be fair and impartial?

3 PROSPECTIVE JUROR: No.

4 THE COURT: Okay. All right. Thank you.

5 We're going to have to take a lunch break.

6 MR. LI: That's fine.

7 THE COURT: Okay. All right. We're almost done.

8 Is there any member of the jury panel who was
9 raised in a single family household or had a parent
10 frequently absent from home? If so, please stand.

11 All right. What's your number, sir?

12 PROSPECTIVE JUROR: 308.

13 THE COURT: Would that affect your ability to be
14 fair and impartial in this case?

15 PROSPECTIVE JUROR: I would say yeah.

16 THE COURT: What?

17 PROSPECTIVE JUROR: I think not, I would think
18 not, you know.

19 THE COURT: Is that a no or a yes?

20 PROSPECTIVE JUROR: Yes, it could affect it, I
21 think.

22 THE COURT: Okay. What's your number, sir.

23 PROSPECTIVE JUROR: 308.

24 THE COURT: All right. Thank you, sir.

25 All right. And blue shirt, what's your number?

1 PROSPECTIVE JUROR: 229, Your Honor.

2 THE COURT: Okay. 229?

3 PROSPECTIVE JUROR: Yes, sir.

4 THE COURT: What's your last name?

5 PROSPECTIVE JUROR: Riser.

6 THE COURT: Okay. Would that affect your ability
7 to be fair and impartial in this case?

8 PROSPECTIVE JUROR: No, Your Honor.

9 THE COURT: Are you willing to base your decision
10 solely off the evidence and the law?

11 PROSPECTIVE JUROR: Yes, Your Honor.

12 THE COURT: Thank you. Yes, ma'am, what's your
13 number?

14 PROSPECTIVE JUROR: 307.

15 THE COURT: All right. Would that affect your
16 ability to be fair and impartial in this case?

17 PROSPECTIVE JUROR: No, Your Honor.

18 THE COURT: Are you willing to base your decision
19 solely off the evidence and the law?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: All right. Yes, sir, green shirt,
22 what's your number?

23 PROSPECTIVE JUROR: Oh, 298.

24 THE COURT: 298.

25 PROSPECTIVE JUROR: Yep.

1 THE COURT: All right. Would that affect your
2 ability to be fair and impartial?

3 PROSPECTIVE JUROR: No, sir.

4 THE COURT: Are you willing to base your decision
5 off the facts and the law as it comes into this
6 courtroom?

7 PROSPECTIVE JUROR: Yes, sir.

8 THE COURT: Thank you. All right. In the sweat
9 shirt here, what's your number?

10 PROSPECTIVE JUROR: Ninety-nine.

11 THE COURT: Ninety-nine. All right. Would that
12 affect your ability to be fair and impartial?

13 PROSPECTIVE JUROR: No, sir.

14 THE COURT: And are you willing to base your
15 decision solely off the evidence and the law?

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: Okay. All right. And the gray,
18 what's your number, ma'am?

19 PROSPECTIVE JUROR: Fifty-two.

20 THE COURT: 262?

21 PROSPECTIVE JUROR: Fifty-two.

22 THE COURT: Fifty-two, I'm sorry. All right.
23 Would that affect your ability to be fair and
24 impartial?

25 PROSPECTIVE JUROR: No, sir.

1 THE COURT: And are you willing to base your
2 decision solely off the evidence and the law?

3 PROSPECTIVE JUROR: Yes, sir.

4 THE COURT: Thank you. Green shirt.

5 PROSPECTIVE JUROR: 167.

6 THE COURT: And would that affect your ability to
7 be fair and impartial?

8 PROSPECTIVE JUROR: No, sir.

9 THE COURT: Are you willing to base your decision
10 solely off the evidence and the law?

11 PROSPECTIVE JUROR: Yes, Your Honor.

12 THE COURT: Thank you. Pinkish reddish shirt.

13 PROSPECTIVE JUROR: 239.

14 THE COURT: All right. Would that affect your
15 ability to be fair and impartial?

16 PROSPECTIVE JUROR: No, Your Honor.

17 THE COURT: Are you willing to base your decision
18 solely off the evidence and the law?

19 PROSPECTIVE JUROR: Yes, Your Honor.

20 THE COURT: Thank you. Yes, ma'am in the black,
21 what's your number?

22 PROSPECTIVE JUROR: Ninety-eight.

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

25 PROSPECTIVE JUROR: No, sir.

1 THE COURT: And are you willing to base your
2 decision solely off the evidence and the law?

3 PROSPECTIVE JUROR: Yes, sir.

4 THE COURT: All right. In the blue, yes, ma'am.

5 PROSPECTIVE JUROR: 273.

6 THE COURT: 273.

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: Would that affect your ability to be
9 fair and impartial?

10 PROSPECTIVE JUROR: No.

11 THE COURT: And are you willing to base your
12 decision solely off the evidence and the law?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: Thank you very much.

15 Is there any member of the jury panel who is or
16 was a single parent? If so, please stand.

17 What's your number?

18 PROSPECTIVE JUROR: 234.

19 THE COURT: All right. Would that affect your
20 ability to be fair and impartial?

21 PROSPECTIVE JUROR: No.

22 THE COURT: Are you willing to base your decision
23 on the evidence and the law?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: Okay. Orange.

1 PROSPECTIVE JUROR: Twenty-five.

2 THE COURT: Would that affect your ability to be
3 fair and impartial?

4 PROSPECTIVE JUROR: No, sir.

5 THE COURT: Are you willing to base your decision
6 solely off the evidence and the law?

7 PROSPECTIVE JUROR: Yes, sir.

8 THE COURT: Okay. Gray.

9 PROSPECTIVE JUROR: Fifty-two.

10 THE COURT: Fifty-two. Would that affect your
11 ability to be fair and impartial?

12 PROSPECTIVE JUROR: No, sir.

13 THE COURT: Are you willing to base your decision
14 solely off the evidence and the law?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Thank you. In the cream.

17 PROSPECTIVE JUROR: 104.

18 THE COURT: Would that affect your ability to be
19 fair and impartial?

20 PROSPECTIVE JUROR: No.

21 THE COURT: Are you willing to base your decision
22 solely off the evidence and the law?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: All right. And Ms. Wilson.

25 PROSPECTIVE JUROR: 293.

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

3 PROSPECTIVE JUROR: It will not.

4 THE COURT: Are you willing to base your decision
5 solely off evidence and the law?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: Okay. Thank you. In the purple,
8 what's your number?

9 PROSPECTIVE JUROR: 245.

10 THE COURT: Would that affect your ability to be
11 fair and impartial?

12 PROSPECTIVE JUROR: No.

13 THE COURT: Are you willing to base your decision
14 solely off the evidence and the law?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Already. In the cream.

17 PROSPECTIVE JUROR: Forty-one.

18 THE COURT: Forty-one. Would that affect your
19 ability to be fair and impartial?

20 PROSPECTIVE JUROR: No, sir.

21 THE COURT: Are you willing to base your decision
22 solely off the evidence and the law?

23 PROSPECTIVE JUROR: Yes, sir.

24 THE COURT: Thank you. Yes, ma'am.

25 PROSPECTIVE JUROR: 107.

1 THE COURT: Our juror from Dillon.

2 PROSPECTIVE JUROR: Uh-huh.

3 THE COURT: Would that affect your ability to be
4 fair and impartial?

5 PROSPECTIVE JUROR: It would not.

6 THE COURT: Are you willing to base your
7 decision based solely off the evidence and the law?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: Mr. Hough, would that affect your
10 ability to be fair and impartial?

11 PROSPECTIVE JUROR: No, it would not.

12 THE COURT: Are you willing to base your decision
13 solely off the evidence and the law?

14 PROSPECTIVE JUROR: I would, Your Honor.

15 THE COURT: Is there any juror who is fundamental
16 opposed to the consumption of alcohol? If so, please
17 stand.

18 (There was no response.)

19 THE COURT: Is there any member of the jury panel
20 who has an issue that would affect your ability to be
21 fair and impartial regarding people that may be on
22 welfare or some form of food stamps or people that
23 live in government housing? If so, please stand.

24 (There was no response.)

25 THE COURT: Is there any member of the jury panel

1 who has an issue that would cause you not to be fair
2 and impartial concerning people who have multiple
3 children that may not be able to afford them? If so,
4 please stand.

5 (There was no response.)

6 THE COURT: Is there any member of the jury panel
7 who has an issue regarding tattoos or people that have
8 visible tattoos that would cause you to be fair and
9 impartial? If so, please stand --- cause you not to
10 be fair and impartial? Please stand.

11 (There was no response.)

12 THE COURT: Is there any member of the jury panel
13 who has been a victim of or a defendant in or has a
14 family member or close relative who is a victim of or
15 a defendant in a CDV case? CDV, excuse me, is
16 criminal domestic violence. I apologize.

17 (There was no response.)

18 THE COURT: Is there any member of the jury panel
19 who has a child under the age of five?

20 Okay. And your number, sir?

21 PROSPECTIVE JUROR: 287.

22 THE COURT: Would that affect your ability to be
23 fair and impartial?

24 PROSPECTIVE JUROR: No, it wouldn't.

25 THE COURT: Are you willing to base your decision

1 solely off the evidence and the law?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: That was 287?

4 PROSPECTIVE JUROR: 287, yes.

5 THE COURT: Thank you, sir.

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: All right. Right here on the front
8 row. What's your number?

9 PROSPECTIVE JUROR: 181.

10 THE COURT: And would this affect your ability to
11 be fair and impartial?

12 PROSPECTIVE JUROR: No.

13 THE COURT: Are you willing to base your
14 decision on the evidence and the law?

15 PROSPECTIVE JUROR: Yes, sir.

16 THE COURT: Right behind her. What's your
17 number, ma'am?

18 PROSPECTIVE JUROR: 245.

19 THE COURT: All right. Would this affect your
20 ability to be fair and impartial?

21 PROSPECTIVE JUROR: No.

22 THE COURT: Are you willing to base your decision
23 solely off the evidence and the law?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: Striped shirt, your number?

1 PROSPECTIVE JUROR: 139.

2 THE COURT: 139. All right. Would this affect
3 your ability to be fair and impartial?

4 PROSPECTIVE JUROR: No, sir.

5 THE COURT: Are you willing to base your decision
6 solely off the evidence and the law?

7 PROSPECTIVE JUROR: Yes, sir.

8 THE COURT: Thank you. Ms. Scott, would this
9 affect your ability to be fair and impartial?

10 PROSPECTIVE JUROR: No, sir.

11 THE COURT: Are you willing to base your decision
12 solely off the evidence and the law?

13 PROSPECTIVE JUROR: Yes, sir.

14 THE COURT: Thank you, ma'am. Right next to her,
15 what's your number?

16 PROSPECTIVE JUROR: Ninety-eight.

17 THE COURT: Would this affect your ability to be
18 fair and impartial?

19 PROSPECTIVE JUROR: No, sir.

20 THE COURT: Are you willing to base your decision
21 solely off the evidence and the law?

22 PROSPECTIVE JUROR: Yes, sir.

23 THE COURT: All right. Blue shirt, what's your
24 number?

25 PROSPECTIVE JUROR: 306.

1 THE COURT: Would this affect your ability to be
2 fair and impartial?

3 PROSPECTIVE JUROR: Yes, it could, Your Honor.

4 THE COURT: All right. Thank you. Have a seat.
5 That was 306; is that right?

6 PROSPECTIVE JUROR: Correct.

7 THE COURT: Mr. Harkins.

8 PROSPECTIVE JUROR: Correct.

9 THE COURT: All right. Blue ---

10 PROSPECTIVE JUROR: Two ---

11 THE COURT: I don't mean any disrespect when I
12 refer to you by your clothing, but they say I
13 shouldn't point at people. I mean no disrespect.
14 What's your number?

15 PROSPECTIVE JUROR: 221.

16 THE COURT: All right. Mr. Reed. Would this
17 affect your ability to be fair and impartial?

18 PROSPECTIVE JUROR: No, Your Honor.

19 THE COURT: Are you willing to base your decision
20 solely off the evidence and the law?

21 PROSPECTIVE JUROR: Yes, Your Honor.

22 THE COURT: Okay. Thank you.

23 Is there any member of the jury panel who as an
24 issue with spanking or physical punishment no matter
25 the circumstances that would cause you to be fair and

1 impartial in this trial --- cause you not to be fair
2 and impartial in this trial? If so, please stand.

3 (There was no response.)

4 THE COURT: Is there any member of the jury panel
5 who has a child, family member, close friend that has
6 been diagnosed with autism or some other form of
7 mental disability or affiliated with any group that
8 advocates on behalf of such individuals? If so,
9 please stand.

10 All right. What's your number in the gray?

11 PROSPECTIVE JUROR: Forty-three.

12 THE COURT: What?

13 PROSPECTIVE JUROR: Forty-three.

14 THE COURT: Forty-three. All right. Would this
15 affect your ability to be fair and impartial?

16 PROSPECTIVE JUROR: Yes, it could.

17 THE COURT: All right. Thank you very much.

18 Mr. Smallwood, would this affect your ability to be
19 fair and impartial?

20 PROSPECTIVE JUROR: No, Your Honor.

21 THE COURT: And are you willing to base your
22 decision solely off the evidence and the law?

23 PROSPECTIVE JUROR: Yes, Your Honor.

24 THE COURT: Thank you, sir.

25 Yes, ma'am right here, what's your number?

1 PROSPECTIVE JUROR: 150. Did you say any family
2 member?

3 THE COURT: Yes.

4 PROSPECTIVE JUROR: Okay.

5 THE COURT: Would this affect your ability to be
6 fair and impartial?

7 PROSPECTIVE JUROR: No.

8 THE COURT: Are you willing to base your decision
9 solely off the evidence and the law?

10 PROSPECTIVE JUROR: Yes, sir.

11 THE COURT: Thank you, ma'am.

12 Ms. Bowling; is that right?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: Okay. Would this affect your ability
15 to be fair and impartial?

16 PROSPECTIVE JUROR: No, no.

17 THE COURT: Are you willing to base your decision
18 solely off the evidence and the law?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: What's your number?

21 PROSPECTIVE JUROR: Thirty-two.

22 THE COURT: Thank you very much.

23 All right. Does any member of the jury panel
24 have a child under the age of five that passed prior
25 to the age of five? If so, please stand.

1 Anybody have a child that was under the --- it's
2 a very difficult question, I understand that. I'm
3 asking it as politely as I know how, but is there
4 anybody that has had a child under the age of five
5 that died prior to the age of five?

6 (There was no response.)

7 THE COURT: Okay. Thank you very much.

8 All right. Anything further from the State?

9 MS. McDUFFIE: Nothing further from the State,
10 Your Honor.

11 THE COURT: Mr. Li.

12 MR. LI: Nothing, Your Honor.

13 THE COURT: Ms. Pinnock.

14 MS. PINNOCK: No, Your Honor.

15 THE COURT: Okay. You all approach.

16 (WHEREUPON, a bench conference was held in the
17 presence, but not within hearing of the jury.)

18 THE COURT: All right. Here is what we're going
19 to do, ladies and gentlemen. I'm going to tell you'll
20 that I do not normally do this, but it's almost 2:30.
21 We probably have at least another 15, 20 minutes to
22 go, so I'm going to go ahead and personally release
23 you to go to lunch right now. We're going to --- it's
24 2:20 ish. We're going to start back at 3:30 with jury
25 selection.

1 Now, I need you to listen very closely to me,
2 okay. What I'm about to tell you is a court order,
3 okay. Any violation of this will be punished as a
4 violation of a court order. I could not be any more
5 serious about this than I am being right now. You are
6 not allowed to discuss this case in any way, shape or
7 form with anybody. That means family members,
8 coworkers, bosses, friends, neighbors, children,
9 spouses, girlfriends, boyfriends, or each other or
10 anybody that you see at lunch.

11 You are not allowed in any way, shape, or form to
12 do any independent research on this case, so when you
13 leave here, you are going to get on your phone, most
14 of you, okay, especially if under the age of 60,
15 you're going to get on your phone within ten minutes,
16 okay. You're going to text somebody, call somebody,
17 check Facebook, check Twitter, check something that I
18 probably don't even understand. Okay. Nothing about
19 this case. You're not allowed to Google it. You're
20 not allowed to search it.

21 You're not allowed to look up the parties, you're
22 not allowed to look up the witnesses. You're not
23 allowed to look up anything about DSS in any way,
24 shape, or form, and I could not be more serious about
25 that than I'm being right now.

1 The reason that we do that and the reason I'm
2 stressing that so much is because it is fundamentally
3 unfair to the parties in this courtroom for you to be
4 influenced by outside sources of information, okay.

5 This case is about what happens in this courtroom
6 and only in this courtroom, and I mean that. I'm very
7 serious about that. If I find out about a violation
8 of it, it's not going to be a very happy afternoon for
9 anybody involved, so go to lunch, enjoy your lunch.

10 It's a beautiful day in Columbia. I appreciate
11 all the patience that you have given me so far. Do
12 not discuss this case. Do not do any kind of research
13 in any way, shape, or form on this case. Be seated
14 right back where you are right now at 3:30 and be
15 ready to go.

16 Thank you very much. Everyone please remain
17 seated until the jury leaves.

18 (WHEREUPON, the jury panel left the courtroom.)

19 THE COURT: Are you wanting to talk about these
20 jurors now or go eat?

21 MS. CAMPBELL: I'd love to talk about them now.

22 THE COURT: Okay. Number 306 is out, number 267
23 is out.

24 MR. LI: Hold on one second, Your Honor.

25 THE COURT: Are you getting this, Jackie?

1 THE CLERK: Yes, sir.

2 THE COURT: All right. So 306 is out. Everybody
3 got that?

4 MS. PINNOCK: Yes, sir.

5 THE COURT: Okay. 267 is out, 51 is out, 58 is
6 out.

7 MS. CAMPBELL: Fifty-eight?

8 THE COURT: No, no, no, no, 43, my bad, 43. So
9 306, 267, 308 and 43, my bad on saying the other
10 number. All right. Before we get to Hough and
11 Postic, is there anybody else that anyone wants to
12 talk about?

13 MS. McDUFFIE: Your Honor, on the 68, the
14 approach, I represented up there that I thought
15 Ms. Campbell was prosecuting that. It's actually
16 Ms. Walker that's prosecuting that case.

17 THE COURT: Okay.

18 MS. McDUFFIE: That defendant.

19 THE COURT: What's your position on that?

20 MS. McDUFFIE: Your Honor, we'd ask that she be
21 excused.

22 THE COURT: What did she say, she said her
23 brother is the victim of an assault. The defendant is
24 Robert Sims, and you're telling me that Ms. Walker ---

25 MS. McDUFFIE: Ms. Walker has pending charges on

1 Robert Sims.

2 THE COURT: What's your position on that?

3 MR. LI: Your Honor, I guess technically she says
4 she can be fair and impartial. We have to go with it.
5 I don't think it's a strike for cause. I think she
6 can use a strike on it. She said she can be fair and
7 impartial.

8 THE COURT: I mean, her brother is the victim.
9 You understand that, right?

10 MR. LI: I'm just saying --- we can use a strike
11 on it. I just think --- accordingly, I think she
12 could be, you know, she said she can be fair and
13 impartial.

14 THE COURT: Ms. Pinnock, what is your position?

15 MS. PINNOCK: Your Honor, if her brother is the
16 victim and being prosecuted by the solicitor's office,
17 I think she should be excused.

18 THE COURT: All right. I'm going to strike Ms.
19 Darby for cause, out of an abundance of caution to
20 protect the defendants more than anyone else.

21 Anybody else before we get to Hough and Postic?

22 MS. PINNOCK: Your Honor, number 308, our notes,
23 we believe he said he could not be fair and impartial.

24 THE COURT: Yeah, that's why I struck him.

25 MS. PINNOCK: Oh, did you already do that?

1 THE COURT: Yes.

2 MS. PINNOCK: I'm sorry, Your Honor.

3 THE COURT: That's okay.

4 Are you a juror, ma'am?

5 UNIDENTIFIED WOMAN: No.

6 THE COURT: Okay. Anybody else?

7 MS. McDUFFIE: No, Your Honor.

8 MR. LI: No, Your Honor.

9 THE COURT: Ms. Pinnock?

10 MS. PINNOCK: No, sir.

11 THE COURT: Okay. So what's your position on
12 Hough and Postic?

13 MS. McDUFFIE: Your Honor, Mr. Postic is
14 frequently in our office and frequently comes by our
15 office. I think I may have discussed this case with
16 him. It would not have been in detail, but he usually
17 stops and asks what I'm working on. I don't know that
18 we had an in-depth discussion about it, but we
19 probably did discuss it at some point.

20 THE COURT: Do you want to jump in, Mr. Li?

21 MR. LI: Excuse me, Your Honor?

22 THE COURT: Do you want to jump in on you
23 position on Mr. Hough and Mr. Postic?

24 MR. LI: Prior to knowing that I would have said
25 he could have been fair and impartial, but if he heard

1 something from Ms. McDuffie.

2 THE COURT: Ms. Pinnock, we're on Mr. Postic now.

3 MS. PINNOCK: Yes, I think he should be out.

4 THE COURT: All right. Now Juror 216 is out.

5 Now what about Mr. Hough?

6 MS. CAMPBELL: Judge, I don't recall specifically
7 discussing it with him, but we do have an open door
8 policy. He could have been exposed. This case has
9 been in preparation for more than a month.

10 THE COURT: Do you have an objection to me
11 striking Mr. Hough for cause?

12 MR. LI: I do, Your Honor. He said that he, as
13 opposed to what Ms. McDuffie said that she remembered
14 talking to Mr. Postic about it, Mr. Hough said he
15 hadn't heard anything about the case and that he could
16 be fair and impartial. I don't think it's one that's
17 for cause. I think the State can use one of their
18 strikes to strike Mr. Hough. You asked do you know
19 anything about the case outside the media. He said he
20 does not know anything.

21 THE COURT: All right. Ms. Pinnock, what's your
22 position?

23 MS. PINNOCK: Your Honor, I'm going to take no
24 position on Mr. Hough.

25 THE COURT: You don't get to take no position.

1 MS. CAMPBELL: Your Honor, our biggest concern is
2 that he stood up --- both of them stood up for
3 practically every question. They know everybody
4 involved, they know all the deputies.

5 THE COURT: I mean, it cuts both ways.

6 MS. CAMPBELL: I agree.

7 THE COURT: I mean, it cuts both ways. It cuts
8 just as much for the State as they do for the defense.
9 I mean, they cut both ways.

10 MS. PINNOCK: Your Honor, I think I'll agree with
11 Mr. Li, I don't think there's enough to really strike
12 him for cause because he knows certain people.

13 MR. LI: He answered he can evaluate the case
14 fairly and impartially, Your Honor. I don't think
15 it's any reason to strike for cause. The solicitors
16 can use, the State can use, that as one of their
17 strikes to eliminate who they choose to, Your Honor.
18 I don't think he's appropriate to eliminate him for
19 cause.

20 THE COURT: All right. Mr. Hough stays.

21 Anybody else?

22 (There was no response.)

23 THE COURT: Okay. All right. 3:30.

24 MS. McDUFFIE: Judge?

25 THE COURT: All right. Hold on.

1 MS. McDUFFIE: I think the defendants probably
2 need to be brought in here before then if you told the
3 jurors to be back in here at 3:30.

4 THE COURT: Yes, okay. You got that John?

5 THE DEPUTY: Yes.

6 THE COURT: Very good. All right, 3:30.

7 (WHEREUPON, a lunch break was taken.)

8 THE COURT: All right. Thank you, ladies and
9 gentlemen.

10 One further witness that I forgot to mention
11 earlier, if anyone knows a Shannon Hammond, if anyone
12 knows a Shannon Hammond, please stand.

13 What's your number, sir?

14 PROSPECTIVE JUROR: 109.

15 THE COURT: 109.

16 PROSPECTIVE JUROR: George Green.

17 THE COURT: Yes, sir. Would that affect your
18 ability to be fair and impartial in this case?

19 PROSPECTIVE JUROR: No, sir.

20 THE COURT: Are you willing to base your
21 decision solely off the evidence and the law?

22 PROSPECTIVE JUROR: Yes, sir.

23 THE COURT: Okay. All right. Anything further
24 from the State?

25 MS. McDUFFIE: Judge, may we approach briefly?

1 THE COURT: Sure. Come on up.

2 (WHEREUPON, a bench conference was held in the
3 presence, but not within hearing of the jury.)

4 THE COURT: Anything further from the State?

5 MS. McDUFFIE: No, sir, Your Honor.

6 THE COURT: From Mr. Li?

7 MR. LI: No, Your Honor.

8 THE COURT: Ms. Pinnock?

9 MS. PINNOCK: No, Your Honor.

10 THE COURT: All right. Very well. All right.
11 Ladies and gentlemen, we're now going to pick the jury
12 in this case. And what's going to happen is your
13 number is going to be called. When your number is
14 called, if you will gather all your personal
15 belongings, come down front, and stand right here at
16 the microphone. Tell us what you do for a living
17 because I was not in jury qualifications this morning,
18 so just state your employment. They will ask the
19 State and will ask the defense. If nobody strikes you
20 or excuses you, then you'll need to have a seat in
21 this jury box.

22 If you get excused --- where are you going to put
23 them, Mr. Whittle?

24 THE BAILIFF: Right here.

25 THE COURT: If you get excused, we're going to

1 put you back there on that back row until we finish.
2 So, if you will bring all your belongings with you.
3 And, Jackie, do you remember how I said we were going
4 to do strikes?

5 THE CLERK: Yes, Your Honor.

6 THE COURT: Okay. Very good. Let's begin.

7 THE CLERK: Juror number 143.

8 (Black female)

9 State your name and place of occupation.

10 PROSPECTIVE JUROR: Oh, okay. I'm Mariah Hunter,
11 and I work at Lowe's and Krispy Kreme.

12 THE CLERK: What says the State?

13 PROSPECTIVE JUROR: What state?

14 THE COURT: You're fine.

15 MS. WALKER: Please present the juror.

16 THE COURT: What says defendant Guinyard?

17 MS. EISENHOWER: Please seat the juror.

18 THE CLERK: What says defendant Thompson?

19 MS. PINNOCK: Please seat the juror.

20 THE CLERK: Please have a seat in the jury box.
21 Juror number 150.

22 (Black female)

23 PROSPECTIVE JUROR: I'm Jasmine Jackson. I'm a
24 graphic design intern.

25 THE CLERK: What says the State?

1 MS. WALKER: Please present the juror.

2 THE CLERK: What says defendant Thompson?

3 MS. PINNOCK: Please strike the juror.

4 THE CLERK: Please return to the back of the
5 courtroom.

6 Juror number 24.

7 (White male)

8 PROSPECTIVE JUROR: My name is Bryan Benitez-
9 Nelson. I'm a homemaker.

10 THE CLERK: What says the State?

11 MS. WALKER: Please present the juror.

12 THE CLERK: What says defendant Guinyard?

13 MS. EISENHOWER: Please seat this juror.

14 THE CLERK: What says defendant Thompson?

15 MS. PINNOCK: Please seat the juror.

16 THE CLERK: Please have a seat in the jury box.
17 Juror number 212.

18 (White male)

19 PROSPECTIVE JUROR: Jeffery Persels. I'm a
20 professor at USC.

21 THE CLERK: What says the State?

22 MS. WALKER: Please present the juror.

23 THE CLERK: What says defendant Thompson?

24 MS. PINNOCK: Please seat the juror.

25 THE CLERK: What says the defendant Guinyard?

1 MS. EISENHOWER: Please seat this juror.

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

3 Juror number 32.

4 (White female)

5 PROSPECTIVE JUROR: Stephanie Bowling, elementary
6 teacher.

7 THE CLERK: What says the State?

8 MS. WALKER: Please present the juror.

9 THE CLERK: What says defendant Guinyard?

10 MS. EISENHOWER: Please excuse this juror.

11 THE CLERK: Please return to the back of the
12 courtroom.

13 Juror number 3.

14 (Black male)

15 PROSPECTIVE JUROR: I'm Xavier Albert. I'm a bar
16 manager.

17 THE CLERK: What says the State?

18 MS. WALKER: Please present the juror.

19 THE CLERK: What says defendant Thompson?

20 MS. PINNOCK: Please seat this juror.

21 THE CLERK: What says defendant Guinyard?

22 MS. EISENHOWER: Please seat this juror.

23 THE CLERK: Please have a seat in the jury box.

24 Juror number 307.

25 (Black female)

1 PROSPECTIVE JUROR: Donna Kennedy.

2 THE COURT: What do you will do for a living,
3 ma'am?

4 PROSPECTIVE JUROR: I'm a hairstylist.

5 THE CLERK: What says the State?

6 MS. WALKER: Please excuse the juror.

7 THE CLERK: Please return to the back of the
8 courtroom.

9 Juror number 240.

10 (White female)

11 PROSPECTIVE JUROR: My name is Ellen Scott, and
12 I'm a teachers aide.

13 THE CLERK: What says the State?

14 MS. WALKER: Please present the juror.

15 THE CLERK: What says defendant Guinyard?

16 MS. EISENHOWER: Please excuse this juror.

17 THE CLERK: Please return to the back of the
18 courtroom.

19 Juror number 167.

20 (Black male)

21 PROSPECTIVE JUROR: My name is Brian Lann. I'm a
22 case manager with a health insurance.

23 THE CLERK: What says the State?

24 MS. WALKER: One moment, please.

25 (Pause.)

1 Please excuse the juror.

2 THE CLERK: Please return to the back of the
3 courtroom.

4 Juror number 280.

5 (White female)

6 PROSPECTIVE JUROR: Catherine Watson. I'm a
7 student at Wofford College.

8 THE CLERK: What says the State?

9 MS. WALKER: Please present the juror.

10 THE CLERK: What says defendant Thompson?

11 MS. PINNOCK: Beg the Court's indulgence.

12 (Pause.)

13 MS. PINNOCK: Please seat the juror.

14 THE CLERK: What says defendant Guinyard?

15 MS. EISENHOWER: Please seat the juror.

16 THE CLERK: Please have a seat in the jury box.

17 Juror number 238.

18 (Black male)

19 PROSPECTIVE JUROR: Edward Russell,
20 subcontractor, telecommunications.

21 THE CLERK: What says the State?

22 MS. WALKER: Please present the juror.

23 THE CLERK: What says defendant Guinyard?

24 MS. EISENHOWER: Please excuse this juror.

25 THE CLERK: Please return to the back of the

1 courtroom.

2 Juror number 99.

3 (Black female)

4 PROSPECTIVE JUROR: Leticia Gibson. I'm a
5 student at Midland's Technical College.

6 THE CLERK: What says the State?

7 MS. WALKER: Please excuse the juror.

8 THE CLERK: Please return to the back of the
9 courtroom.

10 Juror number 111.

11 (Black female)

12 PROSPECTIVE JUROR: Lisa Griffin. I'm a loan
13 closer at TD Bank.

14 THE CLERK: What says the State?

15 MS. WALKER: Please present the juror.

16 THE CLERK: What says defendant Thompson?

17 MR. STAGGS: Beg the Court's indulgence for a
18 moment, please.

19 MS. PINNOCK: Please excuse this juror.

20 THE CLERK: Please return to the back of the
21 courtroom.

22 Number 33.

23 (White male)

24 PROSPECTIVE JUROR: William Brackett. I work at
25 Time Warner Cable as a sales supervisor.

1 THE CLERK: What says the State?

2 MS. WALKER: Please present the juror.

3 THE CLERK: What says defendant Guinyard?

4 MS. EISENHOWER: Please excuse this juror.

5 THE CLERK: Please return to the back of the
6 courtroom.

7 Number 172.

8 (White female)

9 PROSPECTIVE JUROR: Dolores Long. I'm a
10 homemaker.

11 THE CLERK: What says the State?

12 MS. WALKER: Please present the juror.

13 THE CLERK: What says defendant Thompson?

14 MS. PINNOCK: Please excuse this juror.

15 THE CLERK: Please return to the back of the
16 courtroom.

17 Number 139.

18 (Black male)

19 PROSPECTIVE JUROR: Terrell Howard, and I'm a
20 branch manager.

21 THE CLERK: What says the State?

22 MS. WALKER: Please present the juror.

23 THE CLERK: What says defendant Guinyard?

24 MR. STAGGS: Please seat the juror.

25 THE CLERK: What says defendant Thompson?

1 MS. PINNOCK: Please seat the juror.

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

3 THE BAILIFF: Watch your step, sir.

4 THE CLERK: Juror number 261.

5 (White female.)

6 PROSPECTIVE JUROR: Frances Taylor. I'm a
7 communications director.

8 THE CLERK: What says the State?

9 MS. WALKER: Please present the juror.

10 THE CLERK: What says defendant Thompson?

11 MS. PINNOCK: Please seat the juror.

12 THE CLERK: What says defendant Guinyard?

13 MS. EISENHOWER: Please seat the juror.

14 THE CLERK: Please have a seat in the jury box.
15 Juror number 125.

16 (Black male)

17 PROSPECTIVE JUROR: Marcus Harris, truck driver.

18 THE CLERK: What says the State?

19 MS. WALKER: Please excuse the juror.

20 THE CLERK: Please return to the back of the
21 courtroom.

22 Juror number 104.

23 (Black female)

24 PROSPECTIVE JUROR: Ave Glover, currently
25 unemployed, formerly administrative assistant.

1 THE CLERK: What says the State?

2 MS. WALKER: Beg your indulgence. Please excuse
3 the juror.

4 THE CLERK: Please return to the back of the
5 courtroom.

6 Juror number 234.

7 (Hispanic female)

8 PROSPECTIVE JUROR: Yadira Rodriquez. I'm a
9 claims analyst.

10 THE COURT: What was your occupation, ma'am?

11 PROSPECTIVE JUROR: Claims analyst.

12 THE COURT: Thank you.

13 MS. WALKER: Please present the juror.

14 THE CLERK: What says defendant Guinyard?

15 MR. STAGGS: Please seat the juror.

16 THE CLERK: What says defendant Thompson?

17 MS. PINNOCK: Beg the Court's indulgence.

18 (Pause.)

19 Please seat the juror.

20 THE CLERK: Please have a seat in the jury box.

21 Juror number 183.

22 (White female)

23 PROSPECTIVE JUROR: Elizabeth McMaster, I'm a
24 homemaker.

25 THE CLERK: Does the State challenge for cause?

1 THE COURT: No, they have ten strikes.

2 THE CLERK: They do have ten?

3 THE COURT: I'm sorry. I should have told you
4 that.

5 THE CLERK: What says the State?

6 MS. WALKER: Please present the juror.

7 THE CLERK: What says defendant Thompson?

8 MS. PINNOCK: Please excuse the juror.

9 THE CLERK: Please return to the back of the
10 courtroom.

11 THE COURT: My fault, Jackie, I'm sorry.

12 THE CLERK: Juror number 133.

13 (White male)

14 PROSPECTIVE JUROR: Carl Hoefel, director of
15 manufacturing and operations for BOSE Corporation.

16 THE CLERK: What says the State?

17 MS. WALKER: Please present the juror.

18 THE CLERK: What says defendant Guinyard?

19 MS. EISENHOWER: Please seat the juror.

20 THE CLERK: What says defendant Thompson?

21 MS. PINNOCK: Please seat the juror.

22 THE CLERK: Please have a seat in the jury box.

23 THE BAILIFF: Watch your step.

24 THE CLERK: Juror number 41.

25 (Black female)

1 PROSPECTIVE JUROR: Selena Campbell, information
2 assistant designer.

3 THE CLERK: What says the State?

4 MS. WALKER: Please present the juror.

5 THE CLERK: What says defendant Thompson?

6 MS. PINNOCK: Please seat the juror.

7 THE CLERK: What says defendant Guinyard?

8 MS. EISENHOWER: Please excuse the juror.

9 THE CLERK: Please return to the back of the
10 courtroom.

11 (Pause.)

12 Juror number 249.

13 (Black male)

14 PROSPECTIVE JUROR: Stacey Smallwood, post-op
15 fellow and social worker at USC.

16 THE CLERK: What says the State?

17 MS. WALKER: Please excuse the juror.

18 THE CLERK: Please return to the back of the
19 courtroom.

20 Juror number 302.

21 (White female)

22 PROSPECTIVE JUROR: Rebecca Botkin. I'm a family
23 nurse practitioner, currently a stay-at-home mom.

24 THE CLERK: What says the State?

25 MS. WALKER: Please present the juror.

1 THE CLERK: What says defendant Guinyard?

2 MR. LI: We're out of strikes.

3 THE CLERK: I'm sorry?

4 MR. LI: We're out of strikes.

5 THE COURT: They're out of strikes.

6 THE CLERK: Okay. I'm sorry. Does defendant
7 Guinyard challenge for cause?

8 MR. LI: We do not.

9 THE CLERK: What says defendant Thompson?

10 MS. PINNOCK: Please seat the juror.

11 THE CLERK: Please have a seat in the jury box.
12 Juror number 19.

13 (White male)

14 PROSPECTIVE JUROR: Blair Barton. I'm a resident
15 at Tulane University.

16 THE CLERK: What says the State?

17 MS. WALKER: Please present the juror.

18 THE CLERK: Does the defendant --- I'm sorry,
19 what says defendant Thompson?

20 MS. PINNOCK: Please excuse the juror.

21 THE CLERK: Please return to the back of the
22 courtroom.

23 Juror 295.

24 (White male)

25 PROSPECTIVE JUROR: Jim Woda, cabinet maker.

1 THE CLERK: What says the State?

2 MS. WALKER: Please present the juror.

3 THE CLERK: Does defendant Guinyard challenge for
4 cause.

5 MS. EISENHOWER: We do not.

6 THE CLERK: Does defendant Thompson challenge for
7 cause?

8 MS. PINNOCK: No.

9 THE CLERK: Please have a seat in the jury box.
10 Juror number 279.

11 (White female)

12 PROSPECTIVE JUROR: Dorothy Sturgeon, Department
13 of Energy.

14 THE CLERK: What says the State?

15 MS. WALKER: One moment, please.

16 (Pause.)

17 MS. WALKER: Please present the juror.

18 THE CLERK: Does defendant Thompson challenge for
19 cause?

20 MS. PINNOCK: No, Your Honor.

21 THE CLERK: Does defendant Guinyard challenge for
22 cause?

23 MS. EISENHOWER: We do not.

24 THE COURT: You all approach.

25 Go ahead, ma'am.

1 THE CLERK: Please have a seat in the jury box.

2 (WHEREUPON, a bench conference was held in the
3 presence, but not within hearing of the jury.)

4 THE CLERK: Juror 229.

5 (Black male)

6 PROSPECTIVE JUROR: My name is Seth Riser. I'm
7 billing manager at Colonial Life.

8 THE CLERK: What says the State?

9 MS. WALKER: Please present the juror.

10 THE CLERK: What says defendant Guinyard?

11 MR. LI: Just one second.

12 (Pause.)

13 MS. EISENHOWER: Please seat the juror.

14 THE CLERK: What says defendant Thompson?

15 MS. PINNOCK: Please seat the juror.

16 THE CLERK: Please have a seat in the jury box.

17 Juror number 132.

18 (Black female)

19 PROSPECTIVE JUROR: Angela Hines, employed with
20 Palmetto Richland Laboratory Outreach.

21 THE CLERK: What says the State?

22 MS. WALKER: Please present the juror.

23 THE CLERK: What says defendant Thompson?

24 MS. PINNOCK: Please excuse the juror.

25 THE CLERK: Please return to the back of the

1 courtroom.

2 Juror number 289.

3 (Black male)

4 PROSPECTIVE JUROR: Keith Williams. I work for
5 the State.

6 THE CLERK: What says the State?

7 MS. WALKER: Please present the juror.

8 THE CLERK: What says defendant Guinyard?

9 MS. PINNOCK: Please seat the juror.

10 THE CLERK: What says defendant Thompson?

11 MS. PINNOCK: Please seat the juror.

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

13 Juror number 209.

14 (White female)

15 PROSPECTIVE JUROR: My name is Abigail Pearman.

16 I'm a student.

17 THE CLERK: What says the State?

18 MS. WALKER: Please present the juror.

19 THE CLERK: What says defendant Thompson?

20 MS. PINNOCK: Please seat the juror.

21 THE CLERK: What says defendant Guinyard?

22 MS. EISENHOWER: Please excuse the juror.

23 THE CLERK: Please return to the back of the
24 courtroom.

25 Juror number 25.

1 (White female)

2 PROSPECTIVE JUROR: I'm Karen McVey. I'm a
3 histology manager at Palmetto Professional Development
4 Services. Prior to that I worked at Palmetto Health
5 for 38 years.

6 THE CLERK: What says the State?

7 MS. WALKER: Please present the juror.

8 THE CLERK: What says defendant Guinyard?

9 MS. EISENHOWER: Please excuse the juror.

10 THE CLERK: Please return to the back of the
11 courtroom.

12 Juror number 293.

13 (Black female)

14 PROSPECTIVE JUROR: I'm Rita Wilson. I am a bank
15 teller.

16 THE CLERK: What says the State?

17 MS. WALKER: Please present the juror.

18 THE CLERK: What says defendant Thompson?

19 MR. STAGGS: Beg the Court's indulgence for one
20 moment.

21 (Pause.)

22 MS. PINNOCK: Please excuse the juror.

23 THE CLERK: Please return to the back of the
24 courtroom.

25 Juror number 310.

1 (Black female)

2 PROSPECTIVE JUROR: Pamela Bates. I'm a nanny.

3 THE CLERK: What says the State?

4 MS. WALKER: Please excuse the juror.

5 THE CLERK: Please return to the back of the
6 courtroom.

7 Juror 137.

8 (White male)

9 PROSPECTIVE JUROR: Albert Hough, attorney.

10 MS. WALKER: Please excuse the juror.

11 THE CLERK: Juror number 98.

12 (Black female)

13 PROSPECTIVE JUROR: Destiny Gibbs. I'm a
14 business development manager.

15 THE CLERK: Does the State challenge for cause?

16 MS. WALKER: No.

17 THE CLERK: Does the defendant Guinyard challenge
18 for cause?

19 MS. EISENHOWER: No.

20 THE CLERK: What says defendant Thompson?

21 MS. PINNOCK: I thought we were out of strikes
22 also.

23 THE COURT: Thompson is out, Guinyard is in.

24 MR. LI: We're also outs of strikes, Your Honor.
25 Two strikes, we're out.

1 THE COURT: I thought you still had one.

2 MR. LI: Not according to my tally.

3 THE COURT: All right. Anybody challenge for
4 cause?

5 MS. WALKER: No, Your Honor.

6 MS. PINNOCK: No, Your Honor.

7 MR. LI: No, Your Honor.

8 THE CLERK: Have a seat in the jury box.

9 Okay. Take a second, review things. Does
10 anybody have any issues with the jury panel before I
11 excuse the jury?

12 MS. PINNOCK: One second, Your Honor.

13 (Pause.)

14 MS. PINNOCK: No, Your Honor.

15 THE COURT: Any issues as to jury selection?

16 MS. McDUFFIE: No, Your Honor.

17 MS. EISENHOWER: No, Your Honor.

18 THE COURT: Okay. All right. Ladies and
19 gentlemen, if you are seated out here, I know you've
20 had a very long day. Thank you very much. I
21 apologize for the length of time that it took, but as
22 you know and as you understand, and as I know you
23 appreciate, it's a very important case to both sides.
24 Sometimes these things take a while to get through. I
25 do appreciate your attention to this matter. You are

1 released from this jury panel. You will need to go
2 back downstairs to the jury assembly room and receive
3 further instructions from that point.

4 Thank you very much.

5 (WHEREUPON, the unselected members of the jury
6 left the courtroom.)

7 THE COURT: Okay. If you will approach real
8 quick.

9 (WHEREUPON, there was a bench conference in the
10 presence of, but not within hearing of the jury.)

11 THE COURT: Okay. All right. Now, I need you to
12 listen to me for the next few moments. As soon as I
13 finish talking, we are going to --- the bailiffs will
14 give you some instructions and then we are going to
15 send you home for the day. It is much later than I
16 expected, but sometimes these things take longer.
17 That's through no fault of any party or any side.
18 Sometimes they just take longer than normal to get
19 through. I do apologize. Just give me your
20 undivided attention for the next five to ten minutes
21 and then we'll get you out of here.

22 Number one, let's talk about who you need to know
23 in the courtroom. So in your back corner --- turn
24 around behind you and look at this strapping young
25 man. That may be the only time you see him awake this

1 week. I'm kidding, I'm kidding. That's Mr. Tolbert.
2 He will be one of your bailiffs this, right. Right
3 down here is Mr. Burgess. He will be with you, too.
4 Mr. Whittle is in the back of the room. Wave your
5 hand, Mr. Whittle. All right, there he is.

6 You may see some other combination of other
7 bailiffs with you depending on what we have going on
8 in other courtrooms. That's perfectly normal, but
9 they will be the ones that are essentially responsible
10 for you this week. They're going to show you how to
11 come in; they're going to show you how to go out.
12 They're going to take your phones from you. They're
13 going to tell you when you can have a smoke break,
14 when you can't have a smoke break when you can use the
15 phone, when you cannot use the phone, those kind of
16 things.

17 They're really your best source of information.
18 They will be the people that are directly responsible
19 for you this week. You have a very good crew and I'm
20 very happy about them. They will take very good care
21 of you, but they been here a long time and they know
22 what they're doing. Just listen to them and follow
23 their instructions.

24 This is our court reporter right here,
25 Ms. Ambroziak. She is normally with me. She will be

1 taking down every single word that is said in the
2 trial. So everything that was said this morning,
3 everything that will be said throughout the entirety
4 of this trial, she will be taking down, so she is
5 literally the person who works --- the only people in
6 the courtroom who works the entire time is Ms. Karen,
7 okay. So when I take a break for her or she says to
8 me, hey judge, I need a break or something is going on
9 and I make the attorneys slow down or make a witness
10 slow down, I'm doing that for her benefit because the
11 point of her being in here is that every single word
12 is taken down and it's taken down correctly; so if she
13 looks at me and says I need a break, unless we are
14 just in the middle of something major, I'll take a
15 break, and give that to her because I want her as
16 fresh and as happy as possible so that she is taking
17 everything down during the trial.

18 This is my new friend for the day, Ms. Moultrie,
19 and she just finished her first year of law school.
20 The law school has a program where students that
21 finish their first and second year can come in and sit
22 with the judge for a week, so she may be in and out
23 during the week. She may go see what some of the
24 other judges are doing, but that's who she is so you
25 know who she is.

1 Seated to my left is my permanent law clerk,
2 Ms. Hedgeco. She has been with me now for almost a
3 year-and-a-half. You will see her working throughout
4 the entire trial. That's perfectly normal. I'm the
5 Chief Administrative Judge in the circuit. I sign my
6 name about 200 to 250 times a day on things going on
7 throughout the courthouse, so she is constantly
8 working, constantly doing something. You may see her
9 leaving the courtroom, coming back, all kinds of
10 things. That's perfectly normal. She is my law clerk
11 and she works for me.

12 Down front is Ms. Pendergrass, Jackie. She is
13 from the clerk of court's office. She will be
14 swearing in witnesses, handling exhibits, things like
15 that. Those are the kind of the personas that are in
16 the courtroom that you'll need to know and that you
17 become familiar with while you're here during this
18 trial.

19 Now, I'm going to give you a little bit of
20 instructions and then I'll have you on your way.
21 First thing is this, all the lawyers in the case have
22 been told if and when they see you in the courthouse,
23 they are going to ignore you. If you get off the
24 elevator tomorrow morning, and you see one of the
25 lawyers and they don't speak to you, they don't say

1 hello, they don't say good morning, they're not being
2 rude. They're merely following the instructions that
3 I've given them. Even a casual hello or good morning
4 as seen by another side could be misconstrued as
5 something improper.

6 I know that none of these lawyers would do that
7 in any way, shape or form, but to avoid any appearance
8 of impropriety, I've admonished them and told them not
9 to have any contact with you in any way, shape, or
10 form. They're not being rude to you and they're not
11 being mean. They're merely following my instructions.

12 Now, the most counterintuitive thing I'm going to
13 tell you is this, and I've told you this a little bit
14 earlier today, but I'm going to tell you again. That
15 is this, you are not allowed to discuss this case with
16 anyone, including each other, okay.

17 Now, that sounds weird. You say you put us on
18 this jury. You're going to ask us to make a decision
19 at the end of the day, but we can't talk about it.
20 That's right. You cannot talk about this case until I
21 tell you at the very end of the case. I will be very
22 specific in my instructions, and I will say now you
23 may deliberate on the case.

24 Until that time, you cannot talk about the case.
25 You can talk about the weather. You can talk about

1 school is going to be out in the next couple of weeks.
2 You can talk about summer vacation plans, you can talk
3 about anything else, but you may not discuss this
4 case, that includes with each other, with your family
5 members, friends, children, coworkers, bosses, you
6 name it. If the person exists, you cannot discuss it
7 with them.

8 Now, when you leave here, your spouse or you're
9 significant other or one of your friends or family
10 members is going to say I know you had jury duty today
11 because you complained about its all weekend. I want
12 to know what happened. You are allowed to tell them
13 you have been selected on a jury, but you just tell
14 them Judge Hood will not allow me to discuss the case.
15 Frankly you don't even really know anything about the
16 case right now. There's nothing really you could
17 discuss about the case right now if you wanted to
18 because you only know basically who the parties are
19 and nothing more. There is nothing to discuss. At no
20 time during this trial until I tell you at the very
21 end that you are allowed to deliberate are you allowed
22 to discuss the case.

23 As I told you before, we do that to protect the
24 integrity of what's going on here in the courtroom.

25 This is everybody's day in court, okay.

1 Whether --- regardless of what side you are on, this
2 is their day in court, and this case is going to be
3 about what happens in this courtroom, the evidence
4 that comes from the witness stand, the exhibits, if
5 any, that are introduced for you to see and for you to
6 review and the law that I give to you at the
7 conclusion of the case that applies directly to this
8 case on point.

9 That's all that it's going to be about. Just
10 remember, if you were involved in this case, you would
11 want the same thing from your jurors, to base a
12 decision solely on what happens in the courtroom, the
13 evidence that comes in and the law that I've given to
14 you. That's why you were chosen. You were chosen
15 because you informed us, and you told us that you
16 could be fair and impartial, setting aside any bias or
17 prejudice that you may have for either side or for any
18 side in this case and making your decisions solely off
19 the evidence and the law as it comes from this
20 courtroom.

21 Now, as I told you before, you as jurors must
22 decide this case based solely on the evidence that
23 comes from this courtroom. You must not conduct on
24 your own any research or investigation about the case
25 or the individuals involved in it.

1 I've told you this before. I'm going to tell you
2 this again, and I will continue to tell you this
3 throughout the trial. By research, I mean in the
4 broadest possible meaning of the word, that is, you
5 cannot use the public library, a dictionary, a simple
6 Google search or Yahoo search or Bing search or some
7 other kind of search on the internet to clarify or to
8 obtain anything even as simple as the definition of a
9 word that you do not understand. You cannot do that
10 type of research.

11 Any information you obtain outside this courtroom
12 could be misleading, inaccurate or incomplete.
13 Relying on this information is unfair because the
14 parties would not have the opportunity to refute it,
15 explain it or correct it. You cannot consult any
16 dictionary or any reference materials. You should not
17 search the internet, websites, social media sites,
18 blogs or any other source of information about the
19 case or the people involved in the case.

20 Places or locations may be mentioned during this
21 trial, but you should not visit any place or location
22 related to the case.

23 You should also not seek any information about
24 the place or location on the internet or through a
25 website such as Mapquest or Google Maps. Until at the

1 very end of the case you are allowed to retire and
2 deliberate about this case, you may not discuss this
3 case with anyone, even your fellow jurors. You should
4 not express any opinion about the case or talk about
5 the case with anyone including courtroom personnel,
6 spectators or anybody participating in the trial.

7 Most of you, if not all of you, have cell phones.
8 Most of you probably have a smart phone or some form
9 of computer device that you carry around with you that
10 you use to communicate with family, friends, coworkers
11 or others. During this trial, you cannot communicate
12 to anyone any information about this case or your
13 opinions or views about it or the individuals
14 participating in it by any methods or means.

15 For example, you are not allowed to go home and
16 put on your Facebook page that you're on this trial
17 and this is what happened today. You're not allowed
18 to put it on Twitter. You're not allowed to put it on
19 Google plus, you're not allowed to put it on any other
20 kind of social media that I don't understand, okay.
21 We're doing that for your protection and the
22 protection of the parties.

23 You may also be involved in some type of social
24 media or networking site such as Facebook, MySpace,
25 LinkedIn, YouTube or Twitter. You may be accustomed

1 to communicating your views frequently about things
2 you observed, opinions you have or something you saw
3 on the news or this is what happened today or anything
4 like that, but during this trial you must not use
5 these sites to communicate anything about this case or
6 the individuals participating in it.

7 Now, I will remind you throughout this trial of
8 all these things. I will remind you constantly to
9 keep an open mind and do not discuss the case. I do
10 that as a reminder and the court --- when I say the
11 court, I'm talking about myself. I take notice that,
12 you know, we're not in the lately 1970s or early 1980s
13 anymore or even the 1990s where people didn't have
14 cell phones. You have a cell phone and you probably
15 use it for most everything you do in your life. I
16 understand that, but in this courtroom, this is going
17 to be about what happens in this courtroom and what
18 happens in this courtroom only to make the decision
19 about your case.

20 It is important that you keep an open mind and
21 not decide any issue in this case until all of the
22 evidence has been presented, the parties have made
23 their closing arguments and I've told you what the law
24 is.

25 It is your solemn responsibility to determine the

1 guilt or innocence of these defendants and your
2 verdict must be based solely on the evidence as it is
3 presented to you in this trial and on the law that I
4 will give you at the close of the trial.

5 Now, is there any member of the jury panel that
6 does not believe they can comply --- I mean, comply
7 with the instructions that I have just given you? Now
8 is your opportunity to stand up and let us know.

9 (There was no response.)

10 THE COURT: Okay. Thank you very much. Now,
11 here is what we're going to do. I'm going to release
12 you. The bailiffs are going to give you some
13 instructions. Tomorrow morning, we are going to start
14 at eleven o'clock.

15 Now, not we, you are going to be here at 11:00.
16 Everybody in the courthouse will be working before
17 that trying to get ready to go and making sure
18 everything is in its place. Be in there just a few
19 minutes early.

20 Now, I like to start on time, okay. I don't like
21 to make people sit around and wait. Sometimes there
22 are things that are out of my control that cause us to
23 start late. If that happens, I will apologize to you,
24 and I will accept full responsibility, but sometimes I
25 walk in here or sometimes the attorneys walk in and

1 something has happened that we have to stop and
2 discuss and figure out before we can bring you into
3 the courtroom.

4 Sometimes that happens. Don't get upset; don't
5 get frustrated. We will do our best to start on time
6 and be very respectful of your time. Normally court
7 is going to start at 9:30. We will take a mid morning
8 break, we will take at least a full hour for lunch.
9 We will take an afternoon break and we will be done by
10 5:00 or 5:30 each other night, okay. If you have
11 child care issues or a child you have to pick up, let
12 us know in writing so I can make sure I have you out
13 of here so I have you out of here in enough time to
14 pick up the child or so you can make other
15 arrangements. My goal is not to punish you by keeping
16 you from the people and the things that have to be
17 done.

18 We're going to work a full day to try to get in
19 as many witnesses each day as possible. Thank you
20 very much. You may retire to your jury room. We'll
21 see you tomorrow morning at eleven o'clock. Thank you
22 very much.

23 THE BAILIFF: Follow me.

24 (WHEREUPON, the jury left the courtroom at
25 4:29 p.m.)

1 THE COURT: All right. I'm going to take a break
2 before we do legal stuff.

3 Does anybody have anything they need to put on
4 the record before we do that?

5 MR. LI: Not from us, Your Honor.

6 MS. PINNOCK: No, sir.

7 MS. WALKER: No, Your Honor.

8 THE COURT: Let's take about five, six, seven
9 minutes, then we'll come back in and start knocking
10 out the legal stuff.

11 (WHEREUPON, a short break was taken.)

12 (WHEREUPON, State's Exhibits Numbers 1,2 and 3
13 3-6 and 7 were marked for identification only.)

14 THE COURT: For the record, in the middle of jury
15 selection, I think, I at least, had a revelation, and
16 I assume the attorneys did, too, that we didn't know
17 how to do the strikes on the alternates with two
18 defendants, so we approached at sidebar. All parties
19 agreed that the appropriate thing to do was two for
20 the State, two for defendant Guinyard and two for
21 defendant Thompson. That's what we did. So, I don't
22 think there is any guidance in the statute or in case
23 law about how to deal with that, but based on there
24 being two defendants, that's how we did it.

25 All right. Let's start with --- where are we

1 starting this afternoon?

2 MS. CAMPBELL: Your Honor, we're aware that they
3 have some motions. We were not received anything in
4 writing or anything like that, so I guess at this
5 point, if they have motions, we are prepared to go
6 forward. They did send us a list of people they
7 wanted here this afternoon. I believe we've gotten
8 those people here with the exception of Jane Powell.
9 She had a doctor's appointment and had to leave at
10 3:00. We can have her back here first thing in the
11 morning.

12 THE COURT: Okay. All right. Let's go through
13 them one at a time.

14 MR. LI: Your Honor, we have handed over our
15 motions. We don't have many. The motions we have are
16 written.

17 THE COURT: All right. Let's start with
18 Ms. Pinnock's. Who is talking?

19 MR. STAGGS: Your Honor, the first one we'd like
20 to take up is the motion to sever the charges for
21 Ms. Thompson. We are moving to sever the charges
22 based on the four prong test that the State must meet.
23 Charges can be tied together if they arise out of a
24 single chain of circumstances proven by the same
25 evidence or of the same general nature and no real

1 right of the defendant is prejudiced. I think that in
2 this case the State has no problem meeting the first
3 two prongs, but the fourth prong is a problem. The
4 evidence, as we understand it at this point, as we've
5 been provided by the State is testimony from family
6 members. It's very general and very nonspecific and
7 dates beyond the March 31st date and the New Year's
8 date, which were very specific, both investigated by
9 law enforcement and both found to be unfounded claims
10 of abuse.

11 So to meet the clear and convincing standard for
12 the evidence to allow both of these charges to go
13 forward, the State would have to establish that this
14 abuse was occurring in a timeframe that matches up
15 with the indictment of the homicide, which the State
16 has had two bites at the apple at this point. There
17 is no testimony that we're aware of or no evidence
18 that we're aware of from fact witnesses or lay
19 witnesses that any abuse was going on in that 15 day
20 period. We would also, Your Honor, I think that the
21 bigger concern past the clear and convincing is my
22 client's right to a fair trial.

23 I think that when we struggled with this over the
24 past month actually, trying to keep the two charges
25 separate and the evidence for the two charges

1 separate. In this case, we have overlapping dates on
2 the indictments and asking a jury to sort out the
3 difference between the charges, the distinct
4 difference between those charges, I think ultimately
5 prejudices and makes it impossible for Ms. Thompson to
6 receive a fair trial on either of those charges when
7 they're tried together.

8 THE COURT: Is that it?

9 MR. STAGGS: Yes.

10 THE COURT: Okay.

11 MS. McDUFFIE: Judge, I believe the joinder in
12 these charges is appropriate. In fact, we've already
13 picked the jury and informed them of both charges, so
14 I think this motion probably should have been made
15 before that if they were going to go forward with
16 that, Your Honor, but the State's contention is that
17 it's --- the evidence that would be presented for the
18 unlawful conduct charge is indicted for actions for
19 actions from February 18th of 2009 through July 1st
20 of 2013, which is from the time he was born until the
21 date of death. We believe that evidence would be
22 admissible, Your Honor, in a trial on both cases.

23 We believe that the acts that occurred prior to
24 his death, Your Honor, are admissible under the
25 homicide by child abuse case even if it was tried

1 alone, Your Honor, under a theory of res gestae. The
2 information that's important for Your Honor to know,
3 and I know you don't know the facts of this case, is
4 this child was removed from the defendant's care about
5 three months after he was born for abuse that occurred
6 in this courthouse, Your Honor. He was taken from the
7 defendant's care and placed into foster care at that
8 time, Your Honor.

9 He was then returned to the care of the
10 defendants in April of 2012, Your Honor, so about 15
11 months prior to his death, Your Honor.

12 And, Your Honor, the evidence would be admissible
13 in both trials, which is why we sought to try them
14 together because it's important for the jury to
15 understand the condition in which he was when he was
16 placed back in the care and custody and control of the
17 defendant and the condition he was in on the date of
18 his death, Your Honor.

19 The allegations in this case are that this child
20 was malnourished. He was starved. He was beaten. He
21 was bruised. The abuse lasted for an extended period
22 of time, that it was chronic abuse. It was severe and
23 it was persistent. Your Honor, we believe that the
24 evidence that will prove both charges would be
25 admissible in trial on either of these charges. I

1 don't know how they've shown how they would be
2 prejudiced by joining of these charges in this case,
3 Your Honor. There is no evidence in the State's
4 position that is independent of one charge or the
5 other, Your Honor. We believe the evidence of both
6 would be admissible in both trials and therefore we
7 don't know how prejudice would result.

8 THE COURT: Anything further?

9 MR. STAGGS: Yes, Your Honor. The indictment for
10 the unlawful conduct, as Ms. McDuffie said, includes
11 three years where the child was not even in the home.
12 The child was removed from the home because he was in
13 a car seat, and as Ms. Thompson was leaving a family
14 court proceeding, she hit the door and I believe the
15 car seat was not fastened, and DSS made the
16 determination to remove him from the home.

17 Ms. Thompson completed a family treatment plan to
18 regain custody. The purpose of separating them, Your
19 Honor, is because of the DSS investigations, which all
20 came back unfounded, where DSS, the Richland County
21 Sheriff's Department went to the houses. They
22 inspected the child. They found nothing. They found
23 the claims were unfounded.

24 I think that --- I think that the idea that the
25 charges are related, it cannot --- it cannot trump her

1 right to a fair trial, and I think that absolutely
2 asking a jury to consider this evidence completely
3 makes it impossible to render a fair and free verdict
4 on either one of the charges.

5 (WHEREUPON, Court's Exhibit Numbers 3, 4, and 5
6 were marked for identification only.)

7 THE COURT: All right. Based on State vs.
8 Simmons, which is a Court of Appeals case from 2002,
9 offenses which are considered in the same general
10 nature where they are interconnected, the two offenses
11 are of the same general nature involving connecting
12 transactions closely related in time, place, and
13 character, and I think I have the discretion to order
14 that they be tried together over the defendant's
15 objection and that they have been unable to show that
16 the substantive rights of Ms. Thompson would have been
17 prejudiced or will be prejudiced by the nature of
18 these cases and trying them together.

19 All right. Next?

20 MR. STAGGS: Yes, Your Honor. At this point in
21 time we would move to keep out any mention of any
22 prior bad acts under 404(b). Again, you know, a very
23 similar pattern or severance motion, I think, with the
24 nonspecific family testimony, it is far more
25 prejudicial. It is not supported by any dates that we

1 are aware of outside of the ones that led to
2 investigations which were returned unfounded, so as we
3 have reviewed the family's statements, there is
4 repeated mention of a beating with a cable cord; that
5 my reading of it says the photograph was taken
6 February 21st.

7 There is nothing beyond that, so we would ask
8 that the court limit this testimony from family
9 members to anything that was seen, any --- and for it
10 not to be cumulative at the same time.

11 I think that the 404(b) analysis allowing
12 multiple family members to come in and testify to what
13 my understanding and my reading of the State's
14 evidence at this point is a single event, I believe
15 would prejudice Ms. Thompson's right.

16 THE COURT: I don't believe I have enough
17 information to make that decision.

18 MS. McDUFFIE: Your Honor, I think I'm also
19 somewhat confused. They're only objecting to an
20 incident that is alleged to have occurred in February
21 where the child was beaten with a cable cord?

22 MR. STAGGS: No, we are objecting to all of the
23 prior bad acts testimony. We're basically objecting
24 to all the family's testimony that's not supported by
25 any specific details.

1 MS. McDUFFIE: Judge, I don't know how to respond
2 without him telling me what he's objecting to.

3 MR. STAGGS: Well, our objection, Judge, is based
4 on our reviewing the family statements that are very
5 nonspecific in terms of incidents of conduct.

6 There is a repeated theme throughout that
7 Ms. Thompson at one point used a cable cord to
8 discipline her child. There is nothing that supports
9 that happening anytime after February and that's just
10 the first one that comes to mind. There are others.
11 There are random mentions of beating with fists and
12 things like that that are not timed and not
13 necessarily seen by the person who gave the statement.
14 We're just asking the court to keep out that testimony
15 unless there's a proper foundation for it.

16 THE COURT: Well, there's got to be a foundation
17 for it. I completely agree with you on that, but I
18 don't know how I can make a decision on whether or not
19 it's 404(b) and do a proper 403 analysis until I know
20 what it is.

21 MR. STAGGS: Well, in that vein, Your Honor, we'd
22 ask that the court order family's testimony be
23 proffered prior to the jury hearing it.

24 THE COURT: Well, do you have their statements?

25 MR. STAGGS: We do.

1 THE COURT: Okay. Why don't you just make a list
2 tonight of everything you think is 404(b) so we can go
3 through it.

4 MR. STAGGS: Okay. Your Honor. Thank you.

5 THE COURT: All right. Next.

6 MS. PINNOCK: Your Honor, number four on my list
7 is excluding testimony from the Department of Social
8 Service's involvement with the investigating of [REDACTED]
9 CHILD [REDACTED] or any other of Courtney Thompson's
10 children. First and foremost, as far as the other
11 children, there's been no --- there's nothing
12 involving those other children, and he has a number of
13 children, that have anything to do with the present
14 case. I don't know if the State was planning on
15 trying to go through that information, but we would
16 object to any sort of testimony about any kind of
17 alleged abuse toward the other children that
18 Ms. Thompson has.

19 As far as CHILD [REDACTED], Your Honor, we
20 don't think that the testimony is relevant to this
21 case. The DSS investigators or case workers coming in
22 and testifying is not relevant to prosecuting
23 Ms. Thompson for this case because they're entire
24 involvement every time they were called to
25 investigate, every time they went out to investigate,

1 the investigation came back unfounded. They didn't say
2 there was not enough evidence to prosecute. It was
3 unfounded for abuse.

4 I don't think calling them in --- potentially
5 just putting them up there to try to impeach them and
6 saying they weren't doing a good enough job, I'm not
7 sure what the purpose would be, but DSS is not on
8 trial. They have nothing to add to what was going
9 on --- I'll refer to him as Junior --- Junior's death
10 because every investigation that they did was
11 unfounded. They could not offer any testimony to make
12 a fact more or less true because everything they did
13 said, according to their investigation, nothing was
14 happening. We just ask that you deny them the
15 opportunity to present any of the people involved with
16 the DSS investigations. Their testimony is
17 irrelevant. They have no reason to come in here and
18 testify. They have nothing to do with the current
19 criminal charges against Ms. Thompson.

20 THE COURT: Let's start with the other children.

21 MS. McDUFFIE: Your Honor, I don't think that we
22 plan on getting into abuse allegations against the
23 other children. The existence of the other children,
24 yes, Your Honor, I believe that's relevant that, you
25 know, she has these children and where they were at

1 certain times. I believe that's relevant, but no
2 allegations of abuse to those children do we intend go
3 into at this point.

4 THE COURT: Okay. Well, tell me what you plan on
5 going into on the other children.

6 MS. McDUFFIE: Your Honor, I think that it's
7 relevant, number one, that, I think, in June of 2009,
8 Ms. Thompson was here at this courthouse on a hearing
9 on her other children when it was witnessed by the
10 court and the DSS attorney, Princess Hodges in the
11 abuse that resulted in the judge ordering that CHILD
12 be EPC'd from her care.

13 THE COURT: Okay.

14 MS. McDUFFIE: Your Honor, it's also relevant in
15 this proceeding that while Mr. Guinyard and
16 Ms. Thompson had legal custody of their remaining ---
17 Your Honor, the two older children, their custody was
18 taken from them so they did not have custody of those
19 two other children. Remaining in their home were four
20 children and right before this incident, she gave
21 birth to another child, so five children were living
22 at the home at the time.

23 Your Honor, it's important for us to be able to
24 show the jury that other people came in contact with
25 these other children. They were seen on a regular

1 basis by friends, family members. They were
2 constantly put in the care of other friends and family
3 members, however, [CHILD] was not. The weekend prior
4 to all this happening, while Ms. Thompson was in the
5 hospital giving birth, [CHILD] was at home alone with
6 Mr. Guinyard while the other children were placed with
7 different friends and family members. Your Honor, I
8 think that's important ---

9 THE COURT: When you say placed, do you mean by
10 DSS or just by the family?

11 MS. McDUFFIE: No, Your Honor, by Ms. Thompson
12 and Mr. Guinyard.

13 THE COURT: I think her objection is what's DSS's
14 other involvement with the children.

15 MS. McDUFFIE: Your Honor, we don't intend to go
16 into DSS's other involvement with the other children
17 in this house.

18 THE COURT: Okay.

19 MS. McDUFFIE: With the exception of the older
20 child that, you know, is kind of how this all got
21 started.

22 THE COURT: You're talking about with the hearing
23 with the witness.

24 MS. McDUFFIE: Correct.

25 THE COURT: What's your opinion on the hearing

1 with the witness?

2 MS. PINNOCK: Well, Your Honor, from reviewing
3 the information that we've been provided, my
4 understanding of what's --- what was written in the
5 court order and what was witnessed by people who were
6 there and the incident report and everything else,
7 that the allegations of abuse were that Ms. Thompson
8 was upset and in leaving the courtroom, did not secure
9 the child in the car seat. The car seat hit the door
10 on the way out, and he could have fallen out, so they
11 took him. They say he could have fallen out of the car
12 seat, so they took him.

13 She was there for a completely separate case that
14 was pending. Those children, she voluntarily --- one
15 of the children she voluntarily, you know, put up for
16 adoption because, you know --- that's neither here nor
17 there. The abuse that was alleged and was noted in
18 the court order removing Junior from the custody of
19 Courtney Thompson was when the car seat hit the door.
20 I think it's a mischaracterization to call it abuse,
21 an abusive situation, because we reviewed the records.
22 If there's something that they know that we don't
23 know, they haven't told us about it. That's all we
24 can go on.

25 THE COURT: Okay. The issue is can they put in

1 somebody to explain why she was here. That's the
2 issue that you have narrowly asked for.

3 MS. PINNOCK: Yes, sir, I don't think they can.
4 There is nothing that will be gained by talking about
5 any DSS hearings or court dates that Ms. Thompson has
6 been to other than to say that she is a bad person.
7 They're going to try to present this evidence to show
8 she goes back and forth to DSS hearings to try to put
9 her character at issue. They cannot do that. Unless
10 we open the door on the character issue, they cannot
11 introduce evidence to suggest that she is acting as a
12 bad mother. That's the only thing that a DSS hearing
13 or a custody hearing or an EPC hearing could do.

14 MS. McDUFFIE: Your Honor, I believe the
15 testimony is going to be limited to that Ms. Thompson
16 was here in family court on another matter, that DSS
17 attorney Princess Hodges witnessed this and felt
18 justified that because of what she witnessed and as a
19 result of that, the child was taken from
20 Ms. Thompson's custody. Then, I mean, I think that's
21 the extent of it. I mean, I think the only other part
22 would be that in the home that they had custody and
23 control were five children from **CHILD** on down.

24 THE COURT: So you're okay --- I mean, the
25 testimony would be that Ms. Thompson was at the

1 courthouse for a family court hearing on an unrelated
2 matter.

3 MS. McDUFFIE: Correct.

4 THE COURT: Not that she was here because they
5 were trying to take her kids away.

6 MS. McDUFFIE: We have no objection to family
7 court hearing.

8 THE COURT: Okay, well, I think that as long as
9 you --- the incident --- when was that incident?

10 MS. PINNOCK: June 2009.

11 MR. LI: June 18th.

12 THE COURT: Okay, so the June of 2009 incident is
13 going to be, as far as why she was here, we don't need
14 to say --- I'm not going to allow anything more than
15 she was here for a family court hearing, okay.

16 What else?

17 MS. PINNOCK: Your Honor, the next motion is kind
18 of connected with that one.

19 THE COURT: All right.

20 MS. PINNOCK: Any findings or rulings that were
21 done in family court, because the standard is lower in
22 family court or, you know, making findings on the
23 record about allegations that they think there are.
24 You know, if there was a finding of neglect or abuse,
25 being placed on the central registry for abuse, the

1 standard for that is lower than what is required in
2 General Sessions for criminal court, so I think that,
3 again, any findings or court orders or any final
4 rulings from the family court would be improper
5 character evidence that the State would be trying to
6 introduce against Ms. Thompson.

7 THE COURT: What do you plan on introducing as
8 far as findings or rulings from family court?

9 MS. McDUFFIE: Your Honor, at this point I don't
10 know that we intend to introduce findings or rulings
11 from family court, just that CHILD was taken from
12 her, placed into foster care and returned in April
13 of 2012. However, if either defendant tries to allege
14 that, you know, there was no abuse of her or that
15 abuse did not occur against CHILD, the court has made
16 findings that abuse did occur and I think they would
17 open the door at that point, should they present that
18 inaccurate information to the jury.

19 THE COURT: All right. So you're not planning on
20 introducing any findings or rulings from family court?

21 MS. McDUFFIE: Not unless they open the door to
22 it, Your Honor.

23 THE COURT: Okay. Mr. Li.

24 MR. LI: Your Honor.

25 THE COURT: Jump in any time.

1 MR. LI: The State may not want to introduce
2 evidence as to the results of the prior family court
3 results as far as Ms. Thompson's other children. I'm
4 assuming the court is not going to preclude this
5 defense from presenting that information, Your Honor.
6 Our purpose of introducing that information would go
7 towards motive. It would go towards an underlying
8 psychological behavior of treatment towards CHILD and
9 so we would ask that we be allowed to not go into the
10 actual ruling of the court or findings made by the
11 court, but just to talk about the results of what
12 happened, why she was there that day, and what has
13 happened to her other children, Your Honor.

14 MS. PINNOCK: And, Your Honor, all I can say is
15 it's the same argument. Mr. Li can't put my client's
16 character at issue without us first opening the door
17 to that, so we would object to that information.

18 MR. LI: That would not be for character
19 evidence.

20 THE COURT: What would that be for?

21 MR. LI: It would be to show --- it would be to
22 show a --- a distinct reason for the different
23 treatment of CHILD.

24 THE COURT: Okay. You can't say CHILD. There
25 are two Roberts.

1 MR. LI: I think everybody agrees they called the
2 four-year-old child CHILD .

3 THE COURT: Okay. So who is who?

4 MR. LI: This is Antonio. We call the deceased
5 child CHILD .

6 THE COURT: Okay. So for the record, Antonio is
7 defendant Guinyard.

8 MS. CAMPBELL: Well, Your Honor, I think they
9 called him CHILD CHILD .

10 MR. LI: Well, that's a nickname, Your Honor.
11 They called him Man, as well.

12 THE COURT: Let's try not to use any nicknames.

13 So for the record when they say Antonio Guinyard,
14 they're referring to the defendant. When they say
15 CHILD , they're referring to the child.

16 Maybe we should say "child" or "CHILD" or something
17 just so the record is clear.

18 Okay. Well, I have yet to hear why this doesn't
19 go towards her character.

20 MR. LI: Well, sir ---

21 THE COURT: If I'm not going to let the State do
22 it, I don't know why I'm going to let you do it. If
23 she wants to put her character into evidence, she can,
24 but until she does, it's not admissible.

25 MR. LI: All right, sir, Your Honor. Objection

1 withdrawn.

2 THE COURT: All right.

3 MS. PINNOCK: Your Honor, number six on our list
4 is to exclude the autopsy photos. We discussed this
5 last week in chambers. We'll just hold off on that
6 one until Dr. Durso is available.

7 THE COURT: Okay.

8 MS. PINNOCK: Number seven, the motion to exclude
9 crime scene photos. There are specific photos that
10 I'm asking Your Honor to preclude the State from
11 introducing. Mainly the photographs of the deceased
12 child laying in the middle of the floor. There are a
13 number of photographs of that, there are a number of
14 photographs taken in one of the bedrooms around the
15 carpet cutting that was removed in the processing.
16 There is a very small doll baby laying there as a
17 demonstrative of where they think the body is.

18 THE COURT: Okay. You're going to have to mark
19 all the photos and then we'll --- otherwise we can't
20 have an adequate conversation about it and the record
21 isn't accurate nor can anybody review it if necessary
22 until all the photos are marked so we all know what
23 we're looking at and we're looking at the same thing.

24 MS. PINNOCK: Okay. Number seven, number eight
25 again, would have to go with Dr. Durso when she is

1 available.

2 THE COURT: Okay.

3 MS. PINNOCK: My next motion, Your Honor, is to
4 exclude the coroner's reenactment video. We actually
5 have two different arguments, one of which was going
6 to be addressed with the Denno hearing. And I did
7 note --- I assumed they were going to do the Denno
8 first, but we'll be addressing the second part of the
9 argument at that point, but, Your Honor, all I can say
10 about this video is I would like you to view it before
11 making a ruling on it.

12 THE COURT: Okay.

13 MS. PINNOCK: There are a lot of --- there are a
14 lot of situations that present themselves on the video
15 that I think would prejudice the jury and, you know,
16 just --- I still haven't figured out the right term
17 for it, but the entire video itself I would argue is
18 just inappropriate.

19 Ms. Thompson arrived at the house after being
20 released from having a newborn baby. You know, she is
21 reenacting some things that put her in a potentially
22 very embarrassing position. I don't think it's
23 appropriate for the jury to view that.

24 The video also includes statements about her lack
25 of furniture in the house, her lack of possessions.

1 You know, there's a comment about the child being
2 taken into DSS and taken out of DSS. There's
3 questions about, you know, one of the questions
4 particularly says so what, do all three of your
5 children sleep in this one bed. Very belittling.

6 THE COURT: This is in the reenactment video?

7 MS. PINNOCK: Yes, sir.

8 THE COURT: So I just need to view it. Where can
9 I get a copy?

10 MS. PINNOCK: We have one copy that the State
11 provided us that we can go and get for you.

12 THE COURT: All right.

13 MS. PINNOCK: I'm going to skip to number 11,
14 Judge.

15 THE COURT: Okay.

16 MS. PINNOCK: On July 4th, the investigators went
17 back out to the house with a new search warrant. When
18 they arrived, it appeared that the house had been
19 broken into, there was glass broken, a table was
20 knocked over. There was a video box, like a cable
21 box, that was missing.

22 We just ask that the State not mention that
23 because it was, I think, unfairly or improperly
24 suggesting that Ms. Thompson had something to do with
25 that when she was already in custody. She was

1 arrested the evening of July 2nd, so at some point
2 between July 2nd and July 4th, this house was broken
3 into. There was an incident report about it.
4 Investigator Wagner was there. She wrote an incident
5 report about it. We just ask that they don't bring it
6 up because it's irrelevant to the actual charges and
7 it would lead to improper suggestion.

8 MS. WALKER: Your Honor, the --- just to give you
9 a little bit of factual background as to why we think
10 this may be relevant. There is a home security system
11 that this couple had in place in their home with video
12 cameras that was run through Time Warner Cable. There
13 will be testimony to the effect that this defendant,
14 Ms. Thompson, had a conversation in which her
15 relatives are saying, you know, what about the
16 cameras, could they have captured what happened in the
17 house that day. At which point, I think, there is a
18 phone call made from Ms. Thompson to Time Warner
19 Cable, multiple phone calls made from Ms. Thompson to
20 Time Warner Cable and then the house is broken into
21 and the only thing that was taken was the Time Warner
22 Cable box, Your Honor, so our contention would be that
23 that would go to a destruction of evidence or some
24 sort of cover up of possible evidence of the beating
25 that this child suffered at the hands of his parents.

1 MS. PINNOCK: And if I may, Judge, I believe
2 Ms. Thompson told Investigator Holdorf before she was
3 even arrested that the video was a live stream to her
4 cell phone, so she told the investigators that that
5 was not an actual camera. It was just --- she could
6 just watch the live feed in her house.

7 Secondly, she was taken into custody the night of
8 July 2nd. She was in the presence of law enforcement
9 from the afternoon of July 2nd all the way until they
10 booked her. When they were at the house the cable box
11 was present, so there is no information that we're
12 aware of that Ms. Thompson had anything to do with ---
13 I'm guessing they're alleging she set up some sort of
14 burglary of this house when she was with a them the
15 entire day leading up until the time she was
16 incarcerated. It's an improper suggestion for the
17 State to have when there is just no evidence to
18 support it.

19 MS. WALKER: Your Honor, the conversation with
20 her sisters, she --- the child was killed on July 1st.
21 They are taken to the sheriff's department, talked to
22 the investigators, are released on July 1st, go back
23 to the family. At that point, that's when she has ---
24 Ms. Thompson has a conversation with her sisters in
25 which they challenge her. They say to her something

1 along the lines of, yeah, we know it's a live stream
2 on your video, but what can Time Warner Cable see on
3 their end. Then, I think the next day there is a
4 break in at the house, in which, again, the only thing
5 that was stolen from the house is the Time Warner
6 Cable box.

7 THE COURT: You don't believe that's necessarily
8 a burglary though.

9 MS. WALKER: I mean, the window is kicked in,
10 it's smashed out. There is a table turned over and
11 there is a --- and that item is taken. We can preface
12 it by saying that there was --- we can preface it by
13 describing all those events, not using the term
14 burglary if that would make Ms. Pinnock feel more
15 comfortable. We're not saying that a stranger
16 necessarily went in and took it. We're saying that
17 maybe consent to take it was given and that that item
18 was taken.

19 THE COURT: How is this testimony from the family
20 members coming in? Is it live testimony or is it
21 recorded calls like from the jail or something?

22 MS. WALKER: That part, Your Honor, would be live
23 testimony.

24 THE COURT: So the family members are going to
25 come in and say, I talked to her after she got

1 released from the custody of the sheriff's department
2 and we had a conversation about Time Warner Cable and
3 what was on the box and what Time Warner Cable could
4 see?

5 MS. WALKER: That's in the statements, Your
6 Honor.

7 THE COURT: That's in the family member's
8 statements?

9 MS. WALKER: Yes, Your Honor.

10 THE COURT: Okay. Ms. Pinnock, what about that?

11 MS. PINNOCK: Your Honor, the issue is that
12 Ms. Thompson was with law enforcement at the house on
13 the afternoon of July 2nd. The cable box was there.
14 There is absolutely no evidence the State can present
15 to anybody saying that Courtney Thompson had anything
16 do with this box being missing. She was with
17 Investigator Holdorf, Holly Wagner, Investigator Jane
18 Powell, all of these investigators at the house the
19 afternoon of July 2nd. The cable box was there. They
20 went back two days later when she was in jail, in
21 custody, I'm assuming trying to get the box, but they
22 found other items in the house, too. That's when they
23 noted that the box was missing, just --- they cannot
24 present any evidence saying that she had anything to
25 do with it. There is no evidence, no information, no

1 testimony from any family member that I'm aware of
2 that says she says that is going to get rid of the
3 box.

4 There is a conversation about the cable box
5 because, yes, her sister asked her, well, doesn't that
6 record. She said no. It's a live stream to my phone,
7 which is the same thing she told law enforcement.
8 Suggesting that she set this up is improper with no
9 evidence to support it. All they know and the only
10 information they provided us is that they went to the
11 house July 4th. The box was missing. They didn't
12 seem concerned about it. It's improper for them to
13 suggest that Courtney had anything to do with that.

14 THE COURT: Okay.

15 MS. PINNOCK: Your Honor, it might be helpful at
16 this point to provide the court with her statement.

17 THE COURT: That would be helpful.

18 MS. CAMPBELL: Your Honor, I'm handing up
19 statements from Maria Nicole Thompson, Natalie
20 Thompson, Crystal Thompson and Gladys Thompson.
21 They're all sisters.

22 THE COURT: Okay. Let's keep going, Ms. Pinnock.

23 MS. PINNOCK: Number 12 is no longer an issue.
24 Number 13, Your Honor, we would just ask that the
25 witnesses be sequestered. We would actually ask

1 during the Jackson v. Denno hearing that the
2 investigators be sequestered prior to their
3 testifying. I understand that during the trial the
4 investigators do have the right to be here, but during
5 the Jackson v. Denno hearing, we would like the
6 investigators removed from the courtroom during
7 testimony.

8 Then number 14, we haven't got any rap sheets,
9 any criminal histories, from the solicitor other than
10 Antonio Guinyard and my client, so prior to anybody
11 testifying, we just ask that the State provide us with
12 their criminal histories.

13 I believe we skipped number 1, Judge. We would
14 like to renew our Rule five request under Brady. I
15 filed a written Riddle motion with Ms. McDuffie or
16 Ms. Campbell about two weeks ago. The only
17 information we've been provided that has been chained
18 or added is a statement by Deputy, Master Deputy Shaw
19 and the addition of two witnesses, Karen Tucker that
20 apparently allegedly heard a conversation between
21 Ms. Thompson and Mr. Guinyard and Latoya Anderson.
22 That is the only information that we have been
23 provided by the solicitor that has changed or become
24 additional to the discovery. I just wanted to make
25 sure that we had everything.

1 MS. McDUFFIE: Judge, we have complied with Brady
2 and Riddle in this case. We have turned over any
3 additional information that we have received as soon
4 as we received it. We did receive that information
5 about Latoya Anderson, the court is aware of, Thursday
6 night. As soon as Ms. Anderson was moved, we did turn
7 that over Friday afternoon prior to 5:00 p.m. to both
8 defendants, our investigator, she met with her
9 attorney, and we spoke with her again, Your Honor. I
10 believe there may be some additional information that
11 we need to turn over. We just haven't had a chance to
12 speak with Mr. Streeter prior to this, but as soon as
13 we can get with him, we'll turn that over immediately
14 to both parties.

15 Your Honor, on that same vein, we did file a
16 reciprocal for both defendants when we met in chambers
17 last week to discuss what motions there were. Ms.
18 Pinnock represented that they didn't intend to call
19 any doctors, nor did they have CVs and the only doctor
20 they had on their witness list was Dr. Collins, so if
21 we could just get a CV and any report, if she has one,
22 or if they did any testing or examination, we would
23 ask to be provided with a copy of that under
24 reciprocal Rule five.

25 THE COURT: Okay.

1 MS. PINNOCK: Your Honor, at this point today I'm
2 still not sure I will call her, but I put her name on
3 the list just so you can tell it to the jury because
4 it was somebody I talked to.

5 THE COURT: Okay. We need to get her CV if so.

6 MS. PINNOCK: Okay.

7 THE COURT: Okay. All right. Did you just hand
8 them the rap sheets?

9 MS. CAMPBELL: Yes, Your Honor. I think we may
10 be one short. We've gotten them, the majority of
11 them, we handed them to both counsel.

12 THE COURT: Do you think you can get the other
13 one by tomorrow morning?

14 MS. CAMPBELL: Yes, sir.

15 THE COURT: Thank you. All right. If you see an
16 issue on there that we need to take up on a witness's
17 prior record prior to the testimony just tell me so we
18 can go through it and make sure we know. Okay?

19 MS. PINNOCK: Yes, sir.

20 MS. McDUFFIE: Yes, sir.

21 THE COURT: Okay.

22 MS. McDUFFIE: Your Honor, if Mr. Li could
23 provide us with dates of birth for the witnesses on
24 his witness list.

25 THE COURT: Okay. Very well. Can you handle

1 that, Mr. Li?

2 MR. LI: I can handle that, yes, sir.

3 THE COURT: All right. Very good. Mr. Li.

4 MR. LI: Thank you, Your Honor. We join in
5 defendant Thompson's motion for number one, and number
6 six, seven and eight. Number nine, but for a
7 different reason, Your Honor. I'm going to get into
8 these in more detail, and those are all the ones that
9 are relevant at this point, Your Honor.

10 The first motion we'd like to take up for
11 defendant Guinyard, Your Honor, is a --- we filed a
12 motion to suppress the statements, the written
13 statements made by Courtney Thompson, both of them, in
14 chambers last week. We addressed the issue of Bruton,
15 Your Honor, and the State has turned over two proposed
16 redactions, Your Honor. After reading them and after
17 thinking about the cases and the charges more in
18 depth, Your Honor, we believe that any redaction ---
19 at least the proposed redaction and seemingly almost
20 any other redaction would fly in the face of the
21 purpose of Bruton, Your Honor.

22 The reason for that is some of the new cases like
23 Henson, they mentioned the elimination of the
24 existence of the codefendant from a non-testifying
25 codefendant's written statement, Your Honor.

1 That being the case and for the unique set of
2 circumstances of this charge, Your Honor, he is being
3 charged with neglect. Being absent from a home is
4 part of neglect. If you read the statement, if you
5 read her statement, if you read the proposed redacted
6 it says she comes home, gets out of the cab herself,
7 she opens the door herself, she finds **CHILD** in
8 the room laying in a puddle of, you know, urine and
9 that he seems weak and he seems beat up.

10 Well, if you read it without the --- if you read
11 it without the existence of Antonio at the home, Your
12 Honor, this clearly looks like neglect.

13 Because of this charge, this is not the regular
14 charge of two people going into a convenience store,
15 as eliminating the existence of one person. That's
16 fine, but this case is about neglect. We think the
17 very purpose of Bruton is to eliminate any sort of,
18 you know, implication of guilt. This is an
19 implication of guilt that the jury could find.

20 The second reason for the motion to suppress the
21 statements instead of proposing some sort of redacting
22 for the State, Your Honor, is during inherent details
23 of both statements that, if you allowed Mr. Guinyard's
24 statement as (A) and then you allowed Courtney's
25 testimony in as (B), (B) necessarily, necessarily

1 impeaches statement (A).

2 Statement (A) from Antonio Guinyard comes in and
3 says, I was at home. I was in there cooking. I was
4 in the home doing whatever and then Courtney's
5 statement goes in there and says I didn't see Antonio.
6 He was nowhere to be found. Even though it doesn't
7 explicitly say that, the absence, the omission of that
8 is a necessary implication, it's a necessary
9 impeachment of the other statement. Your Honor, we
10 have the right to cross-examine any sort of
11 impeachment, anything that is being used to impeach
12 Antonio's statement.

13 Your Honor, we believe that Bruton --- the
14 underlying notion of Bruton to satisfy the
15 confrontation clause, to satisfy due process, Your
16 Honor, would be violated if the statements came in
17 under any redacted form, which were inconsistent with
18 Mr. Guinyard's statement. I believe it works in
19 reverse. Mr. Guinyard's statement would necessarily
20 impeach Ms. Thompson's statement if they had asked for
21 Bruton.

22 We believe that because of the unique nature of
23 the charge of neglect, it is neglect. If you read the
24 second statement the way the State proposes to redact
25 it, it basically looks like Courtney gets a call at

1 the hospital. She apparently talks to [CHILD] the
2 son.

3 [CHILD] says that he was beaten up with a
4 pole. Of course, we'll challenge that for hearsay
5 purposes, but basically she comes home. He is weak.
6 He is not feeling well. He is lying in a puddle of
7 urine and Antonio is nowhere to be found. So what does
8 that look like? It looks pure neglect. It looks like
9 Antonio went in there, beat this kid up and then left.
10 That's purely implicating guilt on Mr. Guinyard when
11 we don't get a chance to impeach anything that's
12 written in that statement.

13 Your Honor, for those reasons, we'd ask to redact
14 both statements from the non-testifying codefendant
15 and join in the motion to suppress the reenactment
16 video. If you take a look at it and ---

17 THE COURT: I'll watch it.

18 MR. LI: You'll watch it and you will see that
19 she says that Antonio is nowhere to be found. Antonio
20 is not there. Your Honor, the reason I ask for it to
21 be suppressed is the last paragraph of Henson says
22 that although the State has a right for judicial
23 economy to try two cases at the same time, that
24 doesn't trump the right to the confrontation clause
25 under Bruton and my client's right to a fair trial.

1 We can either ask to suppress the motion ---
2 suppress the statements in the video or to redact it
3 in a way so it doesn't impeach --- so it's consistent
4 with Antonio's, but then again, I think that --- I
5 think defendant Thompson would have a problem with
6 that if we redacted her statement purely to match the
7 consistency of our statement.

8 That's our motion, Your Honor.

9 THE COURT: Okay.

10 MS. McDUFFIE: Your Honor, we have done proposed
11 redacted statements for Courtney Thompson to delete
12 any reference to Mr. Guinyard and those are, if I may
13 approach, Court's 3 and 4.

14 Your Honor, we --- Your Honor, may I approach and
15 hand up Courtney Thompson's statements as given to law
16 enforcement in their original form as State's 2 and 6?

17 THE COURT: Okay.

18 MS. McDUFFIE: Your Honor, Bruton requires that
19 the confession not incriminate a codefendant, which
20 these do not.

21 Your Honor, further in State v. Henson and then
22 the line of cases that South Carolina has followed,
23 they have found that sometimes the use of a neutral
24 pronoun, such as he or she, Your Honor, implicates the
25 defendant on its face and that would be improper

1 redaction, as well.

2 In State vs. McDonald the Court of Appeals held
3 that the use of another person was permissible and
4 acceptable in a joint trial of three defendants, Your
5 Honor, and allowed the use of another person.
6 However, Your Honor, here, in order to err on the side
7 of caution and to be abundantly careful in this case,
8 we have not used a neutral pronoun, we have not used
9 he, she, or another person, Your Honor.

10 We have deleted any reference to Mr. Guinyard.
11 The statements no way, on their face, and inference
12 through the use of pronouns can be --- can violate
13 Bruton because they do not incriminate the defendant
14 on their face or any other manner, Your Honor.
15 Therefore, we believe we have gone over and above what
16 is required by us to do under the law. We are not
17 using pronouns. We are not using 'they' or things of
18 that nature, Your Honor. Mr. Guinyard is not
19 mentioned in those statements in Ms. Thompson's
20 statements as requested, Your Honor.

21 THE COURT: So what about this issue of neglect?
22 It's kind of, my word, it's almost like an omission, I
23 mean, by --- isn't that your argument, Mr. Li?

24 MR. LI: Absolutely.

25 THE COURT: By leaving the presence of him out,

1 the inference could be made that he is neglecting the
2 child.

3 MR. LI: Absolutely, Your Honor.

4 THE COURT: Do you understand what I'm saying?
5 Or do you understand what he is saying? I'm just
6 trying to put it into my own words.

7 MS. McDUFFIE: Your Honor, I understand what the
8 question is. I don't understand it in the context of
9 the statements as presented to Your Honor. There is
10 no information that he was not present that day. The
11 testimony from the officers is going to be that when
12 officers, EMS, when law enforcement arrived that
13 Mr. Guinyard was, in fact, in the home that day. I
14 don't know where the inference that he wasn't in the
15 home would come from.

16 Mr. Guinyard, in his own statement, which will be
17 admitted in its entirety because Ms. Pinnock and Ms.
18 Thompson are not objecting to Bruton as far as his own
19 statement says that he was there, he left that morning
20 to get a beer, came back to the house and the child
21 was still sleeping. I don't know where, from
22 Ms. Thompson's statements, it could be inferred that
23 he wasn't there. At no point do they say that or do
24 they imply that, Your Honor.

25 MR. LI: Your Honor, in part of the statement,

1 she says that she looks in the kitchen, she yells into
2 the kitchen, and there is no one there. That's just
3 the wording, that's the only wording that actually
4 says and implies that no one is there. That is in the
5 statement. In fact, that is an issue we agreed to
6 take up later on in terms of the statements from the
7 first responders, as well, but to address the issue of
8 the omissions, Your Honor, Bruton doesn't stand for
9 the proposition that there is some formulaic method of
10 pronoun symbols.

11 There's a progeny of cases that follow Bruton ---
12 because the underlying principle of it is the Sixth
13 Amendment. It's the confrontation clause. In this
14 case, Your Honor, the unique charge of neglect and the
15 omission or the actual omission of any statement ---
16 of any reference to Mr. Guinyard is in itself
17 incriminatory, Your Honor. We believe that the --- we
18 believe they did get rid of every existence of
19 Mr. Guinyard. There is a statement from --- on the
20 second statement where Ms. Courtney Thompson is on the
21 porch asking no one where is **CHILD**.

22 So, Your Honor --- and that, in addition to the
23 fact that if they plan on introducing Mr. Guinyard's
24 statement into testimony, then her statement
25 necessarily impeaches his statement. Her statement

1 impeaches Antonio's statement. If this was a normal
2 testifying witness and they had said something to
3 impeach, they made a statement to impeach, we would be
4 given an opportunity to cross-examine and that is the
5 underlying principle of Bruton, Your Honor.

6 It is not some formulaic --- we didn't put any
7 pronouns in there. We didn't put any symbols in
8 there. You didn't, but the statement itself, as
9 redacted, as the proposed redacted version of it, the
10 actual omission is incriminating. It's inculpatory,
11 Your Honor.

12 THE COURT: I mean, what I heard them say is they
13 are not going to argue he wasn't there.

14 MR. LI: It doesn't matter if they argue he is
15 not there. It doesn't matter if they argue he is
16 there or not.

17 THE COURT: But that's what you just said. The
18 argument is he is not there so he is neglecting the
19 child. That's not the State's position that it's a
20 case of abandonment.

21 MR. LI: The jury can --- the evidence is
22 presented to the jury. What they argue is what they
23 argue. The jury can take that statement and infer it
24 and interpret it how they want to. If they get that
25 redacted statement back and they just don't believe

1 anything Antonio says and they believe everything
2 Courtney says, that statement is incriminating.
3 Whether they argue it or not doesn't matter.

4 Judges always tell people that closing arguments
5 and opening statements are just arguments, they're not
6 evidence. So that evidence goes back to the jury
7 room. They don't believe anything he says because
8 they don't like his tattoos and they believe
9 everything she says, they have a statement out there
10 that is inculpable. That violates our Sixth Amendment
11 rights in confront her, in addition to the impeachment
12 issue, Your Honor. There are inconsistent statements,
13 which are implicating, I mean, impeaching
14 Mr. Guinyard's statement.

15 We believe that suppression is necessary in this
16 case. Whether they argue it or not doesn't matter.
17 It's evidence that comes in that they can interpret
18 how they want to be interpret.

19 MS. McDUFFIE: Your Honor, I believe what he is
20 specifically referring to is that when law enforcement
21 is talking to Courtney Thompson, they say what
22 happened after you heard the loud bump or the loud
23 thump. Ms. Thompson's statement is that she was in
24 the shower, and she hears this loud thump or bump.
25 She goes in there, she sees **CHILD**. laying on the

1 ground having what she describes to law enforcement as
2 seizure-like activity. She picks him up and carries
3 him into the living room where she lays him down on
4 the floor and calls 911. Her statement to the police
5 is that she didn't see anyone in the kitchen at that
6 time. I don't know how that ---

7 THE COURT: Is that the redacted form?

8 MS. McDUFFIE: No, Your Honor. That's the
9 original form.

10 THE COURT: Okay.

11 MR. LI: That's the redacted form.

12 MS. McDUFFIE: So, Your Honor, it's not that she
13 didn't see Antonio. Her original statement was I
14 didn't see anyone in the kitchen. I mean, I don't
15 know how that on its face would violate Bruton or
16 Crawford or the Sixth Amendment right to confront
17 witnesses against him because she is not testifying as
18 a witness against him. There is nothing that
19 incriminates him on its face.

20 Your Honor, you know, if she says I didn't see
21 him in the kitchen, but I saw him in the bathroom or
22 something like that, I mean, that's not her statement.
23 Who knows where else he was or could have been in the
24 house, but her saying I did not see anyone in the
25 kitchen is just ---

1 MR. LI: The State is also omitting any reference
2 to Antonio when she gets out of the cab, when she
3 knocks on the door, when she walks into the house,
4 when she sees [CHILD] laying on the floor.

5 Your Honor, the omission, they're trying to ---
6 we believe that their argument is that they're
7 complying with Bruton by deleting any existence as to
8 Mr. Antonio Guinyard. We believe they are trying to
9 erase the existence of Antonio Guinyard from her
10 statement. That in itself is the incriminating part,
11 Your Honor.

12 There's no explicit words that say --- no
13 explicit words other than the --- I called out to the
14 kitchen and I didn't see anyone. Other than that,
15 you're right. There is no explicit mention of no one
16 was there, but the mere omission of Antonio Guinyard's
17 presence there is neglect because the boy was there.
18 [CHILD] is there.

19 [CHILD] is laying --- according to the second
20 statement, [CHILD] is there laying in a puddle of
21 urine, Your Honor. [CHILD] is tired. [CHILD] is weary.
22 He is distraught. That in itself is the neglect part.

23 So we believe that they're complying with,
24 they're trying to comply with Bruton in a formulaic
25 approach with no pronouns and eliminating the

1 existence of it, but I believe the fundamental notion
2 of --- the fundamental right of Sixth Amendment right
3 to confrontation is still violated, Your Honor.

4 It's their decision to call the case jointly.
5 This is an easy problem for them to solve, but I
6 believe that we're here. We ask that --- we're asking
7 for the solution of suppressing the motions. That's
8 written in Henson. That's an appropriate remedy to
9 this issue, and I don't think the statements could be
10 properly sanitized. I think that the suppression of
11 the motions and the video is appropriate. Otherwise
12 call two different cases if they intend on using
13 those.

14 MS. McDUFFIE: Your Honor, I think that his
15 argument is somewhat disingenuous. He is the one that
16 is objecting to any mention of his client in
17 Ms. Thompson's statement. Further, both parties were
18 asked whether they were moving to sever these charges
19 and they both represented to the court that they were
20 not moving for severance ---

21 THE COURT: Severance of defendants.

22 MS. McDUFFIE: I'm sorry, I mean severance of
23 these two defendants in trial. They are both
24 defendants in this matter and they both represented to
25 the court that no, they were not moving for severance.

1 Your Honor, I believe that the statements as
2 presented to the court completely go over and above
3 what the State is required to do in complying with
4 Bruton so as to not violate his right to confront
5 witnesses against him. If Mr. Li would like
6 references to his client left in the statements, I
7 don't know why we're arguing about Bruton in the first
8 place, Your Honor.

9 MR. LI: Because I think this is a unique
10 situation where we would need --- in my motion, Your
11 Honor, you know, I guess an alternative remedy would
12 be to work with the State to get a redacted statement
13 that's not inconsistent with Mr. Guinyard's.

14 MS. McDUFFIE: Your Honor, we ---

15 MR. LI: But that involves picking and choosing
16 where his name appears, then ---

17 MS. McDUFFIE: Your Honor, we ---

18 THE COURT: Oh, I bet they would.

19 MS. McDUFFIE: Your Honor, we met last week. I
20 thought that the understanding among all the parties
21 was that the State would do a proposed redaction and
22 that we would try to figure out what we could agree to
23 beforehand before coming into court. Mr. Li told me
24 on Friday afternoon that he objected to our statements
25 and he would try and get me his proposal by today. I

1 haven't received anything, so, Your Honor, I don't
2 know. My hands are tied.

3 MR. LI: And that's true, Your Honor. I was
4 going to do some proposed redacted statements. I read
5 over the law. I read over the cases. I didn't think
6 it was possible. I didn't think that they would
7 actually agree without some court order to pick and
8 choose. I don't know how that comports with Bruton to
9 pick and choose.

10 THE COURT: Well, it comports with Bruton just
11 fine if there's no objection.

12 MS. McDUFFIE: Your Honor, what we have ---

13 THE COURT: I mean, I don't think they're going
14 to be opposed --- I don't want to speak out of turn.
15 They can be opposed to whatever they want to just like
16 y'all can, but, I mean, putting some name back it, I
17 don't think any of them are going to lose any sleep
18 over it in certainly spots if it doesn't offend you.

19 MR. LI: If we can agree to that, Your Honor,
20 that would be fine. We would ask for a ruling if we
21 can't agree to that, in the alternative.

22 THE COURT: Well, I mean, I've got to read these
23 statements and look at them to see and know and
24 understand them before I can rule on them. I mean, I
25 understand your argument on --- and I'm going to call

1 it the omission argument, the fact that his name is
2 not in there, okay, but I mean, the problem with the
3 progeny of the Bruton case law for the defense is the
4 court has --- the court, and I don't mean myself, but
5 higher courts have come up with an approach on how we
6 do this and how you make it work. If that's been
7 complied with, then, you know, absent some extreme
8 situation it's usually admissible.

9 Now, that being said, I think you're in a unique
10 situation because there is an element of neglect. I
11 mean, I'll read them and look at them, but I doubt
12 they're going to have any objection to inserting his
13 name back into it as much as you want in specific
14 areas while they still comply with Bruton, but they
15 make it look like he was at least there. I mean, on
16 the porch, where is **CHILD**. If she says that to
17 Antonio ---

18 MR. LI: It looks like she's crazy.

19 THE COURT: It looks like she is talking to
20 nobody.

21 MR. LI: Right.

22 THE COURT: But, I mean, is the statement saying
23 that she says that to Mr. Guinyard?

24 MS. McDUFFIE: Your Honor, I don't recall that
25 specifically.

1 THE COURT: I mean, you all look at it. I'll be
2 prepared to rule on it first thing in the morning, but
3 I need to sit down and read these statements to look
4 at it. I don't know that you're going to get any push
5 back, and I'm not speaking for them, but putting his
6 name back in some limited format.

7 MS. McDUFFIE: Your Honor, if he could just ---

8 THE COURT: But they have to know what you
9 propose for them to sit down and look at it in the big
10 picture of things.

11 MR. LI: Sure, absolutely.

12 THE COURT: Okay. What else?

13 MR. LI: I have one more motion of any
14 importance, Your Honor. Latoya Anderson, they call us
15 on Friday and tell us that they get a jail phone call
16 from Ms. Latoya Anderson to somebody else, to her
17 sister or somebody, in reference to a ---
18 Ms. Thompson. I let Joanna know, Ms. McDuffie, know
19 that I represented Ms. Latoya Anderson before. I know
20 things about her. I don't think I'll be able to
21 cross-examine her and defend my client as I believe
22 there is a serious conflict of interest.

23 I also represented her boyfriend and her
24 boyfriend's brother. Currently she is not the most
25 pleased with me right now, Your Honor. I believe

1 there's some bias. She is currently beefing with my
2 office, Your Honor. There is a conflict of interest
3 that I may not be able to overcome.

4 MS. McDUFFIE: Your Honor, all we were aware was
5 that Mr. Li had represented her in the past. I wasn't
6 aware of anything else in regards to conflicts. I
7 don't know what the specific nature of the conflict
8 is. I mean, I guess that would be something that we
9 would need to address because I do intend to call her
10 as a witness in the case.

11 MR. LI: I would need to be removed from the
12 case, Your Honor. If information they received
13 Thursday or Friday is crucial to their case and they
14 need to present it, if we can be excused, we will
15 remove ourselves from Mr. Guinyard's case. We don't
16 intend to do that. I told Ms. McDuffie on Friday when
17 I talked to her on this, and that being said, Your
18 Honor, I can't cross-examine her to the full extent to
19 defend my client zealously. It's information that
20 just came up Friday. I'm just letting the court know.
21 However you rule on it, we'll abide by it.

22 THE COURT: All right. All the lawyers in my
23 office right now. Nobody leaves. I mean, if you're
24 in the gallery, you can leave.

25 (WHEREUPON, a short break was taken.)

1 THE COURT: All right. Mr. Li, do you want to
2 say something before I start?

3 MR. LI: No, not before you start.

4 THE COURT: Okay. All right. Mr. Guinyard,
5 stand up, raise your right hand.

6 (WHEREUPON, ANTONIO GUINYARD was duly sworn.)

7 THE COURT: Okay. You can lower your right hand.
8 Let me try to explain this to you in my own words,
9 okay. I want to make sure you understand what's going
10 on. Okay?

11 DEFENDANT GUINYARD: Yes, sir.

12 THE COURT: Now, I know you don't know me and I
13 don't know you. Just don't tell me anything about
14 your case or anything about your defense or anything
15 like that. Just stick to the issues that I raise with
16 you, okay.

17 DEFENDANT GUINYARD: Yes, sir.

18 THE COURT: If I cut you off, I mean no
19 disrespect. It's just I don't want you to say
20 something. You are under oath and you are on the
21 record, okay.

22 DEFENDANT GUINYARD: Yes.

23 THE COURT: Okay. Are you with me?

24 DEFENDANT GUINYARD: Yes, sir.

25 THE COURT: How far did you go in school?

1 DEFENDANT GUINYARD: Tenth grade.

2 THE COURT: What do you do for a living?

3 DEFENDANT GUINYARD: I usually work with my
4 cousin. He does like moving furniture and stuff.

5 THE COURT: Moving furniture?

6 DEFENDANT GUINYARD: Yes, sir.

7 THE COURT: How many children do you have?

8 DEFENDANT GUINYARD: Five.

9 THE COURT: Okay. All right. And where did you
10 grow up?

11 DEFENDANT GUINYARD: In Atlanta, Georgia.

12 THE COURT: What part of Atlanta?

13 DEFENDANT GUINYARD: Fulton County.

14 THE COURT: Fulton County? Can you speak up for
15 me just a little bit?

16 DEFENDANT GUINYARD: Yes, sir.

17 THE COURT: Okay. All right. Now, there's a
18 potential State's witness in this case named Latoya
19 Anderson. Have you heard of this person before?

20 DEFENDANT GUINYARD: Yes, sir.

21 THE COURT: Okay. Apparently the State
22 discovered late Thursday night that she is potentially
23 a witness in this case, meaning they plan on bringing
24 her in, putting her on the witness stand and assuming
25 I let all this happen, obviously, but she then will be

1 testifying about some conversation she had with
2 Ms. Thompson while they were at the jail together; is
3 that right?

4 MS. McDUFFIE: Yes, Your Honor.

5 THE COURT: And that statement, assuming it's
6 relevant and all the other things that go along with
7 the Rules of Evidence, could potentially implicate you
8 in the case. Do you understand that?

9 DEFENDANT GUINYARD: Yes, sir.

10 THE COURT: Okay. And you and your attorney have
11 sat down and gone through the evidence and you
12 understand what the evidence is likely to be in this
13 trial; is that correct?

14 DEFENDANT GUINYARD: Yes, sir.

15 THE COURT: Okay. All right. So you understand
16 that's another piece of evidence that the State has in
17 the case. Does that make sense?

18 DEFENDANT GUINYARD: Yes, sir.

19 THE COURT: Okay. Now, I have just been informed
20 as of the past 20 minutes or so ago that your
21 attorney, Mr. Li, formerly represented Ms. Anderson.
22 Did I state that correctly, Mr. Li?

23 MR. LI: Correct, and her boyfriend.

24 THE COURT: And her boyfriend.

25 MR. LI: Correct.

1 THE COURT: Okay. All right. Now because of
2 that, Mr. Li can't cross-examine, that means question,
3 Ms. Anderson unless Ms. Anderson waives the
4 attorney/client privilege. Okay? So just like you and
5 Mr. Li have shared information that's under the
6 attorney/client privilege, he and Ms. Anderson more
7 than likely --- I don't know that for a fact, but more
8 than likely they shared information under the
9 attorney/client privilege and because of that, unless
10 she tells me I want to waive my attorney/client
11 privilege, then he couldn't question her about any of
12 that information. Do you understand that?

13 DEFENDANT GUINYARD: Yes, sir.

14 THE COURT: And do you understand what I'm saying
15 and mean when I say attorney/client privilege?

16 DEFENDANT GUINYARD: Not really.

17 THE COURT: Okay. You understand that the
18 communication between you and your attorney is
19 protected and he can't go around telling people what
20 you say without your permission.

21 DEFENDANT GUINYARD: Yes, sir.

22 THE COURT: Does that make sense?

23 DEFENDANT GUINYARD: Yes, sir.

24 THE COURT: Okay. Now, one solution for that is
25 that Ms. Eisenhower, who is sitting right next to you,

1 who is one of Mr. Li's associates, she doesn't know
2 anything about Ms. Anderson other than what she has
3 learned in this case. She didn't used to represent
4 Ms. Anderson. So, one solution for that is when
5 Ms. Anderson testifies, if she testifies, then Ms.
6 Eisenhower could handle her cross-examination as
7 opposed to Mr. Li. Do you understand that potential
8 hypothetical?

9 DEFENDANT GUINYARD: Yes, sir.

10 THE COURT: Would that be amenable to you if that
11 happened? Would you be okay with that?

12 DEFENDANT GUINYARD: Yes, I'd be okay with it.

13 THE COURT: Have you met with Ms. Eisenhower on
14 this case?

15 DEFENDANT GUINYARD: Yes, sir.

16 THE COURT: Have you and her and Mr. Li, either
17 together or individually, talked about your case?

18 DEFENDANT GUINYARD: Yes, sir.

19 THE COURT: Okay. So you would be comfortable
20 with Ms. Eisenhower handling Ms. Anderson's
21 cross-examination?

22 DEFENDANT GUINYARD: Yes, sir.

23 THE COURT: Okay. Very well. Thank you very
24 much.

25 Mr. Li.

1 MR. LI: Your Honor, an additional issue I spoke
2 with Mr. Guinyard about was the fact that he knows ---
3 he knows Latoya Anderson's current boyfriend and he
4 also knows Latoya Anderson, and he knows that she is
5 currently unhappy with my representation of her. He
6 is aware of that issue and is concerned about that,
7 too, as well.

8 THE COURT: Okay. Well, I'm not going to let Mr.
9 Li cross-examine her. Do you understand that?

10 DEFENDANT GUINYARD: Yes, sir.

11 THE COURT: Okay. I will let Ms. Eisenhower
12 cross-examine her. You need to discuss with Ms.
13 Eisenhower any information that you may potentially
14 have about Ms. Anderson which could be relevant in her
15 cross-examination, just as you would do with any other
16 witness in the preparation of your case. Do you
17 understand that?

18 DEFENDANT GUINYARD: Yes, sir.

19 THE COURT: Okay. All right. Ms. Eisenhower and
20 Mr. Li, Mr. Li is not allowed to divulge any
21 attorney/client information to Ms. Eisenhower about
22 Ms. Anderson unless we have a waiver of the
23 attorney/client privilege from Ms. Anderson. Okay?
24 Understood, Mr. Li?

25 MR. LI: Yes, sir.

1 THE COURT: Ms. Eisenhower?

2 MS. EISENHOWER: Yes, sir.

3 THE COURT: Mr. Guinyard?

4 DEFENDANT GUINYARD: Yes, sir.

5 THE COURT: All right. Do you have any questions
6 about that, Mr. Guinyard?

7 DEFENDANT GUINYARD: No, sir.

8 THE COURT: Are you sure?

9 DEFENDANT GUINYARD: Yes, sir.

10 THE COURT: Okay. Have you understood the
11 conversation that we just had?

12 DEFENDANT GUINYARD: Yes, sir.

13 THE COURT: Are you under the influence of any
14 alcohol or drugs?

15 DEFENDANT GUINYARD: No, sir.

16 THE COURT: Have you ever been treated for any
17 mental health issues?

18 DEFENDANT GUINYARD: No, sir.

19 THE COURT: Okay. Very well. Anything else
20 further that you think I need to put further on that
21 issue, Ms. McDuffie or whoever?

22 MS. MCDUFFIE: No, Your Honor.

23 THE COURT: All right. I'm going to read these
24 statements tonight and the redacted version so we'll
25 know how to deal with that first thing in the morning.

1 Where are you --- when do you all want to mark
2 the pictures; tonight or in the morning?

3 MS. CAMPBELL: We'll have them ready in the
4 morning as far as what we intend to offer so that they
5 can review it first thing in the morning.

6 THE COURT: Okay. And what time do you want to
7 meet to do that?

8 MS. CAMPBELL: Nine o'clock.

9 THE COURT: Can everybody be here at 9:00 to go
10 through photos?

11 MS. PINNOCK: Yes, sir.

12 THE COURT: How long do you think you will need
13 to do that?

14 MS. PINNOCK: I guess that depends on how many
15 they will have, but I don't think it will take too
16 long.

17 THE COURT: Okay.

18 MS. CAMPBELL: There's only two areas that they
19 are really objecting to, the autopsy photos and the
20 photos at the scene.

21 THE COURT: Okay. All right, and that will give
22 me time to --- I'll need the 404(b) list in the
23 morning with a copy to the State. Then I'll give you
24 time to review the coroner's video and review both of
25 these statements so that we know we're dealing with

1 that.

2 I also need to review the statements on the ---
3 I'll call it the July 4th Time Warner Cable box
4 missing issue so I can see exactly what those
5 witnesses would potentially testify to.

6 All right. Anything else anybody wants me to do
7 tonight?

8 MS. CAMPBELL: Your Honor, just for the record, I
9 also handed to your law clerk State's Exhibit, I'm not
10 sure the number we had marked, of Robert Guinyard's
11 actual statement. He only has one. We can give you
12 that, as well.

13 MR. LI: Antonio's?

14 THE COURT: Yeah. I assume that's Antonio, the
15 adult?

16 MR. LI: Yes, sir.

17 THE COURT: All right. Very good. Why don't you
18 all meet at 9:00. I'll have madam court reporter here
19 at 9:00 to review photos. We'll plan on going on the
20 record at 9:30. Between now and then I'll review all
21 these statements, watch the coroner's video, give me a
22 404(b) list first thing in the morning. We'll go from
23 there. Anything further from the State?

24 MS. McDUFFIE: Judge, I think we also have the
25 outstanding matter of Jackson v. Denno.

1 THE COURT: We still have to do Denno, yes.

2 MS. McDUFFIE: Ms. Pinnock --- they e-mailed us a
3 list of witnesses they wanted present for Denno. I
4 think it's probably ten plus. A large portion of
5 those individuals are here now. In terms of
6 scheduling, we obviously will defer to whatever the
7 court wants us to do. However, we do have some
8 witnesses that we need to call in our case in chief
9 that can only testify tomorrow, so obviously the
10 longer things take in the morning the more compressed
11 and the more disjointed the order of witnesses would
12 be.

13 THE COURT: All right. Just say what you want.

14 MS. McDUFFIE: Your Honor, I don't know if we
15 could start tonight and finish in the morning.

16 I mean, I don't know how lengthy or what they're
17 exact objections are because they haven't told us, but
18 they did request over ten people to be here for the
19 Denno hearing.

20 I don't know that we could finish that and the
21 pictures and everything else in two hours in the
22 morning.

23 MS. PINNOCK: As far as our requested witnesses,
24 we can cut ours down, Master Deputy Shaw, Deputy Diaz,
25 Investigator Holdorf, Investigator Holly Wagner, and

1 Investigator Jane Powell. And Melton, I'm sorry.

2 THE COURT: That's who you need for the Denno?

3 MS. PINNOCK: Yes.

4 THE COURT: How long do you think that will take?

5 MS. PINNOCK: I don't think it would take too
6 long. That's not an answer. An hour, hour-and-a-
7 half.

8 THE COURT: And where are you on Denno?

9 MR. LI: Abstain.

10 THE COURT: Okay. I mean, I'm happy to get up
11 here as early as anybody wants to. It doesn't bother
12 me.

13 Do you want to start doing photos at 8:30?

14 MS. McDUFFIE: Your Honor, I have some day care
15 issues, but I can figure that one out.

16 THE COURT: What's your issue with the other
17 witnesses in the morning? Two of them have to be
18 where?

19 MS. McDUFFIE: Your Honor, two of them are
20 supposed to be out of town. They're supposed to be in
21 a conference starting Wednesday morning so they need
22 to leave for Atlanta on Tuesday whatever time we can
23 get out of here, so we just need to get them done
24 tomorrow. If the court would grant us --- obviously
25 we need to call them out of order to get them out of

1 here.

2 THE COURT: I mean, I'm happy --- you can start
3 going through photos as early as you want to, but
4 prior to 8:30 you'll need to let the court reporter
5 know. I mean, I'll be here in the morning at 8:30.
6 As soon as you all finish, we can roll right into the
7 Jackson vs. Denno. Are you going to do 8:30, 9:00 or
8 8:45?

9 MR. LI: 9:00 is fine, Your Honor.

10 MS. PINNOCK: Whatever works out with day care,
11 that will work.

12 MS. McDUFFIE: Your Honor, we'll get together and
13 figure out what time we'll meet in the morning.

14 THE COURT: You have to let Karen now.

15 MS. McDUFFIE: I believe we were going to --- we
16 have Ms. Ambroziak has provided us with stickers, so
17 we're going to go ahead and pre-mark them tonight.
18 Usually we just provide her with a list after we pre-
19 mark the exhibits.

20 THE COURT: All right. Is that okay with you?

21 THE COURT REPORTER: Yes, that's fine as long as
22 I know what's been marked.

23 THE COURT: Okay. All right. So, we'll be ready
24 to go at 9:00 then. You all get together and resolve
25 these issues prior to that. Okay.

(WHEREUPON, the proceedings were adjourned.)

May 20, 2014

(WHEREUPON, court was called to order.)

(WHEREUPON, Court's Exhibit Number 6 was marked for identification only.)

(WHEREUPON, State's Exhibit Numbers 8-11, 45, 64-73, 86-103, and 211 were marked for identification only.)

THE COURT: Good morning. Take a seat, please. Make sure the jurors are secure in their room and cannot hear anything.

THE BAILIFF: Yes, sir.

THE COURT: All right, where are we this morning? What do you want to start with?

MS. PINNOCK: Your Honor, if I may, for the record, I e-mailed the solicitor saying I thought at one point that I had represented this Gladys Thompson after the issues came up yesterday. I went back and checked. I don't have a record of ever being assigned to represent her. That was my mistake.

THE COURT: Okay.

MS. PINNOCK: But I did check.

THE COURT: All right. Thanks. What else?

(There was no response.)

1 THE COURT: All right. Let's talk about the
2 video first. What's your objection to the coroner
3 video in --- well, first let's start with Mr. Li's
4 objection? I think that's probably more relevant.

5 MR. LI: My objection is that the video omits any
6 reference as to Mr. Antonio being at the residence,
7 Your Honor. We believe that is prejudicial towards my
8 client when ---

9 THE COURT: I'm talking about the coroner's
10 office video.

11 MR. LI: The coroner's office video? I thought
12 you were talking about --- well, that's what I'm
13 talking about, as well. The reenactment video,
14 correct?

15 THE COURT: That's correct.

16 MR. LI: I believe that in the video Ms. Thompson
17 implies that Mr. Antonio is not in the residence, Your
18 Honor. We believe that that omission is itself
19 inculpatory towards the neglect element of the
20 charges.

21 We believe that there are statements on the ---
22 there are details given in the statement, which --- in
23 the video, which are --- which implicitly impeach the
24 statement given by Mr. Guinyard, which they're
25 proposing to introduce, so therefore it's an

1 impeachment by a non-testifying witness, so we would
2 not have a chance to cross-examine. It's basically a
3 Bruton issue, Your Honor, and that's why we challenge
4 the video, unless it can be redacted in a way where
5 it's consistent with --- or not inconsistent with the
6 statement which they propose to introduce from
7 Mr. Guinyard. We believe the omission itself is the
8 inculpatory aspect, Your Honor.

9 THE COURT: It's not really an omission. I mean,
10 she talks about it twenty different times in the
11 video, so it's not really an omission. How does it
12 comply with Bruton? That's my question about the
13 coroner's office video.

14 MS. McDUFFIE: Judge, we at this point, are not
15 going to seek to offer the video in itself. We're
16 going to call Jane Powell as a witness to testify as
17 to statements made by Ms. Thompson during that
18 reenactment.

19 THE COURT: Okay.

20 MS. McDUFFIE: However, we would object if the
21 defense brings up that there is a video because then
22 it looks like we're hiding something from the jury,
23 and I think that would be an unfair characterization,
24 since ---

25 THE COURT: So your plan is to --- I'll come

1 around to you, Ms. Pinnock, but the main issue that
2 struck me when I was watching the video was that there
3 was a Bruton issue because in it, Ms. Thompson --- I
4 mean, I lost count at 15, but she says statements
5 about Mr. Guinyard multiple times. Now, the
6 statements are --- they're not all that he wasn't
7 there. I mean, some of them go to a little bit of
8 history.

9 He was keeping the child while she was in the
10 hospital. He and her took care of the child, the
11 alleged victim during the day. We would all play
12 together, I mean, what kind of father was he? How did
13 he act towards the child, so it's --- I understand why
14 you used the word omission yesterday. We were going
15 to come back to those on the written statements, but
16 in the video, I think there's definitely a Bruton
17 issue if the video is played as is without any
18 redaction.

19 So what I'm hearing you say, Ms. McDuffie, and if
20 I'm saying this wrong, just say that's not what you
21 meant, but it's that you want to call Ms. Powell to
22 testify. Jane Powell is --- is she a coroner's office
23 investigator, is that what she does?

24 MS. MCDUFFIE: She is a deputy coroner.

25 THE COURT: Okay, she is a deputy coroner. She

1 is in the video. I assume somebody else from the
2 coroner's office is taking in the video ---

3 MS. McDUFFIE: Deputy Coroner Burns is videoing
4 the ---

5 THE COURT: And then Ms. Thompson is in the video
6 and so your position or what you plan on doing is
7 calling Ms. Powell, Deputy Coroner Powell, to
8 testify --- to the stand to testify to what
9 Ms. Thompson told her in the video, but not anything
10 what about she said about Mr. Guinyard.

11 MS. McDUFFIE: Correct.

12 THE COURT: Okay. And do you believe that solves
13 your issue, Mr. Li?

14 MR. LI: Yes, Your Honor.

15 THE COURT: As long as they comply with that?

16 MR. LI: As long as they comply with that and
17 tell their witness to omit any reference to Mr.
18 Guinyard.

19 THE COURT: Okay.

20 MR. LI: But also not to imply that she called
21 out to the kitchen and he wasn't there.

22 THE COURT: Right. Right. She is not going to
23 say anything about Mr. Guinyard.

24 MR. LI: Right.

25 THE COURT: Right.

1 MS. McDUFFIE: Your Honor, and I would just want
2 to make sure that we are clear. There are statements
3 that Ms. Thompson gave to law enforcement, and I
4 believe to Jane Powell, as well, is that when she gets
5 out of the shower after she hears the phone, and she
6 looks. There is no one in the kitchen. She looks in
7 the playroom and finds the child. We intend to offer
8 that statement into evidence.

9 There is no Bruton issue. There is no case law
10 to support that that is Bruton, as to that statement.
11 She does not specifically reference Mr. Guinyard. Her
12 statement is, I looked in the kitchen and there was no
13 one there. We intend to offer that statement, Your
14 Honor.

15 THE COURT: Okay.

16 MR. LI: That was an issue that we were going to
17 take up. We had looked over some of the statements
18 from the officers. That was the issue that we were
19 going to bring up.

20 THE COURT: Okay. I'm on the video. Stay on the
21 coroner's office video. So your plan is to call Jane
22 Powell, for her to not say anything about her video,
23 but to say that she interviewed Courtney Thompson on
24 this day, at this time, at this place, blah blah blah,
25 the normal stuff, and this is essentially what she

1 told me, and Jane Powell is going to be instructed
2 that she is not to mention anything that Ms. Thompson
3 says directly about Mr. Guinyard.

4 MS. McDUFFIE: Yes, Your Honor.

5 THE COURT: Like he said, who was keeping the
6 child while you were in the hospital.

7 MS. McDUFFIE: Correct.

8 THE COURT: Antonio Guinyard was keeping the
9 child. I'm not saying that's true or not, I'm just
10 saying that's what she --- where was Antonio.

11 MR. LI: Correct.

12 THE COURT: He was off walking the baby. He was
13 in the neighborhood. He was showing off the baby. You
14 know, well, why didn't Antonio come in. She goes into
15 this whole thing with, you just experienced this
16 traumatic event in your life. You found your child,
17 you know, close to deceased. You're on the phone with
18 911 and you're telling me that Antonio is nowhere to
19 be found. All that is not coming in.

20 MS. McDUFFIE: Correct.

21 THE COURT: Is that what --- and that comports
22 with --- that way it takes out any issue with you
23 being able to cross-examine her on what she says about
24 your client that's potentially inculpatory.

25 MR. LI: That's right, Your Honor. I don't know

1 specifically on the video, if she calls out to the
2 kitchen. I don't remember specifically if she said
3 that, if she says that she called out to the kitchen
4 and nobody answered. I would include that detail, as
5 well. Other than that, that solution would be fine
6 with Bruton.

7 THE COURT: I think she says she goes into the
8 kitchen and nobody is there. So she says in the video
9 I hear the boom. I get out of the shower. I put on
10 my underwear. My first immediate thought is something
11 has happened in the kitchen, and so I go into the
12 kitchen and nobody is there.

13 MR. LI: I have a problem with that.

14 THE COURT: Okay. Well, that's overruled and
15 that's coming in.

16 MR. LI: Okay.

17 MS. McDUFFIE: Thank you, Your Honor.

18 THE COURT: All right. All right. So that's
19 solved. Okay. And what's your position on the
20 coroner video? I mean, absent Jackson vs. Denno on
21 that issue, and you understanding that they're not
22 playing the video, you just want the normal hearing on
23 whether or not the statement is admissible?

24 MS. PINNOCK: Yes, sir.

25 THE COURT: Okay. All right, we'll do that.

1 MS. McDUFFIE: And, Your Honor, the defense isn't
2 going to mention that a video was done.

3 THE COURT: Right. Nobody needs to talk about a
4 video. We don't need to open the door to that. We're
5 not going to allow them to think that the State is
6 trying to hide something from them that I have
7 excluded for the protection of the parties, okay.

8 All right. Now, is everybody clear on the
9 coroner video?

10 MS. PINNOCK: Yes, sir.

11 MR. LI: Yes, sir.

12 THE COURT: You'll need to object right before
13 the beginning of that testimony again about that one
14 part and say I object to the one issue about the
15 kitchen.

16 MR. LI: Sure.

17 THE COURT: Just to protect yourself for the
18 record. I'll understand what you mean and I'll rule
19 on it. That's just for future reference.

20 Okay. All right. Now, let's come back around to
21 the July 4th, we're calling it a burglary for lack of
22 a better term. Let's come back around to that issue.
23 Where are those statements? Here they are. Okay.
24 All right. Is there testimony beyond the statement of
25 Crystal Thompson and Maria Nicole Thompson that you

1 intend to introduce that shows some causal connection
2 to the Time Warner Cable box being taken?

3 MS. McDUFFIE: Your Honor, Ms. Courtney Thompson
4 herself in her statement at one point is asked about
5 what the victim was doing right before his death. She
6 says that he was looking into the cameras that were in
7 the room where this incident occurred, Your Honor.

8 THE COURT: Right. I saw that.

9 MS. McDUFFIE: So that's how the cameras are
10 first mentioned. Then there are also a series of
11 phone calls and web searches on Ms. Thompson's phone
12 after the incident or after the child has died that
13 she is trying to deactivate her time Warner account.

14 THE COURT: All right. And how would that be
15 coming into evidence?

16 MS. McDUFFIE: Your Honor, we intend to offer
17 that in through the investigators who got a search
18 warrant for her phone and dumped her phone pursuant to
19 that search warrant.

20 THE COURT: So the State would have evidence that
21 shows that after the child has passed, Ms. Thompson on
22 her phone; is that right ---

23 MS. McDUFFIE: Yes, sir.

24 THE COURT: --- tries to deactivate her Time
25 Warner Cable account?

1 MS. McDUFFIE: Yes, sir.

2 THE COURT: Okay.

3 MS. McDUFFIE: Your Honor, I think it's also
4 important for us to explain why we don't have that in
5 our possession, why the State wasn't able to obtain
6 that. You know, it's not that investigators didn't
7 try to get it, but it was removed from the home.

8 THE COURT: So when the investigators go back to
9 conduct another search warrant on her, they go in the
10 home and the Time Warner Cable box --- I assume this
11 is like a cable box?

12 MS. McDUFFIE: I don't know what it looks like.

13 THE COURT: You don't know because it wasn't
14 there, it was gone; is that correct?

15 MS. McDUFFIE: Correct.

16 THE COURT: Ms. Pinnock, do you have an objection
17 if they state it that way?

18 MS. PINNOCK: Well, yes, sir, I do because I
19 think they're still going to be implying that
20 Ms. Thompson had something to do with the cable box
21 being taken. The box was present there first when law
22 enforcement initially responded to the house. It was
23 present on the second when Ms. Thompson was there with
24 law enforcement because you can see it on the video,
25 so it was a regular looking cable box that was sitting

1 there.

2 She was taken into custody and booked at the jail
3 on the evening of July 2nd. The search warrant where
4 they went back looking for it was done two days later,
5 so I don't think it's appropriate for them to be
6 implying that Ms. Thompson had anything to do with
7 that. We don't have to mention there being a cable
8 box, but I don't think it's appropriate, again, for
9 the implication that she had something to do with this
10 cable box being taken when there is no evidence to
11 support it.

12 MS. McDUFFIE: Your Honor, chronologically, the
13 scene is secured from the time police respond on July
14 1st, 2013, into overnight they have deputies at the
15 house and then into July 2nd. Ms. Thompson shows up
16 there with Jane Powell. They do the reenactment. Law
17 enforcement comes, and they turn the scene back over
18 to Ms. Thompson and Mr. Guinyard, so law enforcement
19 isn't in control of the scene.

20 Then on July 4th, Investigator Holdorf obtains the
21 search warrant and goes back to the scene. One of the
22 things to search in the warrant is that cable box and
23 they discover that it was missing.

24 THE COURT: All right. Here is what I'm going to
25 do on this issue. I will let you put it in factually

1 as to what happened. I'm not going to allow any
2 implication that Ms. Thompson committed some form of
3 burglary or caused somebody to commit a burglary.

4 I think if the sisters are going to come in, and
5 I assume Crystal Thompson and Maria Thompson are
6 sisters. If they're going to come in and testify in
7 line with their written statements that they had this
8 conversation with her about the cameras, then perhaps
9 what Time Warner saw, and then you're going to have an
10 investigator that's going to testify we pulled her
11 phone or we dumped her phone or whatever the
12 terminology is and she was trying to figure out how to
13 delete it and then you're going to have somebody come
14 in and testify we executed a search warrant and the
15 Time Warner Cable box was gone, then that's fine.

16 I'm not going to allow an implication that she
17 committed some burglary or she caused somebody or
18 forced somebody or made somebody go in there and take
19 the box out or that she did something to destroy it.
20 I think that factually all that is permissible based
21 upon --- I mean, if the proper foundation is shown,
22 but we're not going to allow any implication as to,
23 you know, her conspiring with somebody to commit a
24 burglary or to break in the house or to make it look
25 like a burglary or anything else to remove the Time

1 Warner Cable box.

2 MS. McDUFFIE: Understood, Your Honor.

3 THE COURT: Okay.

4 MS. PINNOCK: Your Honor, just to further
5 elaborate on that, I would just ask that any testimony
6 about a broken window or point of entry that pictures
7 were taken of on the 4th be excluded to not imply
8 there was actually a burglary. If you are willing to
9 talk about the cable box being gone, I would just ask
10 that you ---

11 THE COURT: I think --- what I'm going to allow
12 is that I'm going to allow them to say we went back,
13 we executed a search warrant at the house and we did
14 not find a Time Warner Cable box at that time, but
15 nothing about there was a burglary or broken windows
16 or anything else like that.

17 MS. McDUFFIE: Yes, sir.

18 THE COURT: All right. Now, let's come back
19 around --- are these your copies or my copies?

20 MS. McDUFFIE: Your Honor, you ---

21 THE COURT: Those are the sister's statements.

22 MS. CAMPBELL: Those are ours.

23 THE COURT: Okay.

24 MS. CAMPBELL: You can have them.

25 THE COURT: Okay. Now, let's come back to the

1 Bruton issues with Ms. Thompson's two statements to
2 the police. All right. So Ms. Thompson gives a
3 statement, which is marked as --- hold on.

4 All right. So Ms. Thompson gives a statement on
5 July 1st, 2013, at approximately 9:45 at night. The
6 original of that statement is marked as State's
7 Exhibit No. 2. The proposed redacted version is
8 marked as Court's Exhibit number 4.

9 All right. And did y'all come to any agreement
10 on adding Mr. Guinyard's name back in?

11 MS. McDUFFIE: Your Honor, Mr. Li sent us a
12 proposed redacted version of the statements last
13 night. I think that they are misleading and I think
14 that they mischaracterize the evidence, and I think
15 that they take statements out of context where he has
16 inserted his client's name. He will insert it for a
17 portion and then leave out the explanation of that and
18 vice versa, Your Honor. I think that it's misleading
19 and it unfairly characterizes the evidence to the jury
20 the way Mr. Li has proposed that it be done.

21 THE COURT: All right. Mr. Li.

22 MR. LI: I agree. I mean, I think we did the
23 best we could to make it not inconsistent with the
24 statements that they intend to introduce from
25 Mr. Guinyard. We believe that the court asked us to

1 come up with a proposed version. We came up with a
2 proposed version that fit what we believe doesn't
3 contradict any statements from Mr. Guinyard so as to
4 not to impeach Mr. Guinyard.

5 The second statement, Your Honor, has been
6 reduced down to --- the only way we could do the
7 second statement was to ---

8 THE COURT: Well, we're on the first statement.

9 MR. LI: First statement. Well, the first
10 statement ---

11 THE COURT: I mean, in the first statement ---

12 MR. LI: It's not that bad.

13 THE COURT: I mean, my first reading of the
14 redacted version of the first statement is that
15 there's really no prejudice to Mr. Guinyard at all.

16 MR. LI: Other than --- well, other than if they
17 remove the part where it says "Antonio answered, I got
18 out of the cab with my baby and knocked on the door.
19 Antonio answered, and I got my stuff out of the cab
20 and paid the cab driver." See, if you take that part
21 out, it seems like she just walked in the house and
22 Antonio in his statement mentioned paying for the cab
23 and being there when the baby came in, I mean, when
24 Courtney came in with the baby.

25 So, if they take out Antonio --- on the face of

1 it, it looks benign, but when one of the charges is
2 neglect, the omission of his existence at the home is
3 in itself inculpatory, so, Your Honor, we tried our
4 best to put in that part. We did pick and choose. We
5 picked the parts that didn't --- that didn't --- that
6 weren't inconsistent with Antonio's statements or his
7 testimony if he so --- if we decide to put him up
8 there.

9 We had to pick and choose some of the stuff. We
10 don't think it's a perfect solution. We think that
11 suppression of the first statement or the second
12 statement would be appropriate. The first statement
13 seems like it could be fixed.

14 THE COURT: Why can't we just add in back the
15 line that --- what you just said?

16 MR. LI: We did; we tried to, Your Honor.

17 THE COURT: To where it says ---

18 MS. McDUFFIE: Your Honor, I mean, the statement
19 says, "When I got to the house, the cab driver was
20 honking the horn and Antonio would not come out. I
21 got out of cab with my baby and knocked on the door.
22 Antonio answered."

23 THE COURT: Right.

24 MS. McDUFFIE: If Mr. Li wants to leave it in, we
25 have no objection to leaving that in, but we do have

1 an objection with the way he proposed it, which was
2 saying that the cab driver went and knocked on the
3 door.

4 MR. LI: That's a typographical error. We were
5 in a rush last night.

6 THE COURT: Okay. I don't know how Mr. Guinyard
7 --- under this theory of him not being there is
8 neglect, how leaving in the line in, "When I got to
9 the house the cab driver was honking the horn and
10 Antonio would not come out. I got out of the cab with
11 my baby and knocked on the door. Antonio answered,
12 and got my stuff out of the cab and paid the cab
13 driver."

14 MR. LI: That's right.

15 THE COURT: I mean, does that contradict what
16 Mr. Guinyard says in his statement?

17 MR. LI: Not really.

18 THE COURT: All right. So...

19 MS. McDUFFIE: We have no objection to it being
20 left in.

21 THE COURT: I think it needs to be left in as it
22 is in the original.

23 MR. LI: Correct. That's ---

24 THE COURT: I mean, that part of it needs to read
25 just like the original.

1 MR. LI: That's fine. That was part of our
2 proposed --- other than our typographical error, which
3 makes it look like the cab driver knocked on the door.
4 That was a typographical error. Other than that, are
5 the other objections?

6 MS. McDUFFIE: Your Honor, the second page.

7 THE COURT: Okay. Where?

8 MS. McDUFFIE: Mr. Li tries to take out the third
9 line down, "I checked in the kitchen and no one was in
10 the kitchen." That sentence in no way implicates
11 Bruton. I think that Your Honor has already ruled on
12 that.

13 (a cell phone rang.)

14 MR. STAGGS: I apologize.

15 MR. LI: We believe that implying he wasn't in
16 the kitchen is inconsistent with his statement. It's
17 impeachment on his statement. It's an impeachment
18 that we cannot cross-examine. My client says in this
19 statement that he was cooking in the kitchen. He was
20 there. He never left the house.

21 She goes in there and says that she went to the
22 kitchen and I saw no one there. It's contradictory to
23 Mr. Guinyard's statement. We don't have an
24 opportunity to cross-examine.

25 THE COURT: All right. So what about that ---

1 the idea that that's just completely different than
2 his statement and his ability to cross-examine her on
3 that?

4 MS. McDUFFIE: Your Honor, what Bruton stands for
5 and what its progeny stands for, especially cases like
6 Richardson v. Marsh is that Bruton is that a statement
7 cannot incriminate a codefendant, facially incriminate
8 a codefendant, and if there is implication by --- if
9 it's implicated by --- it implied something, Your
10 Honor, it's fine. It's what facially incriminates the
11 codefendant is what the issue is.

12 Your Honor, it doesn't say that Antonio was
13 anywhere. It doesn't say that he --- it doesn't
14 impeach his statement in anyway, Your Honor. I think
15 Mr. Li is misusing the word impeachment. I think
16 contradiction is probably more appropriate, Your
17 Honor, but in no way does this incriminate him or is
18 she testifying as a witness against him. Your Honor,
19 no one is in the kitchen is an innocuous statement,
20 which means when she looked, no one was in the
21 kitchen.

22 MR. LI: Your Honor, if that testimony came from
23 a non-codefendant, they could say whatever they want.
24 They could say I went up to the kitchen and no one was
25 there. I would have an opportunity to get up and

1 cross-examine that person, and say you walked in the
2 kitchen, and you know, I could cross-examine them to
3 make it based on the statement of Mr. Guinyard's. I
4 don't have an opportunity to ---

5 THE COURT: No, no, no. That's not true. You
6 can walk up and you can say, no, he was in the kitchen
7 wasn't he, and the witness would say no and then he
8 would be done. You wouldn't be able to say, well, did
9 Mr. Guinyard say in his statement or that.

10 MR. LI: Agreed. Bad example. I would have an
11 opportunity to cross-examine her, cross-examine the
12 testifying witness.

13 THE COURT: You would have an opportunity to ask
14 the testifying witness that isn't it true that
15 Mr. Guinyard was in the kitchen and the witness could
16 answer.

17 MR. LI: I would have no ---

18 THE COURT: That would be it.

19 MR. LI: I would have an opportunity to ask her
20 weren't there steaks cooking in the kitchen. Was
21 there rice cooking? You didn't make that rice. You
22 didn't cook that steak. I would have an opportunity
23 to at least get into that part of it, Your Honor. You
24 know, wasn't there music playing. You didn't play
25 that music.

1 MS. McDUFFIE: Your Honor, this --- the line
2 right before it is, "I don't remember what he,"
3 meaning the victim, "was watching. Antonio was in the
4 kitchen cooking. He was listening to music on his
5 phone. He was cooking the rice and steak. I was
6 going to make salad."

7 THE COURT: Okay, which --- what statement are
8 you in?

9 MR. LI: The first one.

10 MS. McDUFFIE: Page one, the end of that long
11 paragraph, the same statement we're in.

12 THE COURT: Okay.

13 MR. LI: We left that in, Your Honor. In our
14 proposed redaction, we left that in, so I guess it's
15 not her just looking in the kitchen and no one was
16 there. Contradicting her own statement, I guess, if
17 we left that part in? I don't know.

18 I'm not saying that the actual questions are what
19 matter. I think it's the principle of not being able
20 to cross-examine over something that she is saying
21 that is contradictory to a statement they don't intend
22 to put in. If they don't intend to put in Antonio's
23 statement, then that's fine. They can put in whatever
24 as long as it doesn't contradict with Bruton.

25 MS. McDUFFIE: Your Honor, the problem is that

1 Mr. Li has failed to say how this doesn't comport with
2 Bruton and the whole line of cases. There is no
3 implication on its face of this defendant in this
4 statement in any way ---

5 MR. LI: Are you referring to ---

6 MS. McDUFFIE: --- to Bruton and its progeny.
7 There is no neutral turn around, Your Honor, there's
8 no blank space. There is no alteration. There is
9 nothing that, on its face, incriminates this
10 defendant.

11 MR. LI: If she is talking about --- if
12 Ms. McDuffie is talking about using the proposed
13 redacted, where it does include Antonio being there in
14 the kitchen then, I mean, we're getting closer.

15 THE COURT: So you're fine with her statement
16 where she says, going back to the original, "Antonio
17 was in the kitchen cooking. He was listening to music
18 on his phone. He was cooking the rice and steak and I
19 was going to make a salad when I got out of the
20 shower."

21 MR. LI: Yes, and that's all left in my proposed
22 redacted.

23 THE COURT: "Antonio said that he was going to
24 show the baby off around the neighborhood." You're
25 fine with all that being in?

1 MR. LI: Yes, sir, we left all that in our
2 proposed redacted version.

3 MS. CAMPBELL: Have you given it to the judge?

4 MR. LI: Excuse me?

5 MS. CAMPBELL: Have you given it to the judge?

6 MR. LI: No, I haven't yet.

7 MS. CAMPBELL: Give him your proposed. We don't
8 have a problem with it other than one line.

9 MR. LI: Other than the one line and the typo.

10 MS. CAMPBELL: Two lines.

11 MR. LI: Two lines. Sorry.

12 THE COURT: So without me having to sit here and
13 read this whole thing over again, is that exactly what
14 her statement is except for the part that no one was
15 in the kitchen?

16 MS. McDUFFIE: Your Honor, it's ---

17 MR. LI: The first part about the cab driver
18 knocking on the door.

19 THE COURT: I understand the cab driver. We
20 solved the cab driver issue.

21 MS. McDUFFIE: So then the next issue would be
22 the --- the only other thing he redacted on page two
23 is, "I checked my kitchen and no one was in the
24 kitchen." We would object to that being deleted from
25 the statement.

1 THE COURT: And then everything else is the same,
2 correct?

3 MS. McDUFFIE: No, Your Honor, then on page three
4 of ---

5 THE COURT: Okay.

6 MS. McDUFFIE: --- of the original statement, the
7 first question.

8 THE COURT: "Did Antonio do anything?"

9 MS. McDUFFIE: Right. We removed that completely
10 from our proposed version. Mr. Li's proposed version
11 just says, "no" and I think that's a
12 mischaracterization. Ms. Thompson clearly says,
13 "Antonio was not inside the house. He could have been
14 on the porch, but he was not in the house." She was
15 talking about this specific instance when she heard
16 this boom, Your Honor. I think to say "no" just
17 mischaracterizes that information.

18 Your Honor, we have no problem with removing the
19 whole thing or allowing the whole thing. I think
20 picking and choosing portions of it ---

21 MR. LI: Well, I ---

22 MS. McDUFFIE: --- mischaracterizes the
23 statement.

24 THE COURT: What about that?

25 MR. LI: We don't oppose taking that entire

1 question out.

2 THE COURT: Okay. All right. So here is what
3 we're going to do. That question, "Did Antonio do
4 anything to harm **CHILD** today?" and the answer is
5 completely out. The rest of her statement is in, and
6 the only portion that the defense objects to is the
7 statement where she says, "I checked my kitchen and no
8 one was in the kitchen," and I'm going to allow that
9 statement.

10 I believe that it is not a Bruton violation.
11 It's not directly implicating him. It just says that
12 no one was in the kitchen within three sentences of
13 her saying that he was in the kitchen, so if it's
14 contradictory to anything, it's contradictory to
15 herself and I'm going to overrule the defense's
16 objection. The rest of her statement comes in with
17 the defense's consent.

18 For the record, the defendant Guinyard is
19 specifically objecting to the line: "I checked my
20 kitchen and no one was in the kitchen," which was in
21 Ms. Thompson's original statement on July 1, 2013,
22 9:45 at night marked as State's Exhibit No. 2.

23 The rest of her statement is in, absent the line
24 about did Antonio do anything to harm **CHILD** today,
25 and the response with the consent of the defense,

1 that's completely out.

2 Okay. Any question on that?

3 MS. McDUFFIE: No, Your Honor.

4 MR. LI: We'll have a new statement that
5 clarifies the cab driver was not knocking on the door.

6 THE COURT: All right. All right. Now, let's
7 move on to her second statement.

8 MS. McDUFFIE: Your Honor, this is what Mr. Li
9 sent us as his proposed.

10 THE COURT: Okay.

11 MS. McDUFFIE: Your Honor, I don't --- I mean,
12 this completely mischaracterizes the evidence. He
13 deletes entire sections that have nothing to do with
14 his client. You know, when she is talking about the
15 victim, what she observed when she came home from the
16 hospital, and things of the nature, I think that our
17 proposed redaction deletes any reference to
18 Mr. Guinyard as is appropriate to comply with Bruton.
19 His proceed redaction, I don't think, includes
20 anything about his client. Rather, it just deletes
21 more about what she observed about the victim on that
22 day.

23 THE COURT: Mr. Li?

24 MR. LI: Your Honor, this entire second
25 statement, this question, "What happened yesterday

1 with your son **CHILD**?" that entire answer points the
2 finger at Mr. Guinyard. I mean, no matter how they
3 phrase it, no matter how they word it.

4 THE COURT: That's why they took every reference
5 to him out.

6 MR. LI: It's not just the reference, Your Honor.
7 It's the implication that her son was severely beaten
8 and severely hurt and weak and distraught and thirsty
9 and beaten with a pole while I was gone. The natural
10 implication is that Mr. Guinyard did it.

11 Your Honor, I don't think my proposed redacted is
12 great. That's the best we could come up with. We
13 forced ourselves to come up with something. We
14 believe that second statement, at least that question,
15 that second question, it's --- I think, you can't
16 sanitize it. I think it's unredactable, so as to make
17 sense for the State, which I agree --- so as to not
18 mischaracterize her testimony, her statement, but her
19 statement is --- the entire thing is pointing the
20 finger at Mr. Guinyard.

21 Leaving Antonio's name out of it and saying that
22 when she came home, the baby was, you know, weak and
23 distraught and beat up and all this stuff, that's just
24 a natural finger pointing at Mr. Guinyard. So I agree
25 with the statement. This statement, the proposed

1 redacted is not great. We couldn't come up with any
2 other way. We think the only way, the best way, is
3 just to have the second, that question deleted
4 completely. The entire purpose of that second
5 question is to point the finger at Mr. Guinyard.

6 We believe the whole question is difficult. And
7 the reason we left that part of it in is just
8 basically ---

9 THE COURT: I mean, isn't the jury going to know
10 that she just had a baby and she just got home from
11 the hospital? So, I mean, who else is to blame
12 besides Antonio if she comes home and finds her child
13 in this condition?

14 MS. McDUFFIE: Your Honor, there is nothing in
15 this statement that puts the blame on Antonio. Some
16 third person could have come into the house. Some ---
17 I mean, I don't think the evidence will show that, and
18 I think the case law is clear that if it's by
19 implication and it doesn't incriminate Mr. Guinyard on
20 his face, which our proposed redaction in no way
21 incriminates --- it removes any existence of him from
22 this statement, Your Honor, but I don't see how this
23 doesn't comply with Bruton and the line of cases
24 flowing from there.

25 Your Honor, the South Carolina courts have held

1 that use of neutral pronouns or things like another
2 person, works in cases. However, in a homicide by
3 child abuse case, they said the use of a pronoun like
4 he or she does not, Your Honor. We have taken the
5 extra step and not tried to use pronouns to make
6 veiled references of him and deleted any mention of
7 him whatsoever. I think that we have complied with
8 the case law by removing the existence of him
9 completely from her statement.

10 MR. LI: Your Honor, my response to that is
11 Bruton and the progeny of Bruton cases is broader than
12 that. It's not just some rules to use pronouns or
13 don't use pronouns. It's addressing the fundamental
14 right of a defendant to confrontation clause, to
15 confront his witnesses. These are bold --- these are
16 allegations on its face. Whether you say --- the
17 statement doesn't have to be ---

18 THE COURT: Go ahead.

19 MR. LI: The statement doesn't have to be, I
20 think Antonio did it. You know, the statement has to,
21 on its face, point the finger at the codefendant, Your
22 Honor.

23 Even if --- even if the State says that well,
24 we're just --- the statement just mentions the child
25 being at home, being beaten, being distraught, being

1 beaten up --- Your Honor, the natural implication is
2 Mr. Guinyard did it. At worst, on the heart of it, if
3 the implication is that that Mr. Guinyard didn't do
4 it, he wasn't at home, so would that mean he left his
5 child at home while somebody else came, a third party
6 came in, and beat his son up.

7 THE COURT: So why don't we just switch it all to
8 another person?

9 MR. LI: There's all --- I believe it could be
10 argued that that's mischaracterizing the evidence.

11 MS. McDUFFIE: If you want to switch every time
12 it says Antonio to say another person, we have no
13 objection to that. We were erring on the --- we're
14 just looking at all options.

15 THE COURT: I understand.

16 MR. LI: Your Honor, we don't think that would
17 make logical sense.

18 The second --- her answer to this question, the
19 entire answer is inculpatory, and the fact that they
20 introduced the statement of my client, which says that
21 he was at home, there's only --- there's only one
22 natural reading of it. She was in the hospital giving
23 birth to another baby and came back and saw her son
24 beaten up.

25 THE COURT: So your argument, Ms. McDuffie, is

1 that Bruton is only implicated if the statement
2 implicates the defendant --- this would be defendant
3 Guinyard, on its face and the rule does not --- this
4 rule against Bruton does not apply where the statement
5 becomes incriminating only when linked to other
6 evidence introduced at trial?

7 MS. McDUFFIE: Yes, Your Honor. We believe
8 that's in the statement.

9 THE COURT: And you're saying that because it
10 doesn't implicate him on its face, it only implicates
11 him by inference, therefore, you have complied with
12 Bruton by taking every reference to him out and the
13 only way the jury figures that out is if they make
14 some inference,

15 MS. McDUFFIE: Your Honor, I think that the
16 direction that the case law is headed in, and I would
17 rely on the 4th Circuit United States vs. Voight 910 F
18 2d 1184, which says that a redacted statement in which
19 the codefendant's name was replaced with the word
20 client did not, on its face, impermissibly incriminate
21 the codefendant even though the incriminating import
22 was integral with other evidence.

23 Your Honor, I think the only place where the case
24 law has said that those inferences are impermissible
25 is where the statement says, you know, says John

1 drives a yellow car and you change it to another
2 person drives a yellow car, that that in and of
3 itself, even though you change it, you know, to
4 another person, it reveals the identity of that other
5 person.

6 Your Honor, we have taken out all of those
7 inferences. There are none in these statements.

8 MR. LI: Your Honor, we disagree with that
9 reading of, with that interpretation of the
10 confrontation clause. We would use that same example,
11 if John was ---

12 THE COURT: But that is not a legal argument. A
13 legal argument is, this is a case, this is how it
14 applies, this is how it applies to this case.

15 MR. LI: Your Honor ---

16 THE COURT: I need a case. If you want that out,
17 I need a case that says removing it completely is
18 inappropriate because I'm reading State vs. Henson and
19 State vs. McDonald and State vs. Holder and none of
20 them say that.

21 MR. LI: State vs. Henson, Your Honor, says that
22 suppressing the entire motion is appropriate.

23 THE COURT: Yeah, and Henson's name was replaced
24 with "he" and "him". We've already determined that
25 that's inappropriate.

1 MR. LI: Your Honor, this statement, if left
2 with --- if left with the description of how CHILD
3 was, how CHILD was when he came back, that on its
4 face, including the omission of Antonio's name,
5 implies that Antonio is guilty of it.

6 MS. McDUFFIE: Your Honor, this --- he --- I
7 apologize for interrupting. This case is clearly
8 distinguishable from Henson.

9 THE COURT: In Henson they used "he".

10 MS. McDUFFIE: Right. In Henson it was four
11 codefendants and all three of other people's names
12 were in, and the fourth person on trial was "he", Your
13 Honor, which is how you distinguish that from State
14 vs. McDonald where McDonald was a three defendant case
15 that was tried in Kershaw County in this circuit and
16 where all three defendants were on trial and
17 everything was replaced with "another person," and
18 while there were other things that implicated those
19 defendants in their statements, and I'm happy to
20 provide a copy of those statements to this court, Your
21 Honor, the court still held that the use of "another
22 person" was perfectly fine in that case.

23 MR. LI: And, Your Honor, we would just go back
24 to the argument of the unique charge of neglect. The
25 omission of Mr. Guinyard's name, plus the description

1 of a child who could only have been in his care, and
2 if they take out his name ---

3 THE COURT: Where is that evidence coming in that
4 it was only in his care?

5 MR. LI: Through his --- through Antonio's
6 statement.

7 THE COURT: Antonio doesn't say that he was the
8 only person taking care of him while she was in the
9 hospital.

10 MR. LI: He didn't say that there were other
11 people. I'm not talking --- I'm saying in his
12 statement that's his --- that's in his statement.
13 That is not the only person, Your Honor.

14 I guess --- okay, so I guess if you can read it
15 that way, the omission of --- the official objection
16 is the omission of ---

17 THE COURT: Well, where in Mr. Guinyard's
18 statement does it say that he was the only person
19 taking care of the baby while Ms. Thompson was in the
20 hospital?

21 MR. LI: Well, it doesn't, Your Honor.

22 THE COURT: Okay.

23 MR. LI: It doesn't.

24 THE COURT: Okay.

25 MR. LI: But the omission of Mr. Guinyard's name

1 goes towards the element of neglect. I don't think
2 the State is going to --- I don't think the State is
3 going to argue that. I don't think the State is going
4 to imply that.

5 It doesn't matter what they imply, Your Honor.
6 When the evidence goes into the jury room, they can
7 disregard anything and everything they want to. They
8 can look at the statement and say, look, Ms. Thompson
9 went into that room, saw this baby beaten up, thirsty,
10 distraught and weak and where was Antonio? Where was
11 Antonio who was supposed to be there with him? He is
12 gone. That's neglect.

13 We don't think the State is going to argue that,
14 Your Honor, but that evidence when it goes in, they
15 can interpret it how they want to. It's incriminating
16 to an element of neglect.

17 THE COURT: All right. In Richardson vs. Marsh,
18 the United States Supreme Court said the court was
19 called upon to decide whether the confrontation clause
20 is violated when the codefendants confession is
21 redacted to omit any reference to the defendant, as
22 the defendant is nonetheless linked to the confession
23 by evidence properly admitted against them in trial.

24 The court ultimately held that the confrontation
25 clause was not violated by the admission of a

1 codefendant's confession where a limiting instruction
2 is given and the confession is redacted to eliminate
3 not only the defendant's name, but any reference to
4 his or her existence.

5 The State's redaction is coming in, and one --- I
6 need a limiting instruction, okay.

7 MS. PINNOCK: Your Honor.

8 THE COURT: All right.

9 MS. PINNOCK: Your Honor, if I may, can I request
10 a copy of the redaction so we know what we're going to
11 be dealing with?

12 THE COURT: Sure. It's Court's Exhibit number 3.
13 Okay.

14 MR. LI: Your Honor, obviously we're not waiving
15 our challenge to any of the hearsay stuff.

16 THE COURT: I understand that.

17 Okay. Now, let's move on to the 404(b). All
18 right. Number one, you'll need to object to these as
19 they occur during the trial. Let's --- have you seen
20 the list of the ---

21 MS. CAMPBELL: They handed me a list.

22 THE COURT: Okay, good. What's number five? Do
23 you plan to go into her unrelated pending charges?

24 MS. CAMPBELL: No, we do not.

25 THE COURT: Okay, and what about ---

1 MS. CAMPBELL: Number four.

2 THE COURT: Yes.

3 MS. CAMPBELL: We do not intend at this point,
4 unless they open the door, to go into any of the
5 simple assaults, any of the fraudulent credit card
6 usage, any forcibly fondling. We don't intend at this
7 time, Your Honor, to go into any reports regarding the
8 CDV cause unless Ms. Thompson is the subject and
9 Mr. Guinyard is the victim, and number E, Your Honor,
10 I don't know if it's really a prior bad act.

11 THE COURT: The tax returns?

12 MS. CAMPBELL: The tax returns. This family,
13 there is evidence --- I don't know if it would come in
14 at this point. I don't know if it's relevant at this
15 point. I don't want to tell you that we will close
16 that one. We would bring it up in court before we
17 went into it.

18 THE COURT: Okay. Fair enough. On the first
19 three, you'll need to object as they come up and as
20 they happen during the trial.

21 MS. PINNOCK: Yes, Your Honor, if we could just
22 go ahead and request that the witnesses be proffered
23 because the problem with that testimony is there's no
24 dates. There's no times. There's no nothing, so we
25 don't know when they're saying that these actions

1 occurred.

2 In order for the State to introduce the 404(b)
3 evidence, they have to meet the clear and convincing
4 standard. If it's too far removed, I don't think they
5 will be able to meet the clear and convincing standard
6 to introduce them, so we'd just ask the testimony be
7 proffered before they take the stand so we know the
8 timeframe. We have no reference as to the timeframe.

9 THE COURT: I don't even know if it's even 404(b)
10 because they're charged with unlawful conduct towards
11 a child from the child's birth to the child's death,
12 so therefore, all of those --- I mean, my initial
13 reaction, and I'm not saying this is my final ruling,
14 but my initial reaction is that those statements
15 aren't even 404(b) because they go directly towards
16 the charge of unlawful conduct towards a child, but we
17 can proffer the testimony prior to them testifying,
18 but, I mean, there's separate charges here. I
19 understand that you moved to unjoin those charges from
20 this trial, but all these go --- all these go directly
21 to unlawful conduct towards a child, which has the
22 timeframe of birth to death in the indictment. I'm
23 not even sure they're 404(b) on their face.

24 MR. LI: Your Honor, I need to clarify something
25 with the court.

1 THE COURT: Sure.

2 MR. LI: Back to the statements, so we're okay
3 with our proposed statement number one and then going
4 with their proposed statement number two. Is that ---
5 the one where we include Antonio.

6 THE COURT: Here is what I said. I said that
7 Ms. Thompson's first statement to the police is coming
8 in as it was originally created, except for the
9 question about did Antonio harm the child ---

10 MR. LI: Okay.

11 THE COURT: --- which is on page three.

12 MS. McDUFFIE: Correct.

13 THE COURT: The only part that defendant Guinyard
14 is objecting to is, "I went to the kitchen and no one
15 was in the kitchen," which is on page two about four
16 or five lines from the top. Got it?

17 MR. LI: Thank you, Your Honor.

18 THE COURT: Okay. Let's do some Jackson vs.
19 Denno witnesses.

20 MR. RUFFIN: Your Honor, we just ask that the
21 witnesses be sequestered.

22 THE COURT: Okay. Yes, that's fine.

23 MS. CAMPBELL: Your Honor, the State calls Deputy
24 Shaw. These are the people that's been requested by
25 the defense.

1 THE COURT: Okay. All right. Please come
2 forward and be sworn and then state your name for the
3 record.

4 ERIC SHAW,
5 (Pretrial)
6 after being duly sworn, testified as follows:

7 THE WITNESS: Eric Michael Shaw.

8 DIRECT EXAMINATION:

9 BY MS. CAMPBELL:

10 Q Deputy Shaw, where are you employed?

11 A Richland County Sheriff's Department.

12 Q How long have you been working for the Richland
13 County Sheriff's Department?

14 A Seven-and-a-half years.

15 Q I want to turn your attention back to July of
16 last year. Did you respond to a residence at [REDACTED]
17 Beaverbrook?

18 A I did.

19 Q What date and time was it that you responded that
20 day?

21 A July 1st, 2013. I arrived about 6:35 in the
22 evening.

23 Q And once you got there, what did you observe?

24 A The EMS, fire department was there.

25 Q Uh-huh.

1 A We responded to help them for a death. We walked
2 in the house, saw the child victim laying on the floor
3 to the left.

4 Q Uh-huh.

5 A The mother was sitting on the floor between the
6 living room and the kitchen and determined it was a
7 crime scene, decided to get everybody out of the
8 house.

9 Q Okay. And at some point did you also enter into
10 the backyard area?

11 A Yes.

12 Q Who did you observe in the backyard area?

13 A Mr. Guinyard.

14 Q Did Mr. Guinyard have anything with him when you
15 observed him?

16 A A small child.

17 Q Once you observed Mr. Guinyard in the back of the
18 house, what, if anything, did you do?

19 A Escorted him out to the front of the house.

20 Q Why were you escorting him that day? What was
21 going on?

22 A There was a dead child inside the house.

23 Q Yes, sir.

24 A It was crime scene. We didn't want anybody in
25 there. We wanted to secure it.

1 Q Once you escorted him, I believe, towards the
2 front of the house?

3 A Out the front door.

4 Q What happened next?

5 A Mr. Guinyard was sitting on the steps.

6 Mr. Guinyard --- I'm sorry, Ms. Thompson was sitting
7 on the steps. Mr. Guinyard was holding the child. He
8 walked down the steps. At that time --- I'm sorry.
9 I'm looking for it.

10 Q Are you referring to your report?

11 A Yes, ma'am.

12 Q Okay.

13 A Just to give you the exact words. Ms. Thompson
14 said, "I was in the shower and heard a loud bang."
15 She said it about four times. Mr. Guinyard, I
16 believe, was just standing there holding the child.
17 He didn't say anything.

18 Q He didn't say anything?

19 A He never said a word.

20 Q And it was Ms. Thompson that was saying that
21 about hearing a loud bang?

22 A Yes.

23 Q And she repeated that how many times?

24 A At least four.

25 Q Once you got everyone into the front area, what,

1 if anything, did the defendants do or where did they
2 go?

3 A We had set them outside. Neither one was
4 handcuffed or anything. Neither would have been
5 advised of their rights. They were just told to wait
6 outside. Maybe 80 or more people in the neighborhood
7 began gathering, yelling.

8 Q Yes.

9 A We feared for their safety.

10 Q Yes.

11 A We feared for ---

12 THE COURT: You feared for whose safety?

13 THE WITNESS: Mr. Guinyard and Ms. Thompson's.

14 THE COURT: Okay.

15 THE WITNESS: Sorry about that.

16 THE COURT: That's okay.

17 BY MS. CAMPBELL:

18 Q Go ahead.

19 A We didn't want to leave them out in the front
20 yard with us. There was only maybe six of us there.
21 We did place them both in patrol cars. Like I said,
22 neither one of had been advised of their rights or
23 handcuffed. We put them in the patrol cars for their
24 safety.

25 Q For the safety?

1 A Yes.

2 Q Because of the anger of the people?

3 A Yes.

4 Q Was the atmosphere becoming --- what was the
5 atmosphere like among those 80 people?

6 A It was getting worse. It was deteriorating. We
7 called for K-9. We actually had two K-9s come out and
8 had their dogs removed from the vehicle to keep the
9 crowd back.

10 Q And you mentioned they were not handcuffed?

11 A No, they were not handcuffed.

12 Q At any point were they detained by you or anybody
13 else at the scene?

14 A No.

15 Q At any point were they placed under arrest by you
16 or anyone else at the scene?

17 A Not to my knowledge. I don't believe anyone else
18 did. They were just held in the car.

19 Q Do you recall anything else Ms. Thompson said
20 while she was in your presence?

21 A When I walked in the house initially?

22 Q Yes.

23 A She had said --- she didn't make a statement.
24 She just said SIDS.

25 Q SIDS?

1 A SIDS twice, but she didn't say anything. It was
2 just that word.

3 Q Did investigators, after they were placed in the
4 patrol car, respond to the scene?

5 A Yes.

6 Q And did they make contact with both of these
7 defendants?

8 A Yes.

9 Q And were ultimately --- did they have further
10 contacts these defendants?

11 A Yes.

12 Q Other than what you described?

13 A I had no further contact.

14 Q At any point when they were there, did you
15 question them in any way?

16 A No.

17 Q Did you detain them in any way?

18 A No.

19 Q Other than place them in the patrol car for their
20 own safety?

21 A Yeah, we just put them in the cars.

22 Q And they weren't under arrest or handcuffed at
23 that point?

24 A No.

25 Q If they wanted to leave, would they have been

1 free to leave as far as you were concerned?

2 A Yes.

3 MS. CAMPBELL: Thank you. I don't have anything
4 further.

5 THE COURT: Cross?

6 MR. RUFFIN: Thank you, Your Honor.

7 CROSS-EXAMINATION:

8 BY MR. RUFFIN:

9 Q Master Deputy Shaw, when you got to the scene,
10 Courtney was in the living room?

11 A Yes.

12 Q And you took her outside?

13 A No.

14 Q Who took her outside?

15 A She was --- I believe it would have been either
16 Deputy Diaz or Deputy Johnson.

17 Q And you asked them to be placed in the patrol
18 car, right?

19 A No, not yet.

20 Q But at some point, several minutes later?

21 A Yes, sir.

22 Q You asked them to be put in the patrol car?

23 A Yes.

24 Q Courtney?

25 A Yes.

1 Q She was put in the patrol car?

2 A Yes.

3 Q By who?

4 A I don't know which patrol car she went in or
5 which one Mr. Guinyard went in. One of them went in
6 Deputy Diaz's patrol car and one of them went in
7 Deputy Johnson's patrol car.

8 MR. RUFFIN: No further questions.

9 THE COURT: Okay. Thank you very much.

10 THE WITNESS: Thank you.

11 THE COURT: You can step down.

12 All right. Next.

13 MS. WALKER: Your Honor, the State calls Deputy
14 Diaz.

15 MS. McDUFFIE: Your Honor, is there any objection
16 to Deputy Shaw staying in now that he has testified?

17 MR. RUFFIN: We don't have any objection to that.

18 THE COURT: You can stay in here if you want to.
19 You don't have to if you don't want to.

20 All right. Come forward and be sworn, sir.

21 LUIS DIAZ,

22 (Pretrial)

23 after being duly sworn, testified as follows:

24 THE CLERK: Please have a seat. State your full
25 name.

1 THE WITNESS: My name is Deputy Luis A. Diaz.

2 THE COURT: Yes, ma'am.

3 MS. WALKER: Thank you, Your Honor.

4 DIRECT EXAMINATION:

5 BY MS. WALKER:

6 Q Deputy Diaz, you're with the Richland County
7 Sheriff's Department?

8 A I am.

9 Q On July 1st of 2013, did you respond to the house
10 dealing with the trial that we're here for this week?

11 A Yes.

12 Q Can you tell me what you observed when you got to
13 the house?

14 A When I first got there, I entered the residence.
15 I observed a --- the child laying on its back in the
16 living room, and the mother, Ms. Thompson, laying next
17 to him along with EMS and some firefighters from the
18 Columbia Fire Department who were there.

19 Q I'm sorry. Where was Ms. Thompson?

20 A If I recall when I entered the house, she was on
21 the --- she was like kneeling next to the child on the
22 floor and around her was EMS and members of the
23 Columbia Fire Department.

24 Q Did you ask her any questions that day?

25 A No, did not.

1 Q Did you hear her say things?

2 A The only thing I heard her saying was looking at
3 EMS and the fire department like why aren't you guys
4 helping my child.

5 Q Did she make other statements regarding either
6 herself or Mr. Guinyard?

7 A No, at that time she did not. The only time she
8 did was when I had her in the back of my car.

9 Q You were the one who put her in the back of your
10 car?

11 A Yes.

12 Q Why did you do that?

13 A We did that to separate Ms. Thompson and Mr.
14 Guinyard and for also their safety due to people in
15 the community seeming irate about the whole situation.

16 Q And at that point in time, were they under
17 arrest?

18 A No, they were not.

19 Q What did you hear her say at that point?

20 A She was making comments to the effect that how
21 good of a father he was; that he was proud of his
22 kids. Those were the only comments I heard her make
23 about him.

24 THE COURT: That he was what?

25 THE WITNESS: I'm sorry, sir?

1 THE COURT: What did she say?

2 THE WITNESS: That he was a good father and how
3 proud he was of his kids.

4 BY MS. WALKER:

5 Q At any point, did you guys try to search their
6 home?

7 A We did a sweep of the house to make sure there
8 was no one else in the house.

9 Q Did you try to further search the home?

10 A No, we did not.

11 MS. WALKER: Okay. Thank you, sir.

12 I don't have anything else.

13 THE COURT: Yes, sir.

14 CROSS-EXAMINATION:

15 BY MR. RUFFIN:

16 Q Deputy Diaz, when you got to the house, Courtney
17 was inside?

18 A I'm sorry?

19 Q When you got to the house, Courtney was inside
20 the house; is that right?

21 A Ms. Thompson?

22 Q Yes, Ms. Thompson.

23 A Yes, she was inside the house.

24 Q And she was taken outside?

25 A Yes, she was.

1 Q Outside to the front steps?

2 A Yes, sir.

3 Q You put her in your patrol car; is that right?

4 A Yes, sir.

5 Q In the back seat?

6 A Yes, sir.

7 MR. RUFFIN: No further questions.

8 THE COURT: Thank you very much, sir. You may
9 step down.

10 All right.

11 MS. CAMPBELL: The State would call Jane Powell.

12 THE COURT: All right.

13 MS. CAMPBELL: At their request. And, Your
14 Honor, we haven't fully gone over with her all the
15 redactions from what she would say, so ---

16 THE COURT: Okay.

17 MS. CAMPBELL: --- just for purposes of this
18 hearing.

19 THE COURT: That's fine.

20 JANE POWELL,

21 (Pretrial)

22 after being duly sworn, testified as follows:

23 THE CLERK: Please have a seat. State your full
24 name for the record.

25 THE WITNESS: Jane Williams Powell.

DIRECT EXAMINATION:

BY MS. CAMPBELL:

Q Ma'am, where are you employed?

A Richland County Coroner's office.

Q What do you do there?

A I'm a an investigator deputy coroner.

Q What do your duties include?

A Responding to and investigating any death cases that are reported to our office, and also I'm responsible for doing the video reenactments of cases, child deaths, or any other cases that we feel the need for or further investigation.

Q Okay. You aren't with the Richland County Sheriff's Department then?

A No, I'm not.

Q You are totally separate?

A We are a separate office from the sheriff's department.

Q And the purpose of your doing these investigations and reenactments, things of that sort, is to determine what?

A The cause and manner of death.

Q So your duties don't include determining who did what, but basically the cause and manner?

A Correct.

1 Q I want to turn your attention back to July of
2 last year. Did you become involved in this
3 investigation?

4 A I did.

5 Q And what day did you actually become involved?

6 A I became involved on July 2nd.

7 Q And tell the judge how you became involved and
8 what the purpose was that you went back to that house
9 that day.

10 A I was requested by the coroner to do a video
11 reenactment of the incident that had taken place. We
12 used that just to kind of fill in the gaps in putting
13 the cause --- determining the cause of death and the
14 manner of death.

15 Q Who did you make contact with that day in order
16 to do this reenactment?

17 A I was contacted by the coroner and Deputy Coroner
18 David Burns went with me to the home, along with the
19 sheriff's department was present, as well. They had
20 stated that the time --- I had been told by the
21 sheriff's department of the time of the reenactment.

22 Q Okay. Who was going to do the reenactment for
23 you?

24 A I was doing the reenactment and Courtney
25 Thompson, the mother of the decedent, was doing the

1 reenactment.

2 Q And, in fact, did she meet you at the home at [REDACTED]
3 Beaverbrook that day?

4 A Yes, she did.

5 Q Did the sheriff's department have to be there to
6 get you all into the house?

7 A The house was being held by the sheriff's
8 department, I believe, so they were present, but they
9 did not participate in the video.

10 Q And that day did you make any contact with Robert
11 Guinyard?

12 A No.

13 Q Okay. When you met with Ms. Thompson, do you
14 know whether or not she had been placed under arrest?

15 A No.

16 Q Was she getting there of her own volition?

17 A She had volunteered to do the reenactment.

18 Q So she wasn't in the Detention Center or anywhere
19 like that?

20 A No.

21 Q She was not custody as far as you knew?

22 A As far as I know, she was not.

23 Q Once you got to the house --- how did
24 Ms. Thompson get there? Do you know?

25 A I'm not --- I cannot recall exactly. I believe

1 she was brought there, but I'm not sure how she got
2 there.

3 Q Okay. Once she was there, though, was she free
4 to move around?

5 A Oh, absolutely.

6 Q Did she, in fact, agree to be videotaped and do a
7 reenactment?

8 A Absolutely.

9 Q Is that the video tape that's been provided to
10 the court as far as what was said by you that day?

11 A Yes.

12 Q While she was with you at any point, did you
13 arrest her?

14 A No. I have no authority to arrest her.

15 Q Did you ever detain her or make a decision that
16 she wasn't going to be released that day?

17 A No. That is --- I don't have that authority.

18 Q And the extent of what the reenactment would
19 involve as far as there at the house, is that on the
20 videotape that we provided to the court?

21 A Yes, ma'am.

22 MS. CAMPBELL: Your Honor, at this point we just
23 ask you to take notice that that's all the questions
24 on the videotape.

25 THE COURT: Do you want to mark the videotape as

1 a court's exhibit?

2 MS. CAMPBELL: That would be good.

3 MS. PINNOCK: Your Honor, they're our only copy.

4 THE COURT: Oh, okay.

5 MS. PINNOCK: We can make other copies and give
6 to you.

7 THE COURT: I'm sorry, Ms. Pinnock, I forgot you
8 gave me that. Thank you for reminding me.

9 You can get it and give it back to Ms. Karen.

10 MS. PINNOCK: That's all right.

11 BY MS. CAMPBELL:

12 Q Once the reenactment had been videotaped, did you
13 then proceed to the sheriff's department?

14 A I did.

15 Q What was the purpose of you going to the
16 sheriff's department after the reenactment?

17 A I had been requested by Investigator Wagner to go
18 to the sheriff's department to explain the cause of
19 death from the autopsy findings to Ms. Thompson.

20 Q Once you got to the sheriff's department, did
21 you, in fact, make contact with Ms. Thompson?

22 A I did.

23 Q Were you there when she was advised of her
24 rights?

25 A That was done prior to my arrival.

1 Q Who was present when you came in contact with
2 Ms. Thompson once she was at the sheriff's department
3 that day?

4 A Investigator Holdorf was in the room and
5 Investigator Wagner.

6 Q And during the course of time when you were with
7 her, she had already been advised of her rights when
8 you got there as far as you know?

9 A Yes, ma'am.

10 Q Did you proceed to participate in questioning her
11 that day?

12 A I asked her if she understood the cause of death.
13 I wanted to makes sure that she understood what had
14 caused the death of her child.

15 Q And at that point, did you explain to her what
16 had caused the death?

17 A Yes, ma'am.

18 Q Did you participate in interviewing her for a
19 period of time?

20 A I was there during the interview, yes, ma'am.

21 Q Who else was there during the time you were there
22 interviewing her --- or that you were there for the
23 interview, excuse me?

24 A Investigator Holdorf, Investigator Wagner and
25 Captain Melton.

1 Q At any time when you were present, did she ever
2 invoke any of her rights, like ask for an attorney?

3 A No, ma'am.

4 Q And did she ever tell you or anyone that she
5 didn't want to talk anymore?

6 A No, ma'am.

7 Q And, in fact, were --- was her statement
8 ultimately reduced into a written statement that day?

9 A Yes, ma'am.

10 Q Were you there when that happened?

11 A Not when it was transposed into writing, no.

12 Q So you were there for the oral part?

13 A Yes, ma'am.

14 Q At any point when you were there, did anyone
15 promise her anything to make her talk?

16 A No, ma'am.

17 Q Did anyone threaten her in any way?

18 A No, ma'am.

19 Q Did anyone beat her or deprive her of creature
20 comforts or anything of that nature?

21 A No, ma'am.

22 Q Not while you were present?

23 A Not while I was present.

24 Q Were you aware that ultimately that night, later
25 that night, she was arrested?

1 A The next morning I was made aware of that.

2 Q So you didn't even know that?

3 A Right.

4 Q But while you were there she didn't invoke her
5 rights or tell you she didn't want to talk anymore?

6 A No, ma'am.

7 Q When you at the sheriff's department that day on
8 July 2nd, did you have any contact with Robert
9 Guinyard?

10 A No.

11 MS. CAMPBELL: Thank you. I don't have anything
12 further.

13 THE COURT: Cross-examination.

14 MS. PINNOCK: If it please the court, Your Honor.

15 THE COURT: If you need to question any of these
16 people, just jump up.

17 MR. LI: I'm good.

18 THE COURT: Okay.

19 CROSS-EXAMINATION:

20 BY MS. PINNOCK:

21 Q Investigator Powell, do you know what time you
22 got to ■■■ Beaverbrook Road?

23 A At approximately 1500 on July 2nd.

24 Q What time is that?

25 A Three o'clock.

1 Q Three o'clock. Thank you. Do you know what time
2 you started the video?

3 A I cannot recall exactly. It is on the video. We
4 usually announce the time that we're starting ---

5 Q Okay.

6 A --- on the actual video.

7 Q Who was already --- who was at the house when you
8 got there, as far as investigators?

9 A Investigator Wagner was there.

10 Q Okay. Was Investigator Holdorf there?

11 A I can't recall if he was there right when I got
12 there. If he wasn't there right when I got there, he
13 was there a short time after.

14 Q Okay. And you said you don't remember how
15 Ms. Thompson got there?

16 A I do not.

17 Q Okay. All you know is that she was dropped off
18 by somebody; is that what you're assuming?

19 A She was brought there. She did not drive there.

20 Q Okay. And you said that part of your job at the
21 coroner's office is to investigate deaths, right?

22 A Correct.

23 Q Okay. Who contacted you the morning of July ---
24 or the afternoon of July 2nd?

25 A The coroner.

1 Q So, you didn't talk directly to Investigator
2 Holdorf?

3 A No.

4 Q Okay. And how did you find out what time to be
5 there?

6 A The coroner had told us and I think --- I could
7 have found out from Holdorf the time of the video.
8 That --- I don't have that with me.

9 Q Okay. How long was the video? How long did you
10 question Ms. Thompson?

11 A I believe the length of the video was about 30 to
12 40 minutes.

13 Q Okay. What did you talk to her outside about
14 before you went inside the house?

15 A I just explained to her, as I do with anyone that
16 we do a video reenactment, what the purpose of the
17 reenactment is, that we --- it just helps us to put
18 together --- it's just another piece of the puzzle
19 that we use in our investigation in determining the
20 cause and manner of death.

21 Q Okay. Were you present at the autopsy that
22 morning?

23 A I was not.

24 Q Were you made aware of the findings of the
25 autopsy before you went to the house?

1 A No, not prior to arriving at the house.

2 Q But you had not spoken to anybody about cause of
3 death, injuries to the child before?

4 A Not prior to...

5 Q And you did not advise Ms. Thompson of her
6 rights?

7 A We don't Mirandize people.

8 Q You don't ever?

9 A That's not the job of our office, no, ma'am.

10 Q But the Richland County Sheriff's Department was
11 present with the investigators, right?

12 A They were --- well, they are --- any law
13 enforcement office that we are doing the video
14 reenactments in that jurisdiction, they're always
15 present.

16 Q Okay.

17 A They're always welcome to be present, but they
18 are not allowed to participate in the video.

19 Q All right. So they're standing off camera?
20 Investigator Holdorf was standing off camera; is that
21 right?

22 A Correct.

23 Q And you're saying that he did not participate in
24 the questioning?

25 A He did not participate in the questioning.

1 Q Did he hand you notes of questions to ask during
2 your questioning?

3 A They're not allowed to participate in the video.

4 Q Okay. Did you ask him if you had something in
5 evidence?

6 A No.

7 Q You never asked Investigator Holdorf a question
8 about if something was collected by law enforcement
9 for evidence?

10 A If I --- during the video, I do ask if the
11 sheriff's department collected bottles and items from
12 the home because normally either our office or the law
13 enforcement office that we're doing it --- that we're
14 in the jurisdiction of would take those items, and I
15 was not aware if our office had taken those or if, in
16 this case, the sheriff's department would have taken
17 those.

18 Q Okay. So you asked him and he told you that yes
19 he did have them?

20 A Yes.

21 Q What time did you leave the house?

22 A It would have been --- I got there at
23 three o'clock to begin the video. I would say we
24 started the video within 15 minutes of arriving, so
25 probably I cleared the house around 4:30, 4:45, 5:00,

1 sometime within that timeframe.

2 Q Did you sign in and sign out on the crime log
3 sheet?

4 A Not to do the video reenactment, no, ma'am.

5 Q You didn't sign in when you got there or when you
6 left?

7 A It was not a current crime scene at that point.
8 We were going back for a video reenactment. There was
9 no crime log at that time.

10 Q Okay. What time did you arrive at headquarters?

11 A It could have been --- we went straight from
12 Beaverbrook after the video reenactment directly to
13 headquarters.

14 Q How long did it take to get there?

15 A From Beaverbrook to headquarters, probably ten
16 minutes.

17 Q Okay. You said that by the time you got there,
18 Ms. Thompson had already been advised of her rights?

19 A From what I had been told, yes, ma'am.

20 Q So you did not witness that?

21 A No.

22 Q How long did you speak to Ms. Thompson on
23 July 2nd, total?

24 A At the house and at the sheriff's department?

25 Q Yes.

1 A I would say two hours, two to three hours.

2 Q For the entire time?

3 A I mean, not including the travel time, but I was
4 at her home at three o'clock, and I cleared from the
5 sheriff's department at --- well, it was probably two
6 hours because I cleared from the sheriff's department
7 at about 17:10, which would have been 5:10 p.m.

8 Q Okay. So you say you did not witness the written
9 part of Ms. Thompson's statement, just the oral?

10 A Just the oral.

11 Q Okay. And were you asking her questions in the
12 room?

13 A I did ask her questions in the room.

14 Q While you were asking her questions, Investigator
15 Holdorf was sometimes asking her questions?

16 A Holdorf or Investigator Wagner.

17 Q Okay. So all of you were involved in
18 interrogating Courtney that day?

19 A My portion was not considered interrogation. I
20 was explaining to her the autopsy findings that I had
21 been made aware of. At the ends of the video, I had
22 received a phone call, and I was asked when I told
23 Investigator Wagner and them of the autopsy results, I
24 was asked to come back to headquarters and explain
25 those to Ms. Thompson.

1 Q That is all you talked to her about was the
2 autopsy?

3 A I asked her if there was any evidence of any
4 discipline, you know, how could the child have
5 received such injury. She wasn't aware. She had
6 talked about Mr. Guinyard, the other defendant.

7 Q Uh-huh.

8 A And I asked if she ever witnessed this. She
9 stated no. I asked if there was a history of violence
10 with him. Finally, she said yes.

11 Q Okay. Again, it's your testimony that you never
12 provide people with their Miranda rights prior to
13 making the video?

14 A Right.

15 MS. PINNOCK: Beg the Court's indulgence.

16 BY MS. PINNOCK:

17 Q A couple more questions, when you were at the
18 house, you had a badge?

19 A Yes.

20 Q You were wearing your gun?

21 A I was.

22 Q And the same thing with the Richland County
23 investigators, correct?

24 A I don't know if they had their guns on because
25 they're plain clothes.

1 Q Uh-huh.

2 A So, I don't --- if they had a jacket on, I didn't
3 see a gun, but they do have the badges on. They
4 usually have their ID's around their neck, as well,
5 identifying who they are, what their rank is and what
6 their agency is.

7 MS. PINNOCK: Thank you.

8 THE COURT: Okay. Thank you. You may step down.

9 (WHEREUPON, Court's Exhibit Number 7 was marked
10 for identification only.)

11 MS. CAMPBELL: Your Honor, we've marked the
12 video as Court's 7.

13 THE COURT: Thank you very much.

14 MS. CAMPBELL: The State would call Investigator
15 Holdorf.

16 TRAVIS HOLDORF,
17 (Pretrial)

18 after being duly sworn, testified as follows:

19 THE CLERK: Have a seat, state your full name for
20 the record.

21 THE WITNESS: Travis Holdorf, Richland County
22 Sheriff's Department.

23 DIRECT EXAMINATION:

24 BY MS. CAMPBELL:

25 Q Investigator Holdorf, where are you employed?

1 A Richland County Sheriff's Department.

2 Q How long have you been working there, sir?

3 A Nineteen years.

4 Q I want to turn your attention back to July 1st of
5 last year. Did you become involved in the
6 investigation of the death of a four-year-old child at
7 ■■■ Beaverbrook?

8 A I did.

9 Q How did you become involved?

10 A Our shift was on call. Sergeant Lindler was the
11 supervisor. He received a call from the region three
12 unit Master Deputy Shaw that they had a four-year-old
13 death, or a four-year-old who had died, and we were
14 requested to the scene.

15 Q Once you got to the scene, what, if anything, did
16 you observe?

17 A The street was pretty crowded. There were a
18 bunch of people there. It was hard to get to the
19 house. The two occupants of the house, Courtney
20 Thompson and Antonio Guinyard, were in the back of the
21 patrol cars, I met with the deputies, tried to get a
22 briefing of what's going on, what had happened, what
23 we knew at the time, and then we started talking to
24 people, trying to figure it out, put things together.

25 Q Did you question anybody there at the scene at

1 ■■■ Beaverbrook?

2 A I asked some open ended questions just to
3 understand what we were doing. I asked both parties,
4 Courtney and Antonio, what was going on, what did they
5 know. I asked about a consent to search. I did go
6 through the house, determined that it would be best to
7 get a search warrant and contacted Lindler to get the
8 search warrant for the house.

9 Q And at that point, did you attempt to get a
10 consent to search?

11 A Yes, ma'am. Originally we had spoken to
12 Ms. Thompson, Ms. Courtney, and she had agreed. When
13 Investigator Reese tried to get the consent to search
14 signed, the written form, she reneged on it, so then
15 we just waited and ended up getting the search
16 warrant.

17 Q And did they actually show up with a search
18 warrant and a search of the house was done?

19 A Yes, ma'am, that's my understanding. I left ---
20 I spoke to both Courtney and Antonio. They both
21 agreed to come to headquarters to get a written
22 statement or to give a written statement, so we went
23 to our headquarters at 5623 Two Notch Road, advised
24 them of their rights and took written statements from
25 them.

1 Q Okay. Well, let me back up a minute. While you
2 were at the scene that day, you're mentioned both
3 Courtney and Mr. Guinyard gave you some information
4 there at the scene?

5 A Very vague, but yes, ma'am.

6 Q While you were there at any point were they
7 placed under arrest?

8 A They were not under arrest.

9 Q Were they being detained in any way?

10 A They were in the back of the patrol car for their
11 safety. There were a bunch of people out in the
12 street. It was pretty chaotic.

13 Q But were they ever --- if they had wanted to
14 leave and not talk to you, would they have been free
15 to do that?

16 A Yes, ma'am.

17 Q And, in fact, when you asked them if they wanted
18 to give you a statement and go down to headquarters,
19 did they voluntarily do that?

20 A They did.

21 Q And at any point, did you promise them anything
22 or force them to go down with you?

23 A I did not.

24 Q Did you provide transportation for them?

25 A Yes, ma'am.

1 Q Why was that?

2 A They didn't have a vehicle.

3 Q Once you got to headquarters, who did you
4 initially make contact with?

5 A I started talking to Antonio first. I advised
6 him of his rights using the written form that we have.
7 It's standardized form.

8 Q And at that point, again, was he under arrest?

9 A He was not.

10 Q Was he in custody?

11 A He was not.

12 Q And at this point, what are you trying to find
13 out?

14 A Just what happened. I'm trying to put the pieces
15 together on their involvement at the house, what had
16 gone on that day. Just because we investigate a child
17 fatality, it doesn't mean it's a crime.

18 Q Okay. I want to show you State's Exhibit No. 3
19 for identification purposes. Do you recognize that?

20 A Yes, ma'am.

21 Q Where was Mr. Guinyard when you made contact with
22 him at the sheriff's department?

23 A We walked into the back door.

24 Q Did you go into an office area or conference room
25 or what was that?

1 A It was an office area.

2 Q Who all was there when you were advising him of
3 his rights that day?

4 A It was myself and Patty Weed, I believe showed up
5 a little bit afterwards. Other people were coming
6 back to the office, so it's not just a big set of
7 people.

8 Q Uh-huh.

9 A Rita got there a little bit after that, after the
10 Advice of Rights, after I talked to Antonio about what
11 had happened and felt I had a decent understanding of
12 what his version of events were, I went and spoke to
13 Courtney.

14 Q Okay. Let me back up. While you were there,
15 what time was it when you first started advising him
16 of his rights that day?

17 A It was 8:30.

18 Q And that would have been in the evening?

19 A Yes, ma'am.

20 Q And can you tell the judge exactly as it's
21 reflected on State's Exhibit 3 how you went through
22 advising him of his rights even though he wasn't under
23 arrest at the time?

24 A At the time I filled it out, I asked him how high
25 an education did he have, so I would have an

1 understanding of who I'm talking with and how much
2 they comprehend. He said tenth grade.

3 I asked about any drug use or alcohol. He
4 indicated that he had one beer around eight or ten
5 that morning. I put both of those up on the form. I
6 filled that out with his information, where we're at,
7 who is there. Currently who's doing the Advice of
8 Rights, which is myself and Investigator Weed, which
9 is Patty Weed, the date and the time. Then I go off
10 the rights.

11 I have the form so they can read it so the check
12 marks are a bit backwards and it's just before we ask
13 you any questions, you must understood your rights.
14 You have the right to remain silent. Anything you say
15 can be used against you in court. You have the right
16 to talk to a lawyer for advice before we ask you any
17 questions and have a lawyer with you during
18 questioning. If you cannot afford a lawyer, one will
19 be appointed to you before any questioning if you wish
20 and if you decide to answer questions now without a
21 lawyer present, you still have the right to stop
22 answering questions at any time. You've also have the
23 right to stop answering questions at any time until
24 you talk to a lawyer.

25 Then we go down to where the waiver is, and I

1 read that to them. It states, "I read the statement
2 of my rights. I understand what my rights are. I am
3 willing to talk and answer questions. I understand and
4 know what I am doing. No promises have been made to
5 me. No pressure or coercion of any kind has been used
6 against me."

7 Then I ask them if they understand what pressure
8 and coercion is. If they do not, then I underline it.
9 It is underlined here. I then explain to them I'm not
10 holding anything from them. I'm not promising them
11 anything. I'm not making them say anything other than
12 just tell me what happened. There is no force on
13 them. There is nothing else. We just need to talk to
14 you.

15 Q At that point, did he sign off indicating that he
16 understood?

17 A Yes, ma'am. I had him sign the first part
18 indicating they understand their rights and then when
19 they sign at the bottom part where the waiver is,
20 that's that they want to talk with me.

21 Q Whenever you talk to someone, do you also get
22 some certain personal information on the person?

23 A Yes, ma'am.

24 Q On State's Exhibit 3 in the upper left-hand
25 corner, there is some information, right?

1 A Yes, ma'am.

2 Q What is that information? Explain to the judge
3 why you get that.

4 A It's the tenth grade to show how educated they
5 are, or their reasonableness of understanding what's
6 going on and also want to know if there is anything
7 that might be impairing their judgment, alcohol or
8 drugs.

9 Q Does it indicate whether or not he had any
10 alcohol or drugs that day?

11 A A beer approximately twelve hours ago.

12 Q Between what times as reflected?

13 A Between 8:00 and 9:00 a.m.

14 Q 8:00 and 9:00 a.m.?

15 A Yes, and that was around 8:30 p.m.

16 Q At any point after you advised him of his rights,
17 did you promise him anything to make him talk to you?

18 A No ma'am.

19 Q Did you threaten him in any way?

20 A No, ma'am.

21 Q At any point, did you deprive him of any creature
22 comforts?

23 A No, ma'am.

24 Q Use any force or coercion?

25 A No, ma'am.

1 Q At any point, did he ever tell you that he didn't
2 want to talk you anymore?

3 A No, ma'am.

4 Q Did he ever ask for an attorney?

5 A No, ma'am.

6 Q Was he cooperative?

7 A He was.

8 Q Did he give a statement to you --- an oral
9 statement to you that day?

10 A He gave me an oral one and then I had Rita write
11 down what he told me.

12 Q I'm going to show you State's Exhibit No. 4.
13 Does that reflect what he told you orally and then
14 what was reduced to writing?

15 A Yes, ma'am, it does.

16 Q And that was the statement that was taken from
17 him that day?

18 A Yes, ma'am, it is.

19 Q I noted the time the statement started was what
20 time?

21 A 8:50 p.m.

22 Q And Investigator Rita actually reduced that to
23 writing for you?

24 A Correct.

25 Q Just finishing up with Guinyard, once the

1 statement had been taken from Mr. Guinyard that
2 evening, what happened?

3 A Both him and Courtney left the sheriff's
4 department. We took fingernail scrapings from them,
5 our lab did, and they were free to leave. I don't
6 remember if one of us took them home or they caught a
7 ride, but they were not under arrest.

8 THE COURT: They left that night?

9 THE WITNESS: Yes, sir.

10 BY MS. CAMPBELL:

11 Q And that would have been on July 1st.

12 A Yes, ma'am.

13 Q I want to move on to Courtney Thompson. You had
14 contact with her that day?

15 A Yes, ma'am, I did.

16 Q Did you actually advise her of her rights, as
17 well?

18 A I did.

19 Q I want to show you what's been marked as State's
20 Exhibit No. 1. Is that the form you used with
21 Ms. Thompson?

22 A Yes, ma'am, it is.

23 Q When you were interviewing Mr. Guinyard and
24 Ms. Thompson, were they together or in separate
25 offices, or how did that work?

1 A They were in separate offices.

2 Q What time does it indicate that you started
3 advising her of her rights that day?

4 A At 8:55 p.m.

5 Q And who all was there when you made contact with
6 her?

7 A Myself and also Investigator Weed.

8 Q Prior to questioning her in any way there at the
9 sheriff's department, go through the rights that you
10 went through with her that day.

11 A It would be the same rights as with Antonio.
12 Before we ask you any questions, you must understand
13 your rights. You have the right to remain silent.
14 Anything you say could be used against you in court.
15 You have the right to talk to a lawyer for advice
16 before I ask you any questions and to have a lawyer
17 with you during any questioning.

18 If you cannot afford a lawyer, one will be
19 appointed to you for any question if you wish. If you
20 decide to answer questions now, you still have the
21 right --- if you decide to answer questions now
22 without a lawyer present, you still have the right to
23 stop answering questions at any time. You also have
24 the right to stop answering questions until you talk
25 to a lawyer and she --- as I'm reading these off, I

1 put a check mark by them then go through the waiver,
2 which is I have read the statement of my rights. I
3 understand what my rights are. I'm willing to talk
4 and answering questions. I understand and know what
5 I'm doing. No promises have been made to me. No
6 pressure or coercion has been used against me. Again
7 under this form, pressure or coercion is underlined,
8 which means she said that did not understand what
9 those meant.

10 Q Did you explain those to her?

11 A I did.

12 Q In the same manner you did with Mr. Guinyard?

13 A I did.

14 Q Did she agree to talk to you that day?

15 A She did.

16 Q Did she memorialize that by signing that piece of
17 paper twice?

18 A Yes, ma'am.

19 Q Was she cooperative with you?

20 A She was.

21 Q During the time you were with her that day, at
22 any time did she tell you she didn't want to talk
23 anymore?

24 A No, ma'am.

25 Q At any time did she ask for an attorney?

1 A She did not.

2 Q At any time that day, did you use any pressure or
3 force against her?

4 A No, ma'am.

5 Q Did you threaten her?

6 A No, ma'am.

7 Q Did you promise her anything?

8 A No, ma'am.

9 Q Was she, in your opinion, cooperating
10 voluntarily?

11 A Yes, ma'am.

12 Q Once you had advised her of her rights that day,
13 as indicated on State's Exhibit No. 1, did you then
14 have the opportunity to talk to her?

15 A Yes, ma'am.

16 Q Oh, and I forgot to ask, in the upper corner, did
17 you also get similar information that you got from
18 Mr. Guinyard about her education and things of that
19 nature?

20 A I did.

21 Q And that's indicated on the form?

22 A It is.

23 Q Okay. I'm going to show you --- once --- did she
24 verbally, first, tell you her version of what had
25 happened?

1 A Yes, ma'am.

2 Q And was that ultimately reduced into a written
3 form?

4 A Yes, ma'am.

5 Q And I show you State's Exhibit No. 2. Do you
6 recognize that?

7 A Yes, ma'am. This is Courtney Thompson's
8 statement.

9 Q And does that reflect the information that she
10 gave you --- that she ultimately gave you that day?

11 A Yes, ma'am.

12 Q During the time period when she was giving you
13 the information, at no time did she invoke any of her
14 rights?

15 A No, ma'am.

16 Q You advised both she and Mr. Guinyard that day,
17 even though they weren't in custody, is that something
18 you do as a safeguard?

19 A Yes, ma'am.

20 Q And once she had --- you had --- this was
21 reduced --- who actually reduced this into a
22 typewritten form?

23 A I did.

24 Q Was she allowed to review it?

25 A Yes, ma'am.

1 Q As was Mr. Guinyard?

2 A Yes, ma'am.

3 Q If they made any changes, those were made?

4 A Yes, ma'am.

5 Q Did they acknowledge it, both of them by signing
6 at the bottom?

7 A Yes, ma'am.

8 MS. CAMPBELL: Your Honor, I'd approach with
9 State's Exhibit 2.

10 THE COURT: All right.

11 BY MS. CAMPBELL:

12 Q Once the typewritten statement was signed, at
13 that point, was she free go?

14 A Yes, ma'am.

15 Q In fact, did she leave?

16 A They did.

17 Q And, on the evening of July 1st, was anyone under
18 the arrest for the death of this child?

19 A No, ma'am.

20 Q And did you all have any autopsy results back
21 yet?

22 A We did not.

23 Q The next day, did you make contact with Courtney
24 Thompson again?

25 A We did.

1 Q Can you tell the judge how that happened, what
2 you were doing?

3 A Made a phone call to Ms. Thompson asked if she
4 could meet us back at the house; that we would ---
5 wanted to do a walk through with the coroner's office.
6 With a lot of child deaths, that is what we'll do.
7 They do a reenactment. We're also going to turn the
8 crime scene over, the house, over to Ms. Thompson.

9 Q That was her house?

10 A It is.

11 Q And Mr. Guinyard's?

12 A It is.

13 Q Did you ultimately meet her back at the house?

14 A We did.

15 Q Where was Mr. Guinyard at that point, do you
16 know?

17 A We had asked for both of them, but only she
18 showed up.

19 Q Okay. Once you got back to the house at [REDACTED]
20 Beaverbrook, approximately what time was it?

21 A It was probably around 3:00, 3:30.

22 Q Okay. Was the coroner's there?

23 A Yes, ma'am, we all arrived there about the same
24 time.

25 Q And once you got there, did the coroner's office

1 proceed to question Ms. Thompson about certain things?

2 A Yes, ma'am.

3 Q Was that video recorded?

4 A Yes, ma'am.

5 Q Did you participate in that questioning?

6 A No, ma'am. I was present, but I did not
7 participate.

8 Q And at this point, was she under arrest?

9 A She was not.

10 Q And would she have been free to go if she chose
11 to?

12 A She would have.

13 Q Just like Mr. Guinyard didn't show up?

14 A Yes, ma'am.

15 Q Ultimately that day, at some point did you become
16 aware of the autopsy findings?

17 A I actually attended the autopsy, so I knew about
18 an hour before the reenactment.

19 Q Uh-huh.

20 A After the walk through, we wanted to go to our
21 headquarters to go over what the autopsy findings
22 were, also to obtain a second statement if possible.
23 The first statement from both parties did not --- it
24 just wasn't consistent with the findings of the
25 autopsy.

1 Q Did you ask Ms. Thompson to accompany you back to
2 the sheriff's department?

3 A Yes, ma'am.

4 Q Did she agree to do that?

5 A She did.

6 Q At that point, was she under arrest?

7 A She was not.

8 Q At that point was she handcuffed?

9 A She was not.

10 Q If she had chosen not to go with you, she was
11 still free at that point?

12 A At that point, she was still free, yes, ma'am.

13 Q And once you got back to the sheriff's department
14 --- well, how did she get there, do you remember?

15 A I believe myself and Investigator Wagner
16 transported her.

17 Q Once you got back to the sheriff's department ---
18 and this is on what date?

19 A The 2nd.

20 Q Did you again advise her of her rights prior to
21 questioning her?

22 A I did.

23 Q And I'm going to show you what's been marked as
24 State's Exhibit No. 5. Do you recognize this?

25 A Yes, ma'am. It's the same form except this time

1 it has July 2nd on it and the time was around
2 4:45 p.m.

3 Q 4:45 p.m.?

4 A Yes, ma'am.

5 Q And again in the manner you had done before, did
6 you go through the rights again with her?

7 A I did.

8 Q In the same manner you testified to previously?

9 A Yes, ma'am.

10 Q At this point, I see coercion is not underlined?

11 A I had already explained that to her.

12 Q The day before?

13 A Correct.

14 Q Was she cooperative?

15 A She was.

16 Q Did she indicate she understood her rights?

17 A She did.

18 Q Did you go through the waiver of rights with her?

19 A Yes, ma'am.

20 Q As indicated on this form?

21 A Yes, ma'am.

22 Q Ultimately did she sign off on both signature
23 spots indicating she understood and wanted to waive
24 her rights?

25 A She did.

1 Q Was she cooperative with you?

2 A Yes, ma'am.

3 Q After advising her of her rights in State's
4 Exhibit No. 5, at any point when you were talking to
5 her that afternoon, did she tell you she didn't want
6 to talk to you?

7 A No, ma'am.

8 Q Did she ever say she wanted to talk to a lawyer
9 before continuing to talk to you?

10 A No, ma'am.

11 Q Did she ever say wanted to talk to a lawyer or
12 request a lawyer in any manner?

13 A No, ma'am.

14 Q At any point did you deprive her of any creature
15 comforts?

16 A No, ma'am.

17 Q Did you promise her anything to make her talk?

18 A No, ma'am.

19 Q Did you do anything to threaten her or force her
20 to talk?

21 A No, ma'am.

22 Q In your opinion, was she talking to you
23 voluntarily?

24 A She was.

25 Q Ultimately there at the sheriff's department that

1 day, did she give you a statement?

2 A She does.

3 Q And I'm going to show your State's Exhibit No. 6,
4 who actually took the statement from her that day?

5 A I did.

6 Q And I show you State's Exhibit No. 6, does that
7 reflect the statement she gave you on the 2nd?

8 A It does.

9 Q And who all was there to witness the signature?

10 A Myself and Captain Melton.

11 Q And were you aware whether or not Jane Powell had
12 spoken to her that day, as well?

13 A Briefly at the beginning of the day, yes, ma'am.

14 Q And State's Exhibit 6 reflects her final
15 statement she gave you on the 2nd?

16 A Yes, ma'am.

17 Q Did you also make contact with Mr. Guinyard that
18 day?

19 A I did.

20 Q And ---

21 MS. CAMPBELL: He's actually not challenging that
22 statement, Your Honor, so I don't think I need go into
23 it.

24 THE COURT: Okay.

25 BY MS. CAMPBELL:

1 Q Ultimately that day, was anyone placed under
2 arrest?

3 A Both parties were placed under arrest.

4 Q And that was after both had been advised of their
5 rights and Ms. Thompson had given a statement?

6 A Yes, ma'am.

7 MS. CAMPBELL: Thank you. I don't have anything
8 further.

9 THE COURT: Cross-examination?

10 MS. PINNOCK: May it please the Court.

11 CROSS-EXAMINATION:

12 BY MS. PINNOCK:

13 Q Investigator Holdorf, what time did you get to
14 the house on July 1st?

15 A We received the call about 8:45. I don't have
16 the exact time that I would have gotten there, but I'm
17 estimating about 15 minutes later.

18 Q By the time you got there, Ms. Thompson was
19 sitting in the back of the car?

20 A Yes, ma'am.

21 Q Were the doors closed?

22 A The doors were closed. I believe the windows
23 were down some. It was July in South Carolina, and
24 it's warm.

25 Q Okay. But the door was open or closed?

1 A Door closed.

2 Q Okay. Before you talked to her, you went into
3 the house?

4 A I don't recall if I went directly into the house
5 or talked to the parties. I want to say I talked to
6 the deputies first.

7 Q Okay.

8 A And then I would have briefly spoken to
9 Ms. Thompson to find out, just get a very brief what's
10 going on, what's happened, a few minutes worth of
11 conversation.

12 Q Okay.

13 A And then I would have gone into the house.

14 Q You asked what was going on? You asked her if
15 she had gotten mad at CHILD that day?

16 A Not at that point in time.

17 Q No, you didn't? While she was sitting in the car
18 you didn't ask her about that?

19 A I don't know if that question would have come out
20 later on trying to figure out if this was some sort of
21 discipline that had gone wrong. It was asked --- I
22 can't say if that was the first time when I
23 immediately talked to her or when I went back and
24 talked to her.

25 Q So how many times did you talk to her at the

1 house?

2 A Twice.

3 Q Twice. Okay, but at some point you did ask her
4 if she had gotten mad at CHILD ?

5 A Trying to understand what had happened, yes,
6 ma'am.

7 Q Okay. And you asked her if CHILD had any health
8 problems?

9 A Yes, ma'am.

10 Q You asked her about the wet spot that was found
11 in the bedroom?

12 A Yes, ma'am.

13 Q And that was all after --- we're assuming now
14 after you had already walked through the house and
15 determined that it was a crime scene?

16 A Yes, ma'am.

17 Q And that's after you've requested a search
18 warrant for the house from Investigator Lindler,
19 right?

20 A We had asked about a consent to search from
21 Courtney. She original gave one verbally when I had
22 another investigator to get it down in writing and
23 sign it, she recanted based upon the wet spot, the
24 clean up, that was in the back bedroom, I felt it was
25 just best for us to get a search warrant.

1 Q Okay. So you're saying you asked for the search
2 warrant after Ms. Thompson wouldn't sign the consent
3 to search?

4 A Correct.

5 Q Okay. How did Ms. Thompson get into the back of
6 the car. She was escorted there, right?

7 A I this a deputy may have accompanied her, but she
8 was already in the back when I got there.

9 Q And while she was in the sitting in the back of
10 the car, she was responding to the questions that you
11 asked her, correct?

12 A Yes, ma'am.

13 Q Okay, before you left the scene, she actually
14 asked you if she --- to get out of car again, right?
15 She wanted to go inside, right?

16 A She wanted to go inside and see **CHILD** I
17 explained her that we couldn't do that just because we
18 needed to preserve everything the way it was, for our
19 lab to get there and take photographs of everything.

20 Q Okay. What time did you arrive at headquarters
21 that night?

22 A I'm not sure, but I can go off the Advice of
23 Rights.

24 Q That's the first thing you did? When you --- you
25 advised Mr. Guinyard of his rights first and then you

1 advised Ms. Thompson?

2 A Yes, ma'am, that is correct.

3 Q And she --- you said you marked off the rights as
4 you went down them, and then you explained pressure
5 and coercion to her?

6 A Yes, ma'am.

7 Q How did you explain that?

8 A That no one is making them talk, that no one's
9 depriving them of what they need. If they need to go
10 to the restroom, they can go to the restroom. If they
11 need something to drink, they can get something to
12 drink. No one is threatening them with any type of
13 violence or taking anything from them.

14 Q Okay. And she signed indicating that she
15 understood that?

16 A Yes, ma'am.

17 Q And the time on top of that is 20:55?

18 A Yes, ma'am.

19 Q All right. You have to help me out. What time
20 is 20:55?

21 A That's 8:55.

22 Q 8:55, all right. And her written statement,
23 there is a time indicated on the top of that. Is that
24 when you start writing it or when you finish writing
25 it?

1 A That's when we start.

2 Q And the time on that is 21:45?

3 A That would be 9:45 p.m.

4 Q So you talked for about an hour before you
5 started writing down the statement.

6 A Yes, ma'am.

7 Q Did she type it or did you type it?

8 A I typed it.

9 Q Can Courtney type?

10 A I don't know.

11 Q Did you ask?

12 A I did not.

13 Q Can she write?

14 A She went up to the eleventh grade.

15 Q But she didn't write her own statement?

16 A She did not.

17 Q Okay. And it was you and Investigator Weed that
18 were present on July 1st?

19 A Yes, ma'am.

20 Q Was Investigator Weed taking notes?

21 A She was not.

22 Q About what time did you finish the statement?

23 A Probably took about an hour to put that all
24 together. Just a ballpark, I'd say maybe around
25 eleven o'clock.

1 Q Okay. And you said at that point Ms. Thompson
2 somehow left. Either somebody came and got her or she
3 called a cab or something?

4 A Correct.

5 Q Okay. Now, on July 2nd, you were at the autopsy
6 that morning, right?

7 A I was.

8 Q That was at 9:00 o'clock?

9 A Yes, ma'am.

10 Q And you were informed by Dr. Durso that --- what
11 the injuries to the child were?

12 A Yes, ma'am.

13 Q And what she was saying what the cause of death
14 was, the preliminary cause of death was?

15 A Yes, ma'am.

16 Q So you knew all that before contacting the
17 coroner's office, right?

18 A I did.

19 Q Who did you talk with at the coroner's office?

20 A Coroner Watts. I also contacted Ms. Powell,
21 since she was the one that was going to be doing the
22 walk through.

23 Q You contacted her?

24 A She needed the time, the time that we needed to
25 meet up and what time that everyone could meet up

1 together.

2 Q What time did you all decide to meet?

3 A I don't recall.

4 Q You don't know what time you got to the house on
5 the 2nd?

6 A I did not write it down.

7 Q Okay, and did you sign the crime scene log when
8 you got there?

9 A I don't believe I did. We met Courtney at the
10 scene. We turned the house over to Courtney.

11 Q So she was there before you or after you?

12 A We all arrived about the same time. I believe we
13 were waiting on Courtney to get there.

14 Q Okay, so when you arrived, it was still a crime
15 scene?

16 A Yes, ma'am, but I did not go in. It was raining
17 that day and I stayed out in the truck.

18 Q So you couldn't tell me approximately what time
19 Ms. Thompson showed up?

20 A No, ma'am, I can't, not off the top of my head,
21 no, ma'am.

22 Q You can't tell me --- well, do you know how she
23 got there? How did she get there?

24 A I know it was a family member, but I didn't write
25 the name of the person down who she rode with.

1 Q Okay. Now, before you're went into the house,
2 what did you talk to Ms. Thompson about?

3 A Before we get in the house, it's the coroner's
4 office, I introduced her to Ms. Powell and it was
5 pretty much Ms. Powell who was running the whole thing
6 at the house.

7 Q Okay. You didn't advise her of her rights that
8 day, did you?

9 A I didn't advise her of her rights that day, not
10 at the scene.

11 Q You were inside the whole time the video was
12 being made?

13 A Most of the time. I think for a little bit
14 Investigator Wagner and myself stepped outside on the
15 front porch, but yes, ma'am, I was there.

16 Q Okay. You purposely stayed off camera?

17 A Yes, ma'am.

18 Q Did you ask any direct questions to Ms. Thompson?

19 A I did not.

20 Q Were your involved indirectly working with the
21 coroner's office asking her any questions from any
22 notes?

23 A I did not have any notes.

24 Q So you were not working with the coroner with
25 this video?

1 A I was there observing. I was not working with
2 them, no, ma'am.

3 Q Do you remember testifying in a family court
4 hearing on December 16th, 2013?

5 A Yes, ma'am.

6 Q And Deanene Thornwell asked you if you were
7 involved in questioning Ms. Thompson?

8 A I remember being asked a number of questions.

9 Q Do you recall her asking you --- your saying that
10 you were present at, but that you did not ask any
11 questions? Do you remember answering, "No, ma'am, if
12 I had a question, I'd write it on a tablet and have
13 the coroner's office ask it. They're the ones
14 directing it, but we are working together on it.

15 A Right.

16 Q Okay.

17 A We've done --- if I can explain, I probably
18 worked 15, maybe 20 child fatalities with the
19 coroner's office. On this one, I didn't have any
20 questions. If you watch the video, Ms. Powell --- by
21 this point in time, we've done a number of them.
22 There were no questions asked. In the past, if we had
23 something, then maybe in the beginning stages, we
24 would ask them, but at this point in time, we didn't.
25 Everyone knows what we need to do.

1 Q Okay. But you did tell her you were working
2 together, right? That's what you do. You work
3 together?

4 A Yes, ma'am. We're present there.

5 Q That is fair enough. Now, after your finished
6 with the video, what time did that end?

7 A I didn't write it that down.

8 Q You don't --- okay. What time did you leave the
9 house?

10 A I'd say about 15, 20 minutes before the Advice of
11 Rights at the headquarters.

12 Q And you spoke to Ms. Thompson first?

13 A I did.

14 Q Mr. Guinyard showed up after you had already
15 started talking to Ms. Thompson?

16 A Yes, ma'am, he did.

17 Q But you're the one that advised Ms. Thompson of
18 her rights?

19 A I did.

20 Q You filled out the sheet, filled out the top and
21 filled out the bottom part?

22 A Yes, ma'am.

23 Q How long did you talk to Ms. Thompson before your
24 started reducing her statement to writing?

25 A It was a very short time. When I left, it was

1 Ms. Wagner, Investigator Wagner, and Ms. Powell
2 talking to Ms. Thompson. I went downstairs to get
3 Antonio and took him up to an office and started
4 talking with him.

5 Q Okay. How many hours passed between you advising
6 Ms. Thompson of her rights and you taking her
7 statement?

8 A I'd have to go back and look at the paperwork,
9 but the time the statement would have been started
10 would be on there.

11 Q Do you agree 19:27?

12 A Yes, ma'am.

13 Q And you typed the statement?

14 A I did.

15 Q How many hours total had you been involved with
16 the questioning of Ms. Thompson on July 2nd?

17 A It would have been several hours.

18 Q What time did she leave headquarters? I guess
19 that I should ask it that way.

20 A Maybe 10:00, 9:00 or 10:00.

21 Q Okay. Was Ms. Thompson provided with food and
22 water?

23 A I know we took several breaks. If they wanted to
24 get something to eat or drink, they both had cash.
25 They had money. Several times they were in our break

1 room. There's a Coke machine, sandwich, snack vending
2 machine. There is also a water station and coffee.

3 Q Okay. When you took the breaks, where did
4 Ms. Thompson go?

5 A Right there with us.

6 Q She was with you the whole time? Was somebody,
7 some law enforcement person there the whole time?

8 A Yes, ma'am.

9 Q And when you were at the house, you were wearing
10 your badge?

11 A Yes, ma'am.

12 Q In fact, Ms. Thompson acknowledged you had talked
13 before so you knew her, knew who you were?

14 A Yes, ma'am.

15 Q Were you armed?

16 A Yes, ma'am.

17 MS. PINNOCK: Thank you.

18 MR. LI: I have one question.

19 THE COURT: Sure.

20 CROSS-EXAMINATION:

21 BY MR. LI:

22 Q Investigator Holdorf, you mentioned earlier that
23 you asked them --- you asked Ms. Thompson for consent
24 to search the home, correct?

25 A Yes, sir.

1 Q At first she gave it to you?

2 A Yes, sir.

3 Q And then eventually she said no. What she said
4 she took it back?

5 A Yes, sir.

6 Q Why didn't you ask Antonio for consent to search
7 the home?

8 A Once one party said no, then I don't think
9 there's a reason to even try. We would just get a
10 search warrant and not have to worry about those
11 issues.

12 MR. LI: Fair enough. No further questions.

13 MS. CAMPBELL: Just a couple questions.

14 REDIRECT EXAMINATION:

15 BY MS. CAMPBELL:

16 Q You mentioned they had cash. After talking to
17 both of them and getting a written statement from
18 Courtney Thompson that evening, were the two of them
19 put in an area, in a break room, together?

20 A They were.

21 Q And did you observe them exchange actual money?

22 A Yes, ma'am.

23 Q And you also observed what they said at that
24 point?

25 A Yes, ma'am.

1 Q And that was prior to them being transported to
2 Alvin S. Glenn?

3 A Yes, ma'am.

4 Q And you actually asked them some questions while
5 they were in the break room prior to being
6 transported?

7 A I did.

8 MS. CAMPBELL: Thank you, Your Honor. I don't
9 have anything further.

10 THE COURT: Thank you, sir. You may step down.

11 Okay. How many more witnesses do we have on this
12 issue?

13 MS. McDUFFIE: Judge, they had requested that
14 Holly Wagner and Lancy Melton be here, as well. They
15 have the substance of the statements, the Miranda and
16 all that's been testified to already. I don't know
17 what the necessity is to put them up for purposes of
18 this hearing, but they're here and available.

19 (Pause.)

20 THE COURT: Do we need any more --- do you want
21 any more witnesses on Jackson vs. Denno?

22 MR. RUFFIN: Your Honor, I think it's probably
23 all right. We had requested them to be here, but I
24 think it's okay.

25 THE COURT: So that means no?

1 MR. RUFFIN: Correct.

2 THE COURT: All right. Very good. All right.
3 I'm happy to hear your argument on Ms. Thompson's
4 statements.

5 MS. PINNOCK: Thank you, Your Honor. If it
6 please the court. Your Honor, starting with the first
7 statement taken from Ms. Thompson, the first written
8 and oral statements that Ms. Thompson made on
9 July 1st. 2013, at the time Investigator Holdorf
10 showed up to the scene, Ms. Thompson was sitting in
11 the back of a police car. The door was shut. The
12 window is down, but she is sitting in the back of the
13 police car.

14 He then approaches her and starts asking her
15 questions, not just questions about what happened, but
16 questions for detail, you know, did he have any health
17 problems, were you mad at him, what's this clean up
18 spot in the back of the house?

19 By the time he's asking Ms. Thompson these
20 questions, he has already established that there is a
21 crime scene. He is not just trying to get information
22 as his testimony may suggest. He is asking
23 Ms. Thompson for detailed explanations for some things
24 he saw inside of the house that he had already
25 established as a crime scene. She was placed in the

1 back of the car by another deputy. She was not free
2 to leave. You cannot get out of a police car if
3 you're sitting in the back of it.

4 I think the investigator --- I'm sorry. I'm
5 mixing up my dates. She was placed in the back of the
6 police car. She was later transferred to headquarters
7 to continue the questioning that had already started
8 at the house. When that happened, the investigator
9 asked her should she put her statement, what she had
10 just told her, down in writing.

11 It was a continuation of the questioning that he
12 had began at the house and decided to transport her to
13 the sheriff's department to continue that questioning.
14 I would argue --- I would suggest to Your Honor that
15 Ms. Thompson was, as a reasonable person would see
16 themselves, in a custodial situation.

17 It is an objective determination for Your Honor
18 to make whether or not a reasonable person would think
19 that they are being detained and being held in custody
20 by law enforcement. I think being placed in the back
21 of the car at your own home when you are not released
22 out of the car prior to being transported and then
23 taken to the sheriff's department to continue
24 questioning would lead a reasonable person to believe
25 that they actually were in custody.

1 The information that was gotten from Ms. Thompson
2 before they left the house, she was not advised of her
3 rights. She was asked again, and more than just, hey
4 give me an understanding of what happened here. She
5 was asked very specific questions about things that
6 the investigator saw inside the house. Those were all
7 statements that Ms. Thompson made responding to
8 questions by the investigator without being advised of
9 her rights.

10 Giving Ms. Thompson her rights at the sheriff's
11 department when she got there does not cure the fact
12 that she was not advised prior to any custodial
13 questioning by Investigator Holdorf. It is a
14 continuation of that initial questioning that
15 ultimately led to her giving a written statement later
16 on at the sheriff's department.

17 So I would argue that the giving of Miranda at
18 the time she arrived at headquarters does not cure it,
19 and, therefore, both of those statements should be
20 suppressed.

21 THE COURT: All right. What about her statements
22 to Deputy Shaw?

23 MS. PINNOCK: I'm not making any motions about
24 the oral statements that were not in response to
25 questioning, direct questioning.

1 THE COURT: Okay.

2 MS. PINNOCK: Should I address the second one
3 now, or wait?

4 THE COURT: Second one.

5 MS. PINNOCK: The second day.

6 THE COURT: Okay. Go ahead.

7 MS. PINNOCK: For July 2nd, Your Honor, it's a
8 very, very similar argument. Investigator Holdorf
9 attended the autopsy the morning of January --- of
10 July 2, 2013. That was at 9:00.

11 After attending that, he was provided new
12 information from the pathologist about injuries to the
13 child that were not visible injuries and the cause of
14 death. At that point he initiated --- he involved the
15 coroner's office to set up a meeting between
16 Ms. Thompson and the deputy coroner at her house to
17 further --- it's our argument to further question her
18 about --- with having new information in hand.

19 On July 1st, he was not aware of what the cause of
20 death was. He learned that information that morning
21 and then initiated more questioning.

22 Your Honor has seen the video and it is an
23 interrogation. There is no way to interpret that
24 video other than she is being interrogated by
25 Investigator Powell. She is being confronted with

1 things, being told that they don't make sense. She is
2 being constantly, constantly berated by the
3 investigator for the coroner's office at the request
4 of the Richland County Sheriff's Department.

5 The sheriff's department knows that they have an
6 obligation before they question somebody to advise
7 them of their rights, and I don't think that it's
8 appropriate to try to bypass requirements of Miranda
9 by using an agent. They were working in concert. He
10 set the meeting up, and he contacted Ms. Thompson to
11 show up. Everybody was aware of the new information
12 and Ms. Thompson was being confronted with that new
13 information by being told over and over and over again
14 that this doesn't make sense, this just doesn't make
15 sense.

16 That happened constantly throughout the video,
17 so to classify it or categorize it as anything other
18 than an interrogation, I think is a far stretch,
19 Judge. That video is Ms. Thompson being interrogated
20 in her house.

21 Now, the written statement --- again, the written
22 statement that was taken on July 2nd was a
23 continuation of the information that they were saying
24 was inconsistent at the house.

25 The only reason they took her back there, and I'm

1 sure Your Honor noticed that the investigator even
2 hesitated when he was asked was she free to leave at
3 that point.

4 I would argue that she was going to be arrested
5 either way. I don't think Ms. Thompson was going to
6 be allowed to leave that house on her own will, but
7 she did agree to go down to the sheriff's department
8 to answer more questions as a continuation of the
9 interrogation that happened at the house.

10 Now, when she got there, the investigator said
11 that he advised her of her rights and Your Honor has
12 the Advice of Rights sheet in front of you. It's
13 timed at 16:45, which is 4:45 in the afternoon, Your
14 Honor.

15 He testified that he spoke to Ms. Thompson first,
16 advised of her rights first, prior to any questioning
17 and then left the office to go get Mr. Guinyard. At
18 that point, Ms. Powell comes in and gets involved with
19 the interrogation of her at that point. The argument
20 doesn't change. She was asked these questions. She
21 was confronted with the medical evidence at her house.
22 She was confronted with new information and they
23 continued to question her. Providing her with her
24 rights when she arrives at headquarters does not cure
25 it.

1 She should have been given her rights the second
2 she showed up at that house. They knew they were
3 going to be questioning her. They knew they were
4 going to be trying to get information out of her. If
5 not, there is no reason to have her show up in the
6 first place because they had gotten information from
7 her the night before. They were trying to get
8 inculpatory information from Ms. Thompson when they
9 asked her to come out to the house and confronting her
10 with the knowledge of the new information.

11 Beg the Court's indulgence.

12 (Pause.)

13 And Your Honor, at that point, going back talking
14 about the second statement, they knew that the cause
15 of death was going to be ruled a homicide. She was a
16 suspect. Their focus had changed from trying to
17 figure out what was going on to interrogation, again,
18 to getting inculpatory statements from Ms. Thompson.

19 So again, advising somebody after you've started
20 questioning them does not relieve them of their
21 responsibilities in protecting Ms. Thompson's rights.
22 She does have rights that they have to respect and
23 they didn't. They tried to bypass it by using the
24 coroner's office as an agent.

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

1 MS. McDUFFIE: Thank you, Your Honor. May it
2 please the Court. Your Honor, the evidence before the
3 court is that on the night of July 1st, Ms. Thompson
4 and Mr. Guinyard are in the home. When police
5 arrived, Ms. Thompson is located in the home.
6 Ms. Guinyard is not seen at that time. They did ask
7 Ms. Thompson to come outside because they are securing
8 it as a crime scene, Your Honor.

9 At this point in time, they don't know if it's an
10 accidental death, a natural death, or a homicide, Your
11 Honor, but they are securing the scene. Mr. Guinyard
12 is later found. Your Honor, the deputies testified, I
13 believe the testimony will show, and what's before the
14 court right now is that there was a loud angry mob of
15 people outside that house. There were threats being
16 made towards Ms. Thompson and Mr. Guinyard by those
17 individuals to do physical harm to Ms. Guinyard and
18 Mr. Thompson --- I'm sorry, to Mr. Guinyard and Ms.
19 Thompson, Your Honor, and that's why the deputies
20 placed them in the back of the patrol car for their
21 own safety.

22 At no point in time were they under arrest, nor
23 were they handcuffed. Your Honor, the only reason
24 they were in the patrol cars is because there was
25 nowhere else safe to put them. Your Honor, the

1 deputies couldn't leave them outside because using
2 their best judgment, they were in danger because of
3 the neighbors who were very angry at the fact they had
4 just killed their four years old child, Your Honor.
5 That's where they remained until investigators got
6 there.

7 Once again, they were not in custody. Miranda is
8 only required for custodial interrogation. They were
9 not in custody. Ms. Thompson was asked whether she
10 would come down to headquarters voluntarily. Your
11 Honor, she said yes, that she would voluntarily agree
12 to go. Your Honor, I think that goes to show that she
13 was not in custody. If she was in custody,
14 Investigator Holdorf would not have asked if she would
15 agree to come down and talk to him, Your Honor.

16 Mr. Thompson, I'm sorry, Mr. Guinyard also agreed
17 to go to headquarters and get a statement, Your Honor.
18 They were Mirandized once they got to headquarters out
19 of an abundance of caution, and then they were free to
20 leave, Your Honor.

21 At no point in time on July 1st were they ever in
22 custody. There is no testimony before Your Honor that
23 would show that they objectively believed that they
24 were in custody at that time, Your Honor, so
25 objectively they did not believe they were in custody

1 at that time, Your Honor. The only testimony before
2 Your Honor is that they were placed in patrol cars for
3 their safety. They were asked to come to headquarters
4 which they voluntarily agreed to come to headquarters.
5 They went to headquarters, were Mirandized, gave
6 statements and were then allowed to leave.

7 On the 2nd, there was a meeting arranged between
8 the coroner's office and Ms. Thompson. She
9 voluntarily went there. She was driver to the home by
10 a friend of the family, Ms. Angela Metze, I believe,
11 Your Honor. Ms. Metze dropped her off at her home,
12 Your Honor, and she met with the investigator and was
13 questioned by Jane Powell, Your Honor. Jane Powell is
14 not an employee of the Richland County Sheriff's
15 Department.

16 Ms. Thompson was not in custody at any point in
17 time. She was in her own home. In fact, the scene
18 was released to Ms. Thompson. The keys to her house
19 were given back to her at that point in time. The
20 scene was released to her. If she wanted to stay in
21 her house, she could have. The investigator asked her
22 again will you come to headquarters and meet with us.
23 Her response was yes. She went to headquarters. Out
24 of an abundance of caution, law enforcement again
25 Mirandized her. I think, Your Honor --- I don't know

1 if the testimony comes up for this witness, but Ms.
2 Thompson actually called Mr. Guinyard to meet them
3 down there. He was again Mirandized and he was driven
4 there by a family friend, and Ms. Angela Metze was
5 waiting to pick them up.

6 It was only after, Your Honor, post Miranda,
7 after she gave more incriminating statements and there
8 was more evidence that was produced post Miranda that
9 they were taken into custody. At no point in time
10 during the entire reenactment was she ever in custody
11 and it is not objectively or subjectively reasonable
12 to believe that she was.

13 She voluntarily went to her own home to meet with
14 law enforcement to do a reenactment. She could have
15 said no and if she would have, that's fine, Your
16 Honor. She was taken there by a family friend and
17 then asked to go to the sheriff's department and
18 agreed to go with them. I don't know what point in
19 time they're alleging that she was in custody, but
20 there is no testimony in the record that would suggest
21 that she was ever in custody or subjectively believed
22 she was in custody. The only evidence before Your
23 Honor is that she voluntarily agreed to go and was not
24 in custody.

25 The Miranda warnings, Your Honor, I would submit

1 didn't have to be given the night of the 1st, but they
2 were given out of an abundance of caution and again
3 law enforcement was being overly cautious when they
4 gave the Miranda warnings again on the 2nd and trying
5 to do everything they could to protect the rights of
6 these two individuals.

7 THE COURT: All right.

8 MS. PINNOCK: Your Honor, very briefly, Your
9 Honor, I'll just add that custody is any deprivation
10 of your freedom --- of your --- I'm sorry --- when
11 you're deprived of freedom in any way. Especially on
12 the 2nd. We can talk about the 2nd specifically.

13 Investigator Holdorf testified that she was never
14 out of police company while she was at headquarters.
15 She was with law enforcement at her house somewhere
16 between two and three in the afternoon, and it was
17 constant from the time she got there to the time that
18 she was taken to Alvin S. Glenn Detention Center. It
19 was constant police presence with her while she is
20 being interrogated, before she was provided with her
21 rights and after.

22 So, it's not just whether or not somebody is
23 formally arrested. That's not the standard. It's
24 whether a reasonable person would think that their
25 freedom --- that their being deprived of their

1 freedom. At that point, being chaperoned for hours on
2 end at your house and the sheriff's department is not
3 too much of a stretch of the imagination that Ms.
4 Thompson may not have felt that she was, you know, had
5 the right to leave.

6 I think by the time --- especially by the time
7 they got back to the sheriff's department, Your Honor,
8 I think the decision had been made that she was going
9 to be arrested.

10 There was no --- again, there was a hesitation
11 with the investigator even answering that question,
12 was she free to leave before you transported her. He
13 hesitated. He eventually said yes, but he hesitated
14 on answering that, because the point of going back
15 there, at that point, the autopsy had happened. They
16 had a cause of death.

17 They had ruled it a homicide and Ms. Thompson was
18 a suspect. So she was not going to be released when
19 she left her house. That doesn't even make sense. She
20 was going to be charged with homicide. They had
21 determined that it was a homicide at that point, which
22 is why it was the only reason they wanted to question
23 her again.

24 THE COURT: All right. Do you want to talk
25 again?

1 MS. McDUFFIE: No, Your Honor.

2 THE COURT: Okay. All right. All her statements
3 are coming in subject to the Bruton or that I gave
4 earlier and the way that we have omitted them and
5 redacted them over the defense's objection.

6 Her original statements to Deputy Shaw, she was
7 not in custody in any way, shape, or form. Even being
8 put in the vehicle due to the crowd that gathered does
9 not cause her to be going into custody. There is no
10 evidence that she asked to be released from the car,
11 that she wanted to be released from the car, that she
12 said no, I don't care about the mob or anything else
13 and therefore, she was not in custody and all those
14 statements are admissible.

15 The statements to Investigator Holdorf on July 1st
16 are also admissible. She was not in custody. She
17 voluntarily went to the sheriff's department. She
18 voluntarily gave her statement, no one threatened her,
19 coerced her, forced her, promised her anything, did
20 anything to make her give a statement.

21 I find that Miranda warnings were given to her.
22 She voluntarily, knowingly and intelligently waived
23 all those Miranda warnings and decided to give a
24 statement. Further proof of the fact that she was not
25 in custody in any way, shape or form was the fact that

1 she was released on the night of July 1st, to go and
2 do whatever in the world she wanted to do, was not
3 taken into custody, nor was she arrested.

4 Further on July 2nd, she voluntarily showed up at
5 her own home. I watched the video from the very
6 beginning of it to the end of it. At no point in time
7 does she say, I don't want to be here, I don't want to
8 talk to you, I don't want to be in custody, am I being
9 arrested. She doesn't ask any of those questions in
10 any way, shape, or form.

11 In fact, she is, as far as I can see and as far
12 as I can tell, having never viewed the woman before in
13 my life more than willing and able to give her version
14 of the facts on the video to Deputy Coroner Powell.
15 At no point is anybody screaming at her, yelling at
16 her, threatening her, forcing her, coercing her. Are
17 they asking her relevant difficult questions about her
18 story doesn't add up, yes, but there is nothing done
19 to intimidate her, force her, coerce her or anything
20 else.

21 Her statement to Deputy Powell --- Deputy Coroner
22 Powell, subject to the Bruton limitations, which I
23 gave her earlier is completely and totally admissible
24 under the circumstances. Further when she is taken
25 back to the sheriff's department, she is again given

1 her Miranda warnings. I'm not even sure that that is
2 necessary. However, it was done, and it was done
3 appropriately. She wasn't threatened, coerced, forced
4 or promised anything to get her to give a statement.
5 She voluntarily gave that statement to the police.
6 There is absolutely no evidence in any way, shape, or
7 form in the record to the contrary that at any point
8 in time she is in custody or she is involuntarily
9 giving any statement.

10 Now, the statements are only admissible subject
11 to the Bruton limitation that I placed on them earlier
12 in regards to Mr. Guinyard and the information
13 concerning Mr. Guinyard that is contained in those
14 statements. This is my cautionary statement to the
15 State that you all need to, on a break or at lunch or
16 at night or whenever you need to, you need to sit down
17 with these witnesses and explain to them what they can
18 say and what they cannot say about Mr. Guinyard when
19 they're testifying.

20 You know, that's the last thing that we need to
21 happen is to make it this far and then somebody step
22 out of that realm. I don't believe that any of those
23 witnesses would do that intentionally, but being on
24 the witness stand, as most of us in the room know, is
25 very intimidating. You could be nervous and other

1 things and you can slip up. Please do spend the
2 appropriate time and handle that appropriately with
3 making sure they understand those limitations that the
4 court has placed on Ms. Thompson's statements where
5 she references Mr. Guinyard.

6 Okay. Anything else before we bring the jury in?
7 We need to take a break. We've been going for a long
8 time.

9 Is that a no from the State?

10 MS. WALKER: Nothing from us, Your Honor.

11 THE COURT: Mr. Li?

12 MR. LI: Is this --- are you asking us if we need
13 a break?

14 THE COURT: No. We're going to take a break. I
15 was asking if you have any other issues before we
16 bring the jury in.

17 MR. LI: No. I just need to use the bathroom.

18 THE COURT: Okay. And whoever is talking over
19 here --- Ms. Pinnock?

20 MS. PINNOCK: No, Your Honor.

21 THE COURT: All right. Let's take about a 15
22 minute break. Let's start back at 12:05 and then
23 we'll go directly into opening on the law and opening
24 statements.

25 Court is in recess.

1 (WHEREUPON, a short break was taken.)

2 THE DEPUTY: She won't come back in.

3 THE COURT: What?

4 THE DEPUTY: She won't come back in.

5 THE COURT: She has to.

6 THE DEPUTY: Okay.

7 (Pause.)

8 (WHEREUPON, there was a bench conference.)

9 THE COURT: All right. Just leave her right
10 there.

11 (WHEREUPON, COURTNEY THOMPSON was duly sworn.)

12 THE COURT: Answer out loud please, Ms. Thompson.

13 DEFENDANT THOMPSON: Yes.

14 THE COURT: Okay. What's the problem?

15 (There was no response.)

16 THE COURT: If you don't communicate with me, I
17 can't resolve this issue, so I need for you to
18 communicate with me.

19 (There was no response.)

20 THE COURT: Okay. Your choices are to come over
21 here and sit with your counsel and participate in your
22 trial, okay? Your leg shackles have to remain on, and
23 at this point, your hand shackles are going to remain
24 on due to your behavior. If you do not want to be
25 here, there is a rule of criminal procedure that

1 potentially allows me to excuse you from this trial,
2 but to do that, you have to be able to have a
3 conversation with me. So do you want to have that
4 conversation with me, or do you want to come over and
5 sit down and behave?

6 (Pause.)

7 (There was no response.)

8 THE COURT: I need you to communicate with me,
9 ma'am.

10 (Pause.)

11 (There was no response.)

12 THE COURT: Ms. Thompson, do you hear me?

13 (Defendant nods in the affirmative.)

14 THE COURT: Answer out loud, please.

15 DEFENDANT THOMPSON: Yes.

16 THE COURT: Okay. Do you want to participate in
17 this trial?

18 DEFENDANT THOMPSON: Yes.

19 THE COURT: You do? Is that a yes?

20 DEFENDANT THOMPSON: Yes.

21 THE COURT: Okay. Are you willing to behave?

22 (Pause.)

23 DEFENDANT THOMPSON: Yes.

24 THE COURT: Okay. Now, I'm not going to have you
25 threaten these deputies. Do you understand that?

1 DEFENDANT THOMPSON: They threatened me.

2 THE COURT: Okay. Well, I'll deal with that,
3 okay. But no one is going to be threatening each
4 other. Do you understand?

5 DEFENDANT THOMPSON: Yes.

6 THE COURT: Okay. But now, you have to behave.
7 I know you do not want to be in leg irons and
8 handcuffs, okay. I understand that. I also
9 understand that this is a criminal trial, and this is
10 very stressful for you. Is that a fair statement?

11 DEFENDANT THOMPSON: Yes.

12 THE COURT: Okay. But this is, you know, this
13 isn't going to be over in a day or so. I have to be
14 assured that you are going to behave throughout this
15 trial. Otherwise, I'm going to order that you be
16 removed from the courtroom and held in custody here at
17 the courthouse, and your attorneys can come and tell
18 you what's going on and the jury is not even going to
19 see you in the room. Do you understand that?

20 DEFENDANT THOMPSON: Yes.

21 THE COURT: Okay. Now, this is a two defendant
22 trial, and that is a unique issue within your presence
23 being here.

24 Now, have you and Ms. Pinnock talked about that?

25 DEFENDANT THOMPSON: Yes.

1 THE COURT: About how you not being here could
2 cause an adverse inference?

3 DEFENDANT THOMPSON: Yes.

4 THE COURT: Of course, I would tell the jury they
5 couldn't do that, but I need you to be in here, and I
6 need you to participate. Do you understand that?

7 DEFENDANT THOMPSON: Yes.

8 THE COURT: Okay. Now, my rulings on you all
9 being shackled at the table are dependent upon
10 behavior. Do you understand that?

11 DEFENDANT THOMPSON: Yes.

12 THE COURT: I'm not trying to be unreasonable,
13 but I have to assess the situation and see how things
14 are progressing. Do you follow me?

15 DEFENDANT THOMPSON: Yes.

16 THE COURT: Okay. Are you willing to come sit
17 down and behave and participate?

18 DEFENDANT THOMPSON: Yes.

19 THE COURT: Do you understand that your failure
20 to do so will cause you to be removed from the
21 courtroom?

22 DEFENDANT THOMPSON: Yes.

23 THE COURT: Do you have any questions about that?

24 DEFENDANT THOMPSON: No.

25 THE COURT: Now, we're not going to threaten

1 anybody or spit on anybody or anything else. Do you
2 understand that?

3 DEFENDANT THOMPSON: Yes.

4 THE COURT: They're not going to threaten you
5 either. Do you understand that?

6 DEFENDANT THOMPSON: Yes. Okay. All right.
7 Bring her back over, Ms. Jones.

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

10 MS. WALKER: The State is ready, Your Honor.

11 THE COURT: Mr. Li.

12 MR. LI: Yes, sir.

13 THE COURT: Ms. Pinnock.

14 MS. PINNOCK: Yes, Your Honor.

15 THE COURT: Who is going first for the defense?

16 MR. LI: I will, Your Honor.

17 THE COURT: You're going first?

18 MR. LI: Yes, sir.

19 THE COURT: All right. Bring them in.

20 (WHEREUPON, the jury entered the courtroom at
21 12:18 p.m.)

22 THE BAILIFF: All jurors are accounted for, Your
23 Honor.

24 THE COURT: All right. Thank you very much.
25 Good morning.

1 THE JURORS: Good morning.

2 THE COURT: It's afternoon now, actually. Let me
3 being by saying that I apologize for keeping you
4 waiting this morning. When I plan out these things, I
5 try do a judgment on how long we're going to work
6 without you present here last night and then how long
7 it will take us this morning. I was off by about an
8 hour, so I do apologize. Do not hold that against any
9 side, any party. There is nobody at fault. I take
10 full responsibility for misjudging the amount of time
11 that we would need to conduct some business last night
12 and this morning. I urge you and beg you and ask you
13 not to hold that against any side. I take full
14 responsibility for that.

15 The first thing that we're going to do this
16 morning is that you are going to be sworn in. Okay.
17 Now, previously you were sworn in as to giving,
18 correct answers during your questioning yesterday,
19 during your qualifications. This oath today is a
20 little bit different. This oath today is specifically
21 for this case. We say this over and over again and we
22 in the courthouse all know this, but it's a very
23 important oath. It's been around a long time. It's
24 important because it truly embodies and encompasses
25 how fair and impartial you are supposed to be setting

1 aside any bias or prejudice you may have and basing
2 your decision on what happens in the courtroom. If
3 you will please rise, and the clerk will administer
4 the oath to you.

5 THE CLERK: Ladies and Gentlemen of the jury,
6 please stand and raise your right hand to be sworn.
7 At the end of the statement that I'm about to give
8 you, please respond by saying "I do."

9 Do you swear or affirm that you shall well and
10 truly try and true deliverance make, between the State
11 of South Carolina, and the defendants at bar, whom you
12 shall have in charge, and a true verdict give,
13 according to the law and the evidence, so help you
14 God.

15 (WHEREUPON, the jury panel responds, "I do.")

16 THE CLERK: You may be seated.

17 PRETRIAL CHARGE:

18 THE COURT: All right. Thank you very much.

19 Ladies and gentlemen, before we begin the actual
20 trial of this case, I thought it might be helpful if I
21 explain to you how a trial will proceed. First, the
22 State will make they're opening statements. An
23 opening statement is not evidence. It is simply an
24 outline to help you understand what that party expects
25 the evidence will show.

1 The defendants may if they choose to make opening
2 statements, but they do not have to for reasons that I
3 will explain in just a moment. Following the opening
4 statements, you will hear testimony and evidence in
5 this case. This will consist of testimony from the
6 State's witnesses, as well as any physical exhibits,
7 which will be introduced into evidence.

8 Following the completion of the testimony, the
9 attorneys will again have an opportunity to come
10 before you and make what is called a closing statement
11 or summation. This is an opportunity for the
12 attorneys to summarize the case from their respective
13 points of view.

14 Again, the arguments of the attorneys are not
15 evidence. Following the closing statements by the
16 attorneys, I will tell you what the law is in South
17 Carolina as it pertains to the issues that have arisen
18 during this case.

19 When I have completed my instructions to you, you
20 will then be permitted to begin your deliberations in
21 order to reach a verdict. You are now the jury in
22 this case. I need to take a few minutes and tell you
23 something about your duty as jurors and give you some
24 instructions. At the end of the trial, I will give
25 you more detailed instructions. Those instructions

1 will control your deliberations.

2 It will be your duty to decide from the evidence
3 what the facts are. You and you alone are the judges
4 of the facts. The way most people look at it is you
5 each wear your own individual black robe because you
6 sit there fairly and impartially without anybody to
7 reward or anybody to punish and you determine what the
8 facts of this case are, and then you apply those facts
9 to the law, which I will give you at the conclusion of
10 the case.

11 That is how you will reach your verdict. In
12 doing so, you must follow the law that I give you
13 whether you agree with it or not.

14 The evidence will consist of the testimony of
15 witnesses, maybe documents and other things received
16 into evidence as exhibits and any facts on which the
17 parties decide that they all agree or anything that I
18 tell you to accept.

19 You should not take anything that I may say or do
20 during this trial as indicating what I think of the
21 evidence or what I think your verdict should be. I am
22 not allowed to have an opinion as to the facts of the
23 case. So essentially you control the facts, and I
24 control the law.

25 Now, this is a criminal case brought by the State

1 of South Carolina. The State has charged each
2 defendant with homicide by child abuse and unlawful
3 conduct towards a child. The charges against the
4 defendants are contained in the indictments which I
5 read to you yesterday. These indictments are not
6 evidence of anything.

7 They are simply the description of the charges
8 made by the State against the defendants. To these
9 charges, the defendants have pled not guilty to the
10 crimes, and they are presumed innocent unless and
11 until proven guilty beyond a reasonable doubt.

12 Proof beyond a reasonable doubt is proof that
13 leaves you firmly convinced of the defendant's guilt.
14 A defendant has the right not to testify and never has
15 to prove innocence or present any evidence.

16 The burden of proof in this case is always upon
17 the State of South Carolina. Now, the case of each
18 defendant and the evidence and the law concerning that
19 defendant should be considered separately and
20 individually. Where more than one person is charged
21 with a crime and if the evidence warrants it, you may
22 convict one and acquit the other or you may acquit
23 both or you may convict both. It will depend upon
24 your view of the testimony and the evidence.

25 You must take each defendant and consider the

1 evidence as to that defendant and my instructions to
2 you on the law, and you must take them separately.

3 So you must take them separately as to each other
4 and separately as to the individual charges that the
5 State has brought against each other.

6 Now, some things that you will hear in this
7 courtroom are not evidence, and you must not consider
8 them as evidence. The statements and the arguments of
9 the attorneys are not evidence. The questions and the
10 objections of the attorneys are not evidence, or any
11 testimony that I tell you to disregard.

12 So if we're in the middle of a witness, and the
13 witness says something, an objection is made and I
14 sustain the objection and say disregard that
15 testimony, you must disregard that testimony.

16 Now, there are two kinds of evidence that you
17 will hear during this trial: Direct evidence and
18 circumstantial evidence. Direct evidence is testimony
19 by a witness about what that person actually saw,
20 heard or did.

21 Circumstantial evidence is indirect evidence.
22 That is, it is proof of one or more facts from which
23 you can find another fact.

24 You are to consider both direct and
25 circumstantial evidence. The law permits you to give

1 equal weight to both, but it is for you to decide ---
2 and I will say this throughout this trial, but it is
3 for you to decide how much weight to give any
4 evidence.

5 Now, in this courtroom, there are Rules of
6 Evidence that control the admissibility of evidence
7 that comes into play. When a lawyer asks a question
8 or offers an exhibit into evidence and the lawyer on
9 the other side thinks that it is not permitted by the
10 Rules of Evidence, that lawyer may object.

11 If I overrule the objection, the question may be
12 answered or the exhibit may be admitted.

13 If I sustain the objection, the question cannot
14 be answered, or the exhibit cannot be received.
15 Whenever I sustain an objection to a question or deny
16 a motion to admit an exhibit into evidence, you must
17 ignore the question or the existence of the exhibit,
18 and you must not guess what the answer would have been
19 or what the exhibit would have shown.

20 Sometimes it may be necessary for me to ask that
21 you leave the courtroom while I discuss with the
22 attorneys legal questions that come up during the
23 trial. Now, let me just go ahead and tell you. This
24 is going to happen, okay. It happens in every single
25 trial that happens in this courthouse.

1 There are times when the jury has to leave the
2 room so that we can decide, or I can decide, legal
3 issues. If this occurs, you should not speculate or
4 guess about our discussions or why you were asked to
5 leave the room. This is simply a procedure that the
6 law requires when certain legal issues arise.

7 Now, there may also be occasions where I ask the
8 attorneys to approach the bench so that I can discuss
9 a legal issue with them in private.

10 I will do this as often as possible so that
11 you're not required to go back and forth and back and
12 forth and back and forth to your jury room.

13 If I ask the attorneys to step up to the bench or
14 if I ask you to leave the courtroom, please don't
15 think that anybody is trying to hide anything or keep
16 anything from you.

17 This is simply a procedure used by all lawyers
18 and by all courts to determine legal questions that
19 arise.

20 Now, in deciding the facts of this case, you're
21 going to have to judge the credibility of the
22 witnesses. That is, you're going to have to decide
23 which witnesses to believe and which witnesses not to
24 believe.

25 You may believe everything a witness says, some

1 of what a witness says, or none of what a witness
2 says. In deciding what to believe, you may consider a
3 number of factors including but not limited to what
4 was that witness's ability to see, hear or know what
5 they testified to. What was the quality of the
6 witness's memory? What was the witness's demeanor
7 while he or she was testifying?

8 Does the witness have an interest in the outcome
9 of the case or motive or bias or prejudice? Was the
10 witness contradicted by anything else another witness
11 said or by anything the witness said or wrote before
12 the trial or by other evidence?

13 How reasonable was the witness's testimony when
14 considered in light of other evidence that you
15 believe. Now, until I advise you to begin your
16 deliberations, you must not discuss this case with
17 anyone, including your fellow jurors, friends, family
18 members or anyone involved in the case.

19 This includes face-to-face and those by
20 telephone, email, text message, blog, or any other
21 method of communication, Facebook, Twitter, LinkedIn,
22 Google Plus, MySpace or any other type of social media
23 that I probably don't even know exists. You may not
24 use a computer, a cell phone or other electronic
25 device with communication capabilities at any time

1 while in the courtroom or during deliberations.
2 During your breaks, for meals, or overnight you may
3 use these devices. However, you may not at any time
4 use these devices to get or send information about
5 this case. This includes information about a party, a
6 witness, an attorney, a court officer, news accounts,
7 research or any other topics raised or any topics that
8 you think would be helpful in deciding the case or any
9 testimony presented to you.

10 The example I gave you yesterday, if you hear a
11 term --- if you hear a witness say a word and you
12 don't know what it means, you can't go look it up in a
13 dictionary. That's the extent to this which I mean
14 this. During this trial, do not read, listen to or
15 watch any news reports about this case.

16 This includes anything that may be on the
17 newspaper, television news, internet, radio or any
18 other type of social media. You must not consider
19 anything that you may have read or heard about this
20 case outside this courtroom whether before or during
21 the trial.

22 After the case is submitted to you at the
23 conclusion, you must discuss it only in the jury room
24 and only with your fellow jurors. The attorneys and
25 the parties in this case have been told they are not

1 talk to you at all, so if you see them in the hall and
2 they do not even say hello, they are not being
3 unfriendly. They are just following my instructions.

4 It is important that you keep an open mind and
5 not decide any issue in this case until all of the
6 evidence has been presented, the parties have made
7 their closing arguments and I have told you what the
8 law is in this case.

9 It is your responsibility to determine the guilt
10 or innocence of the defendants individually, and your
11 verdict must be based solely on the evidence as it is
12 presented to you in this trial and on the law as I
13 instruct you during and at the close of the trial.

14 Now, Mr. Hoefel, you're going to be the foreman
15 of this jury, okay? Right here where this gentleman
16 in the green shirt is seated, that is going to be your
17 seat. Don't switch now. When we come out, that's
18 where you're going to sit. My three alternates, you
19 have the back row all to yourself, sit wherever you
20 like, but you do need to sit on the back row.

21 Just because you are alternates does not mean
22 that you are not important for or that you do not need
23 to pay attention. Your undivided attention, as with
24 all jurors, is crucial to this case. I ask that you
25 do that and take that very seriously. With a trial of

1 this length, it is not uncommon that something comes
2 up and an alternate has to be seated, so please pay
3 attention as you would. The rest of you jurors can
4 sit anywhere in these first three rows that you like.
5 The temperature of the courtroom is usually about what
6 it is right now. If you're cold you can bring a
7 jacket. It's always easier to put something on if you
8 need to.

9 We will start now with opening statements and the
10 State will go first.

11 OPENING STATEMENT:

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

14 THE COURT: Yes, ma'am, Ms. Walker.

15 MS. WALKER: Good afternoon, ladies and
16 gentlemen.

17 A left lateral fracture at the ninth rib that
18 shows signs of healing, a right posterior fracture at
19 the tenth rib that show no signs of healing, a healing
20 fracture at the left arm that show signs of multiple
21 breaks, extensive hemorrhages right beneath the skin
22 of his arms, legs, back and buttocks, multiple
23 contusions to the scalp, hemorrhages beneath the skin
24 to parietal and occipital lobes of the brain, mild
25 hemorrhages to the lateral --- to the bilateral

1 frontal and temporal lobes of the brain and two black
2 eyes.

3 Those injuries were discovered on the 3-foot
4 8-inch, 46-pound body of **CHILD**
5 He was four years old. His cause of death was
6 determined to be extensive soft tissue hemorrhage due
7 to multiple acute and healing blunt force injuries due
8 to non-accidental trauma.

9 The extent and varying ages of the injuries are
10 indicative of a chronically abused child. In plain
11 English, this child was beaten to death and then bled
12 out internally.

13 The hands that laid those blows did not belong to
14 some kidnapper. They didn't belong to some boogie
15 man. They belonged to his parents, Courtney Thompson
16 and Antonio Guinyard. The people who were supposed to
17 love him, who were supposed to protect him, and keep
18 him safe from harm beat him to death.

19 For their actions, for their treatment of their
20 child, Antonio Guinyard and Courtney Thompson have
21 been charged with homicide by child abuse and unlawful
22 conduct towards a child.

23 In this state, unlawful conduct towards a child
24 means that while being responsible for the welfare of
25 **CHILD**, his parents placed him at an unreasonable risk

1 of harm affecting his life, his physical or mental
2 health or safety or that they unlawfully or
3 maliciously caused bodily harm to the child so that
4 his health was in danger or likely to be in danger.

5 As this trial moves forward, you can see that
6 when it comes to malice, when it comes to maliciously
7 treating a child, things aren't going to get much more
8 malicious than what you're going to hear this week.

9 Homicide by child abuse means that there was an
10 abuse or neglect, abuse or neglect and that **CHILD**'s
11 death occurred under circumstances manifesting
12 examples of acts or omission that put his life in
13 harm.

14 Basically homicide by child abuse criminalizes
15 the specific infliction of abuse, as well as the
16 failure to protect a child from abuse, which results
17 in the death of that child while exhibiting an extreme
18 indifference to his life.

19 Homicide by child abuse criminalizes the course
20 of conduct, which results in the death of a child.
21 The policy behind that, that an adult is not only
22 prohibited from abusing a child, but is also
23 prohibited from deliberately sitting by and allowing a
24 child's life to be threatened by another.

25 You will see all of these things over the course

1 of this trial. As you've been told, the burden in
2 this case is beyond a reasonable doubt. We have to
3 prove Courtney Thompson and Antonio Guinyard's guilt
4 beyond a reasonable doubt. That's proof that leaves
5 you firmly convinced of their guilt.

6 In order to do that, we're going to bring forth
7 several witnesses, some of whom are Courtney
8 Thompson's own family members. One is her sister,
9 Natalie. She will tell you that over the course of
10 this child's life, she has seen his parents beat him
11 with cable cords, with belts, that he was punched;
12 that he was deprived of food and water, that other
13 family members would have to sneak him food and that
14 sometimes the child's hunger became so severe that he
15 would eat out of a trash can.

16 When she warned her sister about the way they
17 were treating the baby, the sister told her that she
18 didn't care. She wanted him to go back to foster care
19 where he would be raped and killed.

20 Courtney's sister, Maria Nicole Thompson, also
21 says that little **CHILD** would have accidents. He
22 would sometimes use the bathroom on himself. In order
23 to prevent that, his parents simply didn't give him
24 food or water; that he was beaten with an extension
25 cord and that she called 911 so many times she lost

1 count.

2 Courtney's mother Gladys said that animals
3 shouldn't have been treated the way her grandson was
4 treated; that sometimes he would spill water, and he
5 would be beaten and that when this defendant had her
6 fill of beating [CHILD] she told this defendant to do
7 it, to be a man, to stand up. You're chastised as a
8 child. They tag teamed a four-year-old.

9 Her grandson's thirst became so great that he
10 drank from a toilet; that he would eat out of the
11 trash can and when she tried to stand up for [CHILD],
12 who was four years old, and too young to stand up for
13 himself, she was kicked out of the home.

14 Latoya Anderson is a cousin of Courtney
15 Thompson's. She was told that in the eight days prior
16 to his death, his parents refused to feed him; that
17 they were relieved when he died.

18 You're going to hear from Courtney's sister
19 Crystal. She saw her nephew beaten with a wire
20 clothes hanger, a wooden coat hanger, a broom, a cable
21 cord; that in order to prevent these accidents, his
22 father would make him sit on a toilet for hours at a
23 time, and that when she warned her sister about the
24 treatment of [CHILD], her sister said, "I don't care if
25 that retarded bastard dies."

1 She is also going to tell you about July 1st
2 of 2013, the day CHILD . Courtney
3 Thompson had been in the hospital giving birth to the
4 couple's seventh child. She got home from the
5 hospital and had a phone conversation with her sister
6 Crystal.

7 During the phone conversation, Courtney became
8 upset because CHILD had committed, I guess, the
9 ultimate sin. He was hungry. He went into the bag
10 that his mother brought home from the hospital, and he
11 took out a cracker.

12 Courtney became so upset that she told her sister
13 "Hold on, I'm going to have to call you back." But she
14 never actually hung up the phone.

15 She heard her sister tell Antonio to hold
16 CHILD 's legs down; that she heard what sounded like a
17 beating and that --- and that she heard CHILD 's
18 voice. He said, "Lord, help me." The phone went dead
19 and later on that day, she got a phone call saying
20 that her nephew had died.

21 After that final beating, 911 was called. The
22 emergency --- the ambulance, EMTs went into the home,
23 and they found CHILD lying on the floor of
24 the living room. He was shirtless, no one was
25 performing CPR on him; and he was cold to the touch.

1 They were informed that the child had fallen off
2 something and had what appeared to be a seizure. That
3 night both of his parents gave statements to law
4 enforcement.

5 Courtney Thompson said that she was in the shower
6 when she heard a thud. She immediately jumped out of
7 the shower, ran into the --- to look around the house,
8 didn't see anyone, then went into the child's bedroom
9 and saw him lying awkwardly on the floor; that his
10 tongue was sticking out. She had to pry his mouth
11 open; that she called 911.

12 Antonio Guinyard was there. He gave a statement
13 to say that he was cooking, cooking dinner for the
14 family; that he heard a loud thud that despite being a
15 house with a newborn baby, a four-year-old and a
16 girlfriend who had just given birth, he waited four or
17 five minutes to go and check on that thud to see what
18 it was.

19 Courtney Thompson was bringing his child down the
20 hallway; that the boy was breathing, but he was in and
21 out of consciousness. According to Antonio
22 Guinyard's own statement, at that point when his son
23 is in and out of consciousness, he didn't run to
24 him. He didn't try to provide help. He didn't
25 provide CPR. He didn't call 911. What he did was go

1 get the new baby and hide in a closet.

2 The next day Doctor Durso, who is a forensic
3 pathologist, she performed an autopsy on [REDACTED]
4 CHILD, and she found the injuries that I described
5 to you earlier.

6 The child's entire back was one big massive
7 bruise. That information was turned over to law
8 enforcement, and at that point, it became apparent
9 that his parents' stories simply were not adding up.
10 This child simply did not die because he fell.

11 Contact was made with his parents the second day.
12 Antonio Guinyard said, I was in the kitchen. I heard
13 a thud, checked on it. That's my story. I'm not
14 changing it.

15 Courtney Thompson's story evolved. She said that
16 when she got home from the hospital, she found her son
17 lying on what she described to be a pile of piss; that
18 he was weak; that he tried to take a few steps and
19 that he collapsed; he had some sort of seizure.

20 She also said that when she returned home from
21 the hospital, blood was strewn throughout the house.
22 There was blood on the floor. There was blood on the
23 walls and that part of her statement is confirmed by
24 DNA. This child's blood was found strewn throughout
25 that house, on the floors and on walls and on a white

1 pole or stick.

2 In determining what happened to this child,
3 you're going to hear from Dr. Olga Rosa. She is a
4 forensic pediatrician. She is going to tell you that
5 when **CHILD** was three months old, he was
6 taken from his parent's custody and placed into foster
7 care. That while he was in foster care, he thrived.
8 He became potty trained eventually. He made every
9 single doctor's appointment that he was supposed to go
10 to. He was on par with his peers. On April 6, 2012,
11 **CHILD** was returned to Courtney Thompson and Antonio
12 Guinyard.

13 That same day, Courtney Thompson called his
14 foster mother and said what is wrong with him. He is
15 using the bathroom all over the house, which was odd
16 because the child was already potty trained; that from
17 that time until the day that child died, he had one
18 doctor's appointment that he made; and that given the
19 injuries that occurred to this child that were present
20 at this child when he died, he would have shown
21 symptoms of this pain for days.

22 He was in a great deal of pain and that massive
23 injuries led to what would have been a painful death
24 for him. He was in pain, and on that day because he
25 ate a cracker or because he used the bathroom and had

1 an accident in the house, he was beaten again.

2 One parent held his legs down. The other parent
3 hit him. The child's last word on this earth were
4 help me lord. There was no human intervention for him
5 that day, but this week, over the course of this
6 trial, we're going to try to hold his parents
7 responsible for their indefensible acts for his
8 fractured ribs, for his fractured arm, for his
9 hematomas, for his hemorrhaging, for his starvation,
10 for his thirst.

11 On [REDACTED] of 2009, Courtney Thompson and
12 Antonio Guinyard brought [CHILD]
13 into this world together, and on July 1st of 2013,
14 they beat him to death and forced him from this world
15 together.

16 For this child's injuries that led to his death,
17 we are going to ask you at the end of this trial to
18 hold them accountable. Once we have proven the facts
19 that I just laid out before you, once we have proven
20 both of these defendants guilty beyond a reasonable
21 doubt, once we have left you firmly convinced, we're
22 going to come back before you, and we're going to ask
23 you to find them both guilty of homicide by child
24 abuse and unlawful conduct towards a child.

25 Thank you.

1 THE COURT: Thank you, Ms. Walker.

2 Mr. Li.

3 MR. LI: Thank you, Your Honor.

4 OPENING STATEMENT:

5 MR. LI: My name is [REDACTED] CHILD

6 If I were here with you today, I would be five years
7 old. My birthday is [REDACTED] 2009. I did not have a
8 good life. I had a short life.

9 You see, from the time I was two months old, I
10 was living in foster care, but when I was in foster
11 care, things were good. I was learning things and I
12 was happy. I was being potty trained and my foster
13 parents, they loved me. Okay. They hugged me. They
14 played with me. They taught me things. They bought
15 me toys, and, you know what? They would even
16 sometimes sneak me over to see my real parents and see
17 my real grandparents and things were good. They got a
18 chance to see me, and they knew that I was learning.
19 I was being potty trained.

20 Things went well for awhile until April of 2012.
21 I'll never forget that day. That was the day that
22 family court told me that I belonged to my mother.
23 She was to have sole custody of me. She owned me.
24 She was to protect me. She was to provide food and
25 clothing and shelter. You see, from that day on, my

1 life went bad. For some reason, I would have these
2 bathroom accidents. I would just go to the bathroom
3 in my pants and she got mad. She didn't just get kind
4 of mad, she got really mad. She would beat me with a
5 cable. She would hit me in the face with a shoe, she
6 would use a clothes hanger. She used her fist, her
7 knees. She used anything that she could pick up to
8 beat me up, to beat me because I would have a bathroom
9 accident.

10 She slapped me in the face, she called me names,
11 you little faggot. You're going to grow up to be a
12 fucking pansy. She called me those things. I was a
13 kid. I was two years old. She would cuss me out like
14 an animal, and that wasn't the worst of it, okay,
15 because do you know how she tried to keep me from
16 having bathroom accidents? She quit feeding me. She
17 limited my food and she limited my water.

18 I remember one time, and this is just off the top
19 of my head that I could remember, I was over at Aunt
20 Crystal's house. When I was at Aunt Crystal's house,
21 one of her friends had given me a juice box. I was
22 sitting down on the floor, and I was on my knees.
23 Now, you see, we were living over at Allen Benedict
24 Apartments. The apartments were kind of close
25 together. My mom came over there and she saw me

1 drinking the juice box. She walked over and slapped
2 me so hard that I flew against the wall and the juice
3 box went everywhere. Just because I had a juice box.

4 There were other times that Uncle Charles, my
5 Aunt Natalie's boyfriend, he would give me food.
6 People would give me food and I would get in so much
7 trouble if I was caught. I tried to love my mom the
8 best I could. I don't know if it was my fault. I
9 don't know if I did a bad job. I don't know if she
10 loved me back. I depended on her for food and
11 clothing and shelter, and if she loved me, she had a
12 funny way of showing it. I've seen her show love
13 before. I've seen her show love to my sister, [REDACTED]

14 [REDACTED]
CHILD 2

15 MR. STAGGS: Objection, Your Honor. We have a
16 matter of law.

17 THE COURT: All right. The jury will go back to
18 your jury room. Do not discuss the case. Keep an
19 open mind.

20 (WHEREUPON, the jury left the courtroom at
21 12:59 p.m.)

22 MR. STAGGS: Your Honor, it's our understanding
23 that your pretrial ruling was that there would be no
24 mention of specific other children or interactions
25 with other children.

1 I believe Mr. Li just violated the Court's order,
2 as I understood it yesterday during our pretrial
3 conferences.

4 MS. McDUFFIE: Judge.

5 THE COURT: I'm completely confused now.

6 MS. McDUFFIE: It was my understanding that the
7 pretrial discussions we had that we would agree not to
8 discuss abuse with other children without having them
9 be relevant.

10 THE COURT: I thought the issue was we weren't
11 going to go into any other DSS or family court
12 proceedings involving these defendants and their other
13 children.

14 MR. STAGGS: That was not my understanding of the
15 Court's ruling. My understanding of the Court's
16 ruling was the --- there were no other allegations of
17 abuse.

18 My understanding of the Court's ruling was that
19 we were not to discuss other specific children in this
20 family. The numbers were permissive, but specific
21 incidents of conduct between Ms. Thompson and her
22 other children, anything of that nature was to be off
23 limits.

24 THE COURT: Can you show me on your motion list
25 where it says that?

1 MR. STAGGS: I believe it was lumped into the
2 discussion about number four, Your Honor.

3 THE COURT: Okay. Number four says motion to
4 exclude testimony regarding the Department of Social
5 Services involvement or investigation regarding the
6 deceased or any other children. I essentially granted
7 that motion and said that any other DSS or family
8 court involvement with other children, even the
9 incident where she is up there and the car seat thing
10 happens, none of that --- I mean, none of that is
11 coming in involving DSS and the other children.

12 What did you say?

13 MR. LI: I mentioned --- I talked about CHILD2 ,
14 my sister.

15 THE COURT: You were talking about how she
16 treated the sister.

17 MR. LI: I want to say she treated her well.

18 THE COURT: I'm not familiar with the ruling
19 you're referencing.

20 MR. STAGGS: Okay, Your Honor, I may have
21 misunderstood the court's ruling and I apologize.

22 THE COURT: That's okay. I mean, he's not --- no
23 one is allowed to go into DSS's involvement with any
24 of Ms. Thompson's other children unless there is some
25 kind of door opening or something else, but I didn't

1 hear Mr. Li going in that direction. So your motion
2 is overruled. Bring back the jury.

3 MR. STAGGS: Thank you, Your Honor.

4 MS. McDUFFIE: Your Honor, while the jury is out,
5 we informed lay witnesses that they're supposed to be
6 sequestered pursuant to defense counsel's motion, but
7 I believe that Ms. Guinyard's mother and the family is
8 also in here. I know the family is also requesting to
9 remain in here, so if we could just get some guidance
10 on that.

11 THE COURT: Well, let's make it through opening
12 statements and then we'll deal with that.

13 Okay. All right. Bring them back in. I'm
14 sorry.

15 THE BAILIFF: Okay. Your Honor.

16 (WHEREUPON, the jury entered the courtroom at
17 1:03 p.m.)

18 THE BAILIFF: The jury is all here, Your Honor.

19 THE COURT: All right. Thank you, Mr. Burgess.
20 Thank you for coming back in, ladies and gentlemen.

21 At this point in time, there is no note taking
22 allowed.

23 Mr. Li, you may continue.

24 MR. LI: Thank you, Your Honor.

25 If my mom loved me, she had a funny way of

1 showing it because I've seen her show love before.
2 I've seen the way she treats CHILD2, that's my
3 sister. She loved CHILD2. She was her princess.
4 She would never touch CHILD2.

5 You know, what can I tell you about my dad. I
6 loved my dad. My dad loves me. My dad has never,
7 ever beat me the way my mom beat me. He has never
8 taken a cord to me. He has never taken a shoe to me.
9 He has never beaten me with a rod. He has never beat
10 me the way my mother beats me.

11 Sure, he popped me on the back of my head or gave
12 me a spanking, but he would do the same thing to my
13 sister, CHILD2. I've seen him do it. He would pop
14 her in the back of the head, pop her in the stomach,
15 pop her on the butt when something bad happened, but
16 most of the time, we would just laugh. I loved my
17 dad, and I miss my dad. I miss hanging out with him.
18 I miss going to the parks with him. I miss watching
19 TV with him.

20 My dad, he would try to stand up to my mom. They
21 fought. They fought a lot. Sometimes they would just
22 be using their voices and they would yell at each
23 other. Sometimes he would bug at her if she was
24 attacking me. I remember one time when my mom was
25 chasing me around the house with a cord. My Grandma

1 Gladys was sitting right there. I saw my dad come
2 down. I ran to my dad. My dad balked at my mom and
3 told her you got to stop hitting this boy.

4 You know, I've seen my dad put his hands on my
5 mom. I have, but you know what my mom would do? Do
6 you know what the trump card was? She would always
7 call the police. She would call the police on
8 everybody. She has called the police on my dad for
9 everything, for drinking one beer, for thinking he is
10 on Facebook talking to another girl.

11 There was one time, my dad was sitting on the
12 back porch. She called the cops and said somebody was
13 trying to break into our house. She called the cops
14 on him for everything. I seen her cut her wrists, cut
15 her arm, and tear her shirt and smash her head against
16 the wall and bite her own lip just so when the police
17 came, they would know that she was the victim.

18 MR. STAGGS: Objection, Your Honor. May we
19 approach?

20 THE COURT: You all approach.

21 (WHEREUPON, a bench conference was held in the
22 presence, but not within hearing of the jury).

23 THE COURT: Okay. The jury is going to disregard
24 that --- nothing the lawyers say in their opening
25 statements is evidence to begin with. The jury is

1 going to disregard any statements about any potential
2 false statements to police.

3 Mr. Li, you may continue.

4 MR. LI: My mom would kick my dad out of the
5 house. She would kick him out. It seemed like almost
6 every other week my dad was getting kicked out of the
7 house, and you see, sometimes he would be gone for two
8 or three days, and sometimes he would be gone for
9 weeks.

10 He would try to sleep over at his aunt's house,
11 try to find a place to sleep with his friends.
12 Sometimes in the summer months he used to sleep in a
13 park on Allen Benedict Court and sleep on a bench. He
14 was kicked out over and over again.

15 My mom didn't just kick out my dad when he tried
16 to stand up for me. My mom kicked out her own mother,
17 my Aunt Gladys --- my Grandma Gladys. She would kick
18 her out if she tried to stand up for me. She would
19 kick her own mother out of the house if she said
20 something to my mom about her beating me.

21 You see, my mom didn't just beat me in front of
22 my dad, she didn't just beat me in front of my
23 grandmother. When she lost control, she would beat me
24 in front of anybody and whoever and whenever and
25 wherever. She has beat me in front of all my aunties

1 before. She has beat me in front of my Uncle Charles.
2 She has beat me in front of my grandmother, my
3 Grandmother Gladys. She has beat me in front of my
4 dad. She has beat me in front of my dad. Other
5 people have called for help before. Other people have
6 called for help, people who weren't afraid of getting
7 kicked out. People who didn't live under her roof.

8 You see, my Grandma Gladys, she called for help,
9 but she had to wait until after she found an apartment
10 of her own. My aunties, they did call for help. They
11 called. Nothing was ever done.

12 People would come and they would say --- they
13 would look at me. They would bend down, lift up my
14 shirt. They would look at me. They examined my legs,
15 turned me around. They would say there is nothing
16 wrong. They would tell me that it didn't happen.

17 They would tell me that my mom didn't beat me
18 with a clothes hanger. She didn't beat me with a
19 cable cord. She didn't punch me in the face. She
20 didn't have her knees straddled to the side of me and
21 punching me and punching me and punching me in the
22 face. They would tell me that didn't happen.

23 You see, at that point, my mom, she was
24 untouchable. She was untouchable. She knew how to
25 work the system.

1 If anybody challenged her, she would just kick
2 them out of the house, because that's the house she
3 lives in. Her name is on the lease.

4 If that didn't work, she would just threaten to
5 call the cops. The cops were her number one weapon.
6 Other agencies couldn't help and family court, well,
7 family court said I belonged to my mom. She had sole
8 custody of me.

9 If somebody tried to take me away, she would call
10 the cops, tell them I was being kidnapped. My mom
11 knew how to work the system. For the last 15 months
12 of my life, I had to suffer the results of that.

13 The last 15 months of my life, there were some
14 good times. I miss my aunties. I miss my grand
15 mothers, and I miss my dad, but most of the time, the
16 last 15 months of my life were hell.

17 Ladies and gentlemen, **CHILD**
18 **█** died on July 1st from the hatred exuded from the
19 hands and feet and knees of Courtney Thompson.

20 THE COURT: Thank you, Mr. Li.

21 Mr. Staggs.

22 MR. STAGGS: Thank you, Your Honor. May it
23 please the Court.

24 OPENING STATEMENT:

25 Ladies and gentlemen, you've heard two sides of

1 this story now. I think it's helpful if we start by
2 talking about the fact that you, ladies and gentlemen,
3 have the hardest job in this courtroom.

4 Before we even begin, the judge told you, you
5 have to evaluate a trial. There are two trials going
6 on here. There is a trial of Mr. Guinyard and there
7 is a trial of Ms. Thompson. Not only are there two
8 trials going on, but there are two charges in each of
9 those.

10 You, ladies and gentlemen, are going to have to
11 evaluate the evidence that the State has promised to
12 present, and you are going to have to see if they are
13 able to meet their burden of proof.

14 Now, the --- one of the hardest things that
15 you're going to have to do and you've already a heard
16 some of it --- while it is not evidence, as the judge
17 told you, some of the facts in this case are
18 heartbreaking. They are gut wrenching, and they are
19 difficult to listen to.

20 There will be difficult testimony. There will be
21 difficult pieces of evidence for you guys to look at
22 it. There is no getting around that. There is no way
23 of making it not difficult because it's human.

24 Mistakes were made. Ms. Thompson made mistakes,
25 she did. She admits that. She understands that she

1 did not do everything the right way. Let's talk about
2 what you're actually going to hear and what you're not
3 going to hear, because this is a story of things that
4 did happen and things that did not happen.

5 First of all, you're going to hear as you already
6 have, that **CHILD** was born in of 2009.
7 You're going to hear that he was removed in June of
8 that year.

9 You'll also hear that in 2012, he was returned to
10 Ms. Thompson, and he was returned to Mr. Guinyard, who
11 was in the home that time, his father.

12 Then as we've discussed, there were some very,
13 very, very difficult things that happened. Mr. Li was
14 right. Ms. Walker was right. This child had a very
15 difficult life, a very painful life.

16 As we talked about, you have the hardest job in
17 the room because you have to listen, and you have to
18 evaluate it, and you have to look at it. You have to
19 look at all the evidence, and you have to decide what
20 it establishes and what it does not.

21 There are two charges. There is an unlawful
22 conduct charge, and then there's a homicide by child
23 abuse. The evidence in the homicide by child abuse is
24 going to be a little different than perhaps what
25 you've heard so far, very different charges requiring

1 that you pay attention and listen to the details.

2 Here is what you're going to hear. You're going
3 to hear that on June 29th, sometime in the afternoon,
4 Courtney Thompson went to Palmetto Richland to have a
5 baby. She was there the evening of June 29th, the
6 entire day of June 30th.

7 She got back sometime July 1st in the afternoon.
8 She arrived back home by cab. The entirety of that
9 span from Friday evening until sometime in the
10 afternoon on July 1st, CHILD was home, and he was
11 home with his father.

12 You're going to hear testimony that while he was
13 home, particularly on the 1st of July, Robert, Sr.
14 woke up in the morning and left the house to buy
15 cigarettes and beer.

16 When he did that, he left his son laying in a
17 puddle of urine on the floor in his room, left him
18 there, and you're going to hear that Mr. Guinyard
19 didn't feed his child that day because according to
20 him, the child remained asleep in that puddle of urine
21 until the mother of his children, Courtney Thompson,
22 returned home with a newborn baby from the hospital.

23 You're going to hear testimony that when Courtney
24 got home, she asked about her son, found her son
25 sleeping, and immediately --- this is just after

1 having a baby, goes to help get her son up and help
2 him start to clean this puddle of urine that the child
3 has been allowed to sleep in by his father.

4 You're going to hear that **CHILD** was not
5 doing well. He was acting sluggish, but you're going
6 to hear that Ms. Thompson went to get in the shower
7 because just returning home from the hospital after
8 having a baby, she needed to take a shower.

9 You're going to hear testimony about a loud boom
10 that Ms. Thompson heard while she was in the shower
11 and Mr. Guinyard was cooking dinner.

12 Here is --- here is where it gets interesting,
13 because Ms. Thompson, Courtney, leaves the restroom
14 and comes to see what's going on. They are in the
15 home, two children and a newborn, and a four-year-old.

16 She hears a noise, and she runs to see what it
17 is. She finds her son laying on the floor in the hall
18 biting his lip. She tries to free his lip. She picks
19 him up. She looks. She takes her son into the front
20 room of the house and she calls 911. The 911 call is
21 difficult to listen to.

22 Ms. Thompson begins to give her son CPR. After
23 about four minutes, EMS arrives on the scene, and
24 you're going to hear that the child was pronounced
25 dead very very shortly after. There was nothing

1 anyone could do at this point.

2 What you're not going to hear is that
3 Mr. Guinyard called 911 or Mr. Guinyard gave CPR to
4 his son. You're not going to hear anything about that
5 because it didn't happen.

6 You will hear a mother who was gone and came home
7 and realized her child is in trouble and doing
8 everything she could to save her son, but you won't
9 hear anything about the child's father. You're going
10 to hear from first responders who arrived on the scene
11 and saw Ms. Thompson; that she was distraught.
12 Courtney was upset. You're going to hear from those
13 same first responders who walked around the back of
14 the house and found Mr. Guinyard trying to walk out
15 the door.

16 When we started, I told you that have a very
17 difficult job over the next few days, the most
18 difficult job in the courtroom and that's to evaluate
19 the evidence.

20 There are things that Courtney has done that are
21 hard to listen to, and they can make you dislike her.
22 That's okay. That's human. You don't have to like
23 Courtney Thompson, but what you can't do is let your
24 dislike for Courtney Thompson color your judgment and
25 allow you not to separate the evidence from the two

1 distinct charges.

2 The State cannot prove that Courtney Thompson
3 acted or failed to act in a way that caused the death
4 of [REDACTED] CHILD and they cannot prove
5 that because that's not what she did. She tried to
6 help at every single turn on July 1st, every single
7 turn. She didn't sneak out the back door. She called
8 911. She tried to save him.

9 Thank you.

10 THE COURT: All right. Ladies and gentlemen,
11 it's about 1:30. We're going to take a break for
12 lunch. If you'll retire to your jury room. Keep an
13 open mind. Do not discuss the case in any way, shape,
14 or form. We'll start back promptly at 2:30.

15 Thank you very much.

16 (WHEREUPON, the jury left the courtroom at
17 1:25 p.m.)

18 THE BAILIFF: Everybody else remain seated.

19 THE COURT: Everybody stay seated.

20 THE COURT: All right. You can put your motion
21 on the record, Mr. Staggs.

22 MR. STAGGS: At this point, we'd like to move for
23 a mistrial based on --- based on Mr. Li referring
24 repeatedly to prior bad acts. Is it an incidence of
25 conduct that calls into question Ms. Thompson's

1 character when that's not been placed into evidence by
2 Ms. Thompson.

3 THE COURT: All right. Mr. Li.

4 MR. LI: Your Honor, it was never our intention
5 to place that information into the --- where we put
6 that information in because that's going to be the
7 theory of our defense, Your Honor. Those are the
8 reasons why --- that prevented Guinyard from calling
9 the police and doing the other things that the State
10 is, I guess, inferring that he should do.

11 THE COURT: Who is arguing over here?

12 MS. McDUFFIE: Judge, I don't believe that there
13 is a manifest necessity to grant a mistrial in this
14 case. I believe that you told the jury that testimony
15 was stricken.

16 Your Honor, I don't believe that there was any
17 information that was violative of the Court's prior
18 rulings, Your Honor, and we would ask that we proceed
19 with the trial of both Mr. Guinyard and Ms. Thompson.

20 THE COURT: Mr. Staggs.

21 MR. STAGGS: Thank you, Your Honor. I believe
22 that this particular situation was absolutely
23 addressed yesterday during pretrial. As we discussed,
24 we weren't going to be talking about prior incidents
25 of criminal domestic violence between Ms. Thompson and

1 Mr. Guinyard. I think we did very specifically take
2 that up with the court in terms of the character
3 evidence. I believe the court at that time addressed
4 Mr. Li and said that that was not something that we
5 would be going into unless Ms. Thompson's defense
6 placed it in issue.

7 MR. LI: Your Honor, in regards to C.D.V., we
8 didn't accuse anyone of C.D.V.

9 MR. STAGGS: Character evidence.

10 THE COURT: You accused her of filing a false
11 police report about a criminal domestic violence.

12 MR. LI: Your Honor, and the purpose that we
13 would ask that to come in would be to show that she
14 would use the police as a weapon to prevent other
15 people in her home, not just Antonio, from reporting
16 incidents of child abuse, Your Honor. That would be
17 our purpose in that.

18 MR. STAGGS: It still remains.

19 MR. LI: You requested that be stricken. I moved
20 on. I apologize to the court for going in that
21 direction. I apologize, Your Honor. That wasn't my
22 intention. My intention was to show it as the reason
23 why if the State chooses to go --- to explain why
24 Ms. Thompson didn't call the police or didn't do
25 anything else.

1 MR. STAGGS: But, Your Honor, I believe a
2 curative instruction in this instance is insufficient
3 given that it was an opening statement. I don't think
4 asking the jury to disregard it will, in any real
5 sense, cure the error. Especially given the Court's
6 order of yesterday and the blatant violation of it.

7 THE COURT: Ms. McDuffie.

8 MS. McDUFFIE: Your Honor, I would just like to
9 point out that they specifically requested in pretrial
10 only to exclude CDV calls listing Ms. Thompson as the
11 subject and him as the victim and not the other way
12 around, Your Honor. I mean, their motion was very
13 specific on that point, and I would just like to bring
14 that up to the court at this time.

15 MR. STAGGS: But, Your Honor, this is an issue of
16 character evidence more than anything else.

17 THE COURT: Yeah, but you just said I ruled on it
18 yesterday and apparently I didn't.

19 Reports regarding CDV calls listing Ms. Thompson
20 as the subject and Mr. Guinyard as the victim.

21 MR. STAGGS: Your Honor, that was actually part
22 of our 404(b) list that we submitted last evening.
23 The character --- the more general character evidence
24 was taken up by the court yesterday during pretrial.

25 MS. McDUFFIE: Your Honor, I believe we addressed

1 that this morning. I think that we specifically
2 agreed that ABC and D, that we would not bring up
3 unless it was appropriate to bring up. There was some
4 more discussion about E, Your Honor, but I believe
5 that was specific and I believe that their motion is
6 specific in that regard.

7 THE COURT: Okay. I'm going to deny your motion
8 for a mistrial. I do not find that it rises to the
9 level of manifest necessity. I told the jury multiple
10 times in opening instructions that nothing the
11 attorneys say in their opening statements is evidence.
12 I also told them to --- I further told them during the
13 middle of Mr. Li's opening that nothing the attorneys
14 say in opening statement is evidence, and I told them
15 to disregard --- to continue to disregard any
16 information about whether or not Ms. Thompson
17 inappropriately filed a police report concerning an
18 event that did not happen.

19 I will tell them in my closing charge that
20 nothing the attorneys say in opening statements or
21 closing arguments is evidence. Therefore, your motion
22 for a mistrial is denied. I do not believe it rises
23 to the level of manifest necessity.

24 MR. STAGGS: Thank you, Your Honor. That's it.

25 THE COURT: Thank you.

1 Okay, we'll start back at 2:30.

2 (WHEREUPON, a lunch break was taken.)

3 THE COURT: I want to make sure the witnesses are
4 in here.

5 MS. McDUFFIE: Your Honor, we intend to call Ms.
6 Thompson's family as witnesses in the case. I don't
7 know whether they qualify under the Victim's Bill of
8 Rights to stay in the courtroom, Your Honor. I'm kind
9 of confused on that issue.

10 I also see the defendant Guinyard's mother is in
11 the courtroom. I don't think she would qualify under
12 the Victim's Bill of Rights either.

13 THE COURT: All right.

14 MS. PINNOCK: It's our position, Your Honor, that
15 they don't. They don't qualify. They're not a
16 personal representative of the victim. They are on
17 the State and some of the defense witness list, so I
18 don't think it's appropriate for them to sit through
19 the testimony.

20 THE COURT: Well, we looked up this issue before.
21 What does the law say?

22 MS. McDUFFIE: Your Honor, I think technically
23 the law is the next of kin. I think the siblings
24 would be the next of kin. I don't know how that would
25 impact them. Usually the adults in these situations

1 are the custodians or the guardians of the siblings.

2 THE COURT: Who is the custodian of the siblings?

3 MS. McDUFFIE: Your Honor, the custodian and
4 guardian of the siblings in this matter are not
5 present in the courtroom.

6 THE COURT: I've looked this up before. The
7 victims have a constitutional right to be present. I
8 know that.

9 All right. So who all is in here?

10 (Pause.)

11 MS. McDUFFIE: Your Honor, present in the
12 courtroom are Courtney's sisters, who would be the
13 aunts of the deceased victim.

14 THE COURT: I don't know that any of them are
15 lawful representatives of the deceased, are they?
16 Were any of them appointed as trustee over the estate
17 or personal representative of the estate or anything
18 like that?

19 MS. McDUFFIE: Your Honor, I don't know if there
20 is an estate or if anyone has been appointed.

21 THE COURT: How soon are they on the witness list
22 hierarchy?

23 MS. McDUFFIE: I would think we would not get to
24 them today.

25 THE COURT: What about Ms. Guinyard?

1 MR. LI: It's the Court's decision, Your Honor.

2 THE COURT: Is she a witness?

3 MR. LI: She is on the State's witness list, and
4 she is also on our witness list.

5 THE COURT: She is the grandmother of the
6 deceased?

7 MR. LI: She is the biological grandmother, yes.

8 THE COURT: What is she telling you, Ms. Brown?

9 MS. BROWN: That she has been in communication
10 with DSS regarding the guardianship of the children.

11 THE COURT: Of the remaining children?

12 MS. BROWN: But it's not been finalized yet.

13 THE COURT: Do you want to say something,
14 Ms. Pinnock?

15 MS. PINNOCK: Yes, Your Honor, just about the
16 guardianship through the family court, an attorney
17 contacted me about that, was talking to me about
18 Ms. Thompson consenting to that. She has not
19 consented to anything. I do know they had to go
20 through the court, but it's not been determined if it
21 is going to be approved because it's without her
22 consent.

23 THE COURT: So who is the lawful representative
24 of the child? That's the question.

25 MS. PINNOCK: Your Honor, I think it would be DSS

1 at this point.

2 THE COURT: I don't think anybody in the room is
3 a lawful representative of the child.

4 MR. LI: I don't think so either, Your Honor.

5 THE COURT: I mean, I welcome --- I'm listening,
6 but I think these three ladies sitting up here are all
7 Ms. Thompson's sisters; is that correct?

8 MS. McDUFFIE: That's correct, Your Honor.

9 THE COURT: And they're all witnesses for the
10 State; is that correct?

11 MS. McDUFFIE: They're both on our witness list
12 and on Mr. Guinyard's witness list.

13 THE COURT: And those are the statements that I
14 reviewed?

15 MS. McDUFFIE: Yes, Your Honor.

16 THE COURT: Concerning the --- I'm just referring
17 to it as the burglary incident for my own mind; is
18 that right?

19 MS. McDUFFIE: They also went to some of the
20 abuse.

21 THE COURT: Right, I know, but those are the
22 statements I was reading. That's what I'm saying. I
23 think at this point in time it's best due to the
24 sequestration order for them to stay out of the
25 courtroom. They're not the lawful representative of

1 the victim. Once they testified, they will be allowed
2 to stay in the courtroom. That's also going to apply
3 to Ms. Guinyard, too. If they were --- my issue with
4 that is if they were not witnesses or if their witness
5 was to some --- what I would call fact that's not
6 really in dispute, that would be one thing, but I mean
7 these three ladies are some of the main witnesses for
8 the State on the history and the pattern of the abuse,
9 and so due to that, I think it's best that they stay
10 out of the courtroom until they testify and that
11 includes Ms. Guinyard. I mean no disrespect by that,
12 but I think that's the safest way to do that. None of
13 them are technically the lawful representative of the
14 deceased.

15 MR. LI: Your Honor, Ms. Hammonds is in here,
16 just to let the court know. Ms. Hammonds was the late
17 addition to the witness list.

18 THE COURT: Okay.

19 MR. LI: I don't know if she is vital. I'm not
20 sure I'm going to call her.

21 THE COURT: If you're not going to call her,
22 that's one thing. If you're thinking about calling
23 her, she has to be excused.

24 MR. LI: We just ask that she be excused just to
25 be on the safe side.

1 THE COURT: Y'all need to sit outside. Thank
2 you, ma'am.

3 Okay. Anything else? All right. All these
4 police officers staying in here? Have we resolved
5 that?

6 MS. CAMPBELL: Yes, Your Honor, we agreed to
7 sequestration on the lay witnesses. That's what we
8 talked about on the request. That's what we talked
9 about earlier.

10 MS. PINNOCK: That's fine.

11 MR. STAGGS: That's fine.

12 THE COURT: All right. Bring them in.

13 (WHEREUPON, the jury entered the courtroom at
14 2:46 p.m.)

15 THE BAILIFF: The jury is present.

16 THE COURT: All right. Thank you, Mr. Burgess.
17 Call your first witness.

18 MS. CAMPBELL: May it please the Court.

19 THE COURT: Yes, ma'am.

20 MS. CAMPBELL: State calls Esther Curran.

21 THE COURT: Please come forward, ma'am.

22 All right. We're not taking any notes.

23 ESTHER CURRAN,

24 after being duly sworn, testified as follows:

25 THE CLERK: Please have a seat. State your full

1 name for the record.

2 THE WITNESS: Esther Curran.

3 DIRECT EXAMINATION:

4 MS. CAMPBELL:

5 Q Ms. Curran, where are you employed?

6 A I work for Richland County EMS, Emergency Medical
7 Services.

8 Q How long have you been employed there at EMS?

9 A Five, five years.

10 Q What do your duties include at EMS?

11 A I'm an EMT at the paramedic level, so I have
12 A.L.S. and B.L.S. training. I can start IVs, I can
13 look at EKGs and determine different patterns. I can
14 give medications. We do a lot of driving. We do a
15 lot of paperwork. We go and try to help people who
16 have been sick or injured.

17 Q As an EMT or what we refer to as an EMT, there
18 are different levels. The basic level is EMT; is that
19 correct?

20 A Yes.

21 Q And then you have further training that makes you
22 a paramedic, correct?

23 A Yes.

24 Q And does that take additional training?

25 A Yes.

1 Q You have been qualified as a paramedic?

2 A Yes.

3 Q You've actually testified before as a paramedic
4 in other cases?

5 A Yes.

6 Q I want to turn your attention back to July 1st of
7 last year. Did you respond to [REDACTED] Beaverbrook Road?

8 A Yes.

9 Q And what kind of call were you responding to that
10 day?

11 A We got information that there was a cardiac
12 arrest.

13 Q When you got the call, do you know approximately
14 what time it was?

15 A It was approximately 6:14, 6:15 in the evening.

16 Q In the evening?

17 A Yes.

18 Q So that's like 18:14 or something?

19 A Yes.

20 Q Where were you when you got the call?

21 A We were at Crane Creek substation either in or
22 very near our truck.

23 Q Once you got the call to respond to a cardiac
24 arrest, I believe, as you characterized it,
25 approximately how long did it take you to proceed to

1 ■■■ Beaverbrook that day?

2 A As I said, we were close to the vehicle, so we
3 got in on the scene at the house within less than five
4 minutes.

5 Q Less than five minutes?

6 A Yes.

7 Q Once you got to the house, tell the jury what you
8 did and what you observed?

9 A We got our equipment out of the back of the
10 truck, which would be our stretcher, our bag with
11 different tools of the trade and our EKG monitor. We
12 went up to the house. The screen door was locked so
13 we knocked. There was silence in the house. Kind of
14 wondered if they were at the right place because
15 usually when people call, they either come and open
16 the door or, you know, they're waiting for us,
17 especially for a cardiac arrest.

18 We knocked a few times and then a woman came and
19 opened the door.

20 Q Okay. Once she opened the door, what, if
21 anything, did you observe inside the residence?

22 A There was a small male child lying on the floor
23 just inside, you know, the entry --- I guess, the
24 living room.

25 Q Okay. And what was his condition as you observed

1 him on the floor initially?

2 A He was not moving. He was not breathing and he
3 had no pulse.

4 Q At any point when you were at the door or
5 entering into the house, did you see anyone performing
6 CPR on this child?

7 A No, ma'am.

8 Q Does that affect how you may handle a call, to
9 know if someone has done CPR?

10 A It can.

11 Q But in this case, no one was doing CPR that you
12 observed?

13 A Yes, that's correct.

14 Q And no one told you that they had been doing CPR?

15 A Correct.

16 Q Once you entered into the house, I believe you
17 said you saw the child on the floor?

18 A Yes.

19 Q And he had --- was he breathing?

20 A No.

21 Q Did he have a pulse when you first observed him?

22 A No.

23 Q What, if anything, did you to do to try to assess
24 his condition, and it's obviously an emergency
25 situation?

1 A A lot of --- like our initial assessment is just,
2 you know, is the patient sitting up, are they looking
3 at you, are they talking. He was not moving, he
4 wasn't looking at us. He was still. He was cold to
5 the touch. He was not breathing. There was no chest
6 rise. You know, he didn't have a carotid pulse.

7 Q Carotid pulse? That's here? (indicating)

8 A Yes.

9 Q Did you do anything to further assess his
10 condition to make sure that your initial assessment
11 was correct?

12 A Yes. We attached him to the monitor and we put
13 three leads on him.

14 Q When you say leads, what are those?

15 A Those are the stickers that will go to the
16 machine.

17 Q Are they round?

18 A Yes.

19 Q And what was the purpose of putting the three
20 leads on his chest that day?

21 A That was to see if he had any activity, any
22 electrical activity in his heart.

23 Q And even if a person is not breathing, they may
24 still have some electric activity?

25 A Yes.

1 Q Which is something you would then pursue if it
2 was?

3 A Yes.

4 Q Once you put the leads on him, what were the
5 results when you ran the test?

6 A He was in asystole, which is just the flat line
7 and the monitor makes this buzzing sound and that
8 indicates that there is no electrical activity in the
9 heart and the person has died.

10 Q At that point, did y'all attempt to do CPR,
11 anything else to try to revive this small child?

12 A No.

13 Q Would it have been any good for you to try to do
14 that?

15 A No.

16 Q Is that, in fact, your protocol?

17 A Yes.

18 Q You also mentioned earlier that you said that he
19 was cold to the touch. Is that significant enough
20 that you put that in your report?

21 A Yes.

22 Q Why is that significant to you, ma'am?

23 A Because it indicated he had not been ---

24 MS. PINNOCK: Objection. It calls for an
25 opinion.

1 THE COURT: Overruled.

2 MS. CAMPBELL: You can answer. I'm sorry.

3 BY MS. CAMPBELL:

4 Q Why was that significant?

5 A That he had --- that his heart had been stopped
6 long enough that he was no longer warm. His ---
7 children usually --- their palms are pink ---

8 Q Uh-huh.

9 A To show that they're --- there's oxygen present
10 in their tissues.

11 Q Did you make any observations as far as the soles
12 of his feet or his hands?

13 A They were gray, like a dusky color.

14 Q So he was cold to the touch and the soles of his
15 feet and his hands were gray dusky?

16 A Yes.

17 Q That was significant to you?

18 A Yes.

19 Q What did that indicate to you?

20 A That he had been deceased for some period of
21 time. You know, long enough to become cool.

22 Q Do you recall what he was wearing when you saw
23 him?

24 A He was wearing a pair of jeans and they had a
25 stain like children have when they have wet

1 themselves. He wasn't wearing any socks. He wasn't
2 wearing a shirt. He was laying face up on the floor.

3 Q Did you note any trauma to him as he just --- as
4 you looked down on him lying there?

5 A He had a small cut to his lip. He had like
6 bruises around his eyes, and I believe that was the
7 only trauma that I noted.

8 Q Okay. And did you ever turn him over and look at
9 his back?

10 A No.

11 Q And you mentioned in your report --- when you say
12 there was bruising around the eyes, how did you report
13 it in your report?

14 A (There was no response.)

15 Q Do you have a copy?

16 A No, I don't. I'm sorry.

17 Q Okay. Would this help refresh you're memory?

18 A Yes, please.

19 Q What did you note about the eyes?

20 A Raccoon like bruising around the eyes, dark
21 circles.

22 Q Was that significant to you?

23 A Yes, there --- that had happened long enough.
24 Whatever injury caused that was long enough ago that
25 he had gotten those circles around his eyes.

1 Q And while you were there, how people did you
2 actually see on the scene prior to --- did other
3 emergency people respond to the scene?

4 A We were the first there.

5 Q Okay.

6 A The fire department was at the same substation we
7 were at. They came a few minutes behind us.

8 Q Okay.

9 A When we had determined that the child was
10 deceased, we notified our dispatcher to have law
11 enforcement respond because it had been a pediatric
12 death.

13 Q Okay. And while you were there at the scene
14 prior to the fire department and the other officers
15 all responding there at the scene, who all did you see
16 actually in the house with the child?

17 A Just the mother.

18 Q And what was her demeanor like?

19 A She was very agitated. We were trying to get
20 some information about what his health problems were,
21 how old he was, what had happened, and she said
22 initially that he had fallen while she was in the
23 shower; that he was playing and jumped off of a
24 dresser and hit his head and had a seizure and the way
25 she said that made it sound like it was something that

1 had happened earlier in the day and that when she was
2 taking ---

3 MS. PINNOCK: Objection, Your Honor, speculation.

4 THE COURT: Sustained.

5 BY MS. CAMPBELL:

6 Q Were you able to perceive any kind of timeline
7 when she --- of when this had happened?

8 A No. As I said, she was agitated, and I was
9 trying to get some kind of idea what had happened.

10 Q So she never indicated that that had happened
11 earlier in the day or right before?

12 A Right.

13 Q And were you able to determine from her what
14 actually happened right before you all had gotten
15 there? Was she ever able to give you that
16 information?

17 A As I said, because she was agitated, it was
18 difficult to know what had happened when, but she did
19 say that when she was --- that she was in the shower
20 and when she got out and found him unresponsive.

21 Q And finally, as far as the child, as far as any
22 conditions the child might suffer from, did she note
23 any kind of mental condition this child had that she
24 told you about?

25 A She said that he was autistic.

1 MS. CAMPBELL: Beg the Court's indulgence.

2 Thank you, ma'am. I don't have anything further.

3 THE COURT: Mr. Li.

4 MR. LI: Thank you, Your Honor. May it please
5 the Court.

6 THE COURT: Sure.

7 CROSS-EXAMINATION:

8 BY MR. LI:

9 Q Good morning, afternoon, just a few questions.

10 When you first talked --- when you first spoke
11 with Ms. Thompson, did she appear to be wet?

12 A No, sir.

13 Q Okay. And she told you that when you questioned
14 her about what had happened that day, you asked her
15 what the child had been doing earlier that day,
16 correct?

17 A I asked if he had fallen.

18 Q And what was her response, ma'am?

19 A She said that he had been playing and he had
20 jumped off a dresser and hit his head.

21 Q He had been playing?

22 A Yes.

23 Q And he had jumped off a dresser?

24 A Yes.

25 Q And with the --- with what you observed in terms

1 of the hands and the grayish color, is there a way you
2 could put a timeline on when you think the ---

3 MS. PINNOCK: Objection, Your Honor.

4 BY MR. LI:

5 Q Could you put a timeline on the death?

6 MS. PINNOCK: Objection, Your Honor.

7 THE COURT: Sustained. Sustained.

8 MR. LI: No further questions, Your Honor.

9 THE COURT: Thank you, sir.

10 MS. PINNOCK: May it please the Court.

11 THE COURT: Yes, ma'am.

12 CROSS-EXAMINATION:

13 BY MS. PINNOCK:

14 Q What time did you get the call to respond to the
15 house?

16 A I believe it was around 8:14, 8:15.

17 Q So you said it took about five minutes to get
18 there?

19 A Yes.

20 Q When you arrived, you said that there was silence
21 in the house?

22 A Yes.

23 Q Okay. You have no idea what was going on inside
24 the house before you got there?

25 A No.

1 Q You don't know if, say Courtney Thompson was on
2 the phone with 911?

3 A No.

4 Q You wouldn't know when you knocked on the door to
5 come in the house if Courtney Thompson was still on
6 the phone with 911?

7 A No.

8 Q So you don't know if she was doing CPR before you
9 got there?

10 A No.

11 Q Okay. And when you arrived at the house, who
12 were the adults? Who are the adults you saw inside?

13 A Just Ms. Thompson.

14 Q Just Ms. Thompson. You didn't see Antonio
15 Guinyard?

16 A No, ma'am.

17 Q Did you see a newborn baby?

18 A Not until a good bit later.

19 Q Okay. So you had no idea that he was hiding
20 somewhere in the house?

21 A That's correct.

22 MS. PINNOCK: Beg the Court's indulgence, Your
23 Honor.

24 (Pause.)

25 Thank you.

1 THE COURT: Ms. Campbell?

2 MS. CAMPBELL: Nothing further, Your Honor.

3 THE COURT: All right. Thank you very much.

4 I'm going to assume these witnesses are excused
5 unless somebody tells me that they don't want them
6 excused.

7 All right. Have a nice day, ma'am. Thank you.

8 THE WITNESS: Thank you.

9 THE COURT: Call your next witness.

10 MS. McDUFFIE: The State calls Peter Biviano.

11 THE COURT: All right. Please come forward, sir.

12 PETER BIVIANO,

13 after being duly sworn, testified as follows:

14 THE CLERK: Please have a seat. State your name
15 for the record.

16 THE WITNESS: Pete Biviano.

17 DIRECT EXAMINATION:

18 BY MS. McDUFFIE:

19 Q Mr. Biviano, where are you currently employed?

20 A City of Columbia Fire Department.

21 Q What are your duties with the Columbia Fire
22 Department?

23 A I'm an engineer, I drive a fire truck, act as a
24 relief officer when the captain is off.

25 Q Please tell the jury a little bit about your

1 background and training in emergency medicine and also
2 in fire training.

3 A We're trained as first responders and basic
4 medical care. We can do blood pressures, administer
5 oxygen, check for injuries, stuff like that.

6 Q On July 1st of 2013, did your respond to [REDACTED]
7 Beaverbrook Road?

8 A Yes, ma'am.

9 Q What was that in reference to?

10 A To us, it came as just a pediatric medical call.

11 Q Is it typical that fire would respond to a
12 pediatric medical care?

13 A Yes, ma'am.

14 Q When you arrived at [REDACTED] Beaverbrook Road, do you
15 recall approximately what time it was?

16 A Around 1815.

17 Q So 6:15 in the evening?

18 A Yes.

19 Q Who was present at [REDACTED] Beaverbrook when you
20 arrived there that you saw?

21 A Richland County EMS, the mother and the child.

22 Q And what was the condition of the child when you
23 arrived?

24 A He was laying on the floor in the living room.

25 Q Was any emergency care being provided to him?

1 A No. When we came in, Richland County EMS advised
2 us it was signal nine ---

3 Q Please tell the jury ---

4 A --- which indicates that the victim is deceased.

5 Q And did you see Courtney Thompson, the mother of
6 the child, in the house?

7 A Yes, ma'am.

8 Q Please describe her demeanor?

9 A She was upset, visibly upset, screaming, asking
10 for us to help her child.

11 Q And did you have other firefighters with you that
12 day?

13 A Yes, ma'am, three other members.

14 Q And what were they doing?

15 A The driver was with the truck. Two firefighters
16 entered the house with me, and then shortly after,
17 getting a quick synopsis of what was going on, I asked
18 them to search the house.

19 Q And what were you looking for, and why was that
20 done?

21 A Neighbors had indicated to my driver that there
22 was a boyfriend and a newborn child that should have
23 been there.

24 Q And while you were there in the home, did you or
25 your other firefighters ever locate the newborn child

1 or the boyfriend?

2 A No, ma'am.

3 Q As a result of information that was provided to
4 you by the neighbors, what did you then do?

5 A I then called my battalion chief and asked for
6 Richland County EMS or Richland County Sheriff's
7 Department to upgrade their response.

8 Q Meaning for the sheriff's department to come
9 quicker?

10 A Yes, to come code. Normally they just drive
11 there, but we wanted them quicker.

12 Q And come code, that means blue light, siren to
13 get there quickly?

14 A Yes, ma'am, yes, ma'am.

15 Q After you called and asked for the sheriff's
16 department to arrive quickly, please describe
17 Ms. Thompson's, the mother of the child, demeanor?

18 A She immediately just went blank. It was like
19 nothing had happened. She wasn't upset anymore.
20 There was no crying, no screaming.

21 Q Did she do anything after you called for the
22 sheriff's department?

23 A She was out front on the front steps and she got
24 on the phone and was having a conversation with
25 somebody on the phone, just a normal conversation.

1 Q So from the time you got there, she was
2 distraught?

3 A Yes, ma'am.

4 Q And then you called for the sheriff's department
5 and her demeanor completely changed?

6 A Yes, ma'am.

7 Q And then did you --- were you present when law
8 enforcement arrived?

9 A Yes, ma'am.

10 Q And a short while after that, did you then see
11 Antonio Guinyard come from the home?

12 A Yes, ma'am.

13 Q Please describe that for the jury.

14 A I had been conversing with several deputies in
15 the front yard, my battalion chief, and turned around,
16 and all of a sudden, he was there and he was holding a
17 small child.

18 Q And you and your firefighters had looked in the
19 house for another individual and had not located one,
20 correct?

21 A Yes, they did what we call an hasty search, they
22 just go in real quick, open up each door to the
23 bedrooms, the bathrooms, kitchen, stuff like that,
24 just scan the room. Nobody was there. They came back
25 out.

1 Q So at no point in time was Mr. Guinyard located
2 during the fire department's search of the home?

3 A No, ma'am.

4 MS. McDUFFIE: Beg the Court's indulgence pause.

5 (Pause.)

6 BY MS. McDUFFIE:

7 Q And where you when you saw Mr. Guinyard?

8 A I was in the front yard by the driveway.

9 Q Where was Mr. Guinyard?

10 A At the front door walking out the front door.

11 Q Was he with anyone?

12 A He had a small child.

13 Q Was law enforcement also present in the home?

14 A Yes, ma'am.

15 MS. McDUFFIE: No further questions, Your Honor.

16 MR. LI: Just a few questions, Your Honor. May
17 it please the Court.

18 THE COURT: Sure.

19 CROSS-EXAMINATION:

20 BY MR. LI:

21 Q You had a chance to see the mother, Courtney
22 Thompson?

23 A Yes, sir.

24 Q At the scene. Did she appear wet to you?

25 A No, sir.

1 MR. LI: No further questions, Your Honor.

2 THE COURT: Thank you, sir. Cross-examination.

3 MR. RUFFIN: Thank you, Your Honor. May it
4 please the Court.

5 CROSS-EXAMINATION:

6 BY MR. RUFFIN:

7 Q What time did you've arrive again?

8 A Somewhere between 18:15 and 18:30.

9 Q And EMS was already there?

10 A Yes, sir.

11 Q You don't know if Courtney tried to administer
12 CPR before you got there, right?

13 A No, sir.

14 Q At that time, she was distraught, right?

15 A Yes, sir.

16 Q She was screaming?

17 A Yes, sir.

18 Q She was asking you for help?

19 A Yes, sir.

20 Q You never saw Antonio screaming, did you?

21 A No, sir.

22 Q Did you see him distraught?

23 A No, sir.

24 Q You never saw him asking for help?

25 A No, sir.

1 MR. RUFFIN: That's all.

2 THE COURT: Any redirect?

3 MS. McDUFFIE: Nothing further, Your Honor.

4 THE COURT: Thank you, sir. Have a nice day.
5 You are excused from your subpoena.

6 Call your next witness.

7 MS. CAMPBELL: May it please the Court, Your
8 Honor. There are two witnesses we need to take out of
9 the order just because of scheduling issues.

10 THE COURT: Okay.

11 MS. CAMPBELL: Thank you. The State called Stan
12 Richards.

13 STAN RICHARDS,
14 after being duly sworn, testified as follows:

15 THE WITNESS: Stan Richards.

16 DIRECT EXAMINATION:

17 BY MS. CAMPBELL:

18 Q Sergeant Richards, where are you employed?

19 A I'm employed with the crime scene latent print
20 unit forensic division of the Richland County
21 Sheriff's Department.

22 Q How long have you been in law enforcement?

23 A I've been with the Richland County Sheriff's
24 Department since 1994.

25 Q And prior to joining the sheriff's department,

1 did you have another career?

2 A Yes, ma'am, I was in the military for 21 years.

3 Q And as part of the crime scene unit, what do your
4 duties involve?

5 A Well, currently, I am the operations sergeant for
6 the crime scene unit. That involves making sure that
7 we have responders responding to the crime scenes,
8 whatever they might be. That could be anything from a
9 larceny to a homicide.

10 Q Can you tell this jury a little bit about your
11 training and your education in crime scene
12 investigation?

13 A Yes. I'm a graduate of both the Northeast
14 Georgia Police Academy and the South Carolina Criminal
15 Justice Academy. I got my education while I was in
16 the military. That was 20 years. I went to St. Leo
17 University in criminal justice. I also am a graduate
18 of the US Army in quantitative analysis.

19 Since I've been with the crime scene unit, I had
20 the opportunity to go to a lot of different courses
21 and learn a lot of different things. Some of them,
22 just a few of them are as follows: Blood stain
23 pattern analysis, latent print processing, latent
24 print development, advanced crime scene photography,
25 shoe and tire track impressions, crime scene

1 reconstruction, advance blood pattern analysis and
2 advanced palm print comparison and on advanced crime
3 scene reconstruction. You get the idea.

4 I am a certified crime scene investigator, a
5 certified footwear examiner, and a certified blood
6 stain pattern examiner through the international
7 organization for identification.

8 Q Is your lab accredited?

9 A It is.

10 Q By what organization?

11 A It's accredited through the American Society of
12 Crime Laboratory Directors and has been since June
13 of '09.

14 Q And as part of your accreditation, are there
15 certain standards and policy says in place to ensure
16 the quality of your investigations?

17 A Yes, it is. We have methodologies to just about
18 everything that we do. Our reports are systemic and
19 they're consistent with each other, and we have rules
20 and policies that we have to follow.

21 Q And, periodically is your crime lab also
22 investigated by another body to ensure the quality of
23 your results?

24 A Yes, we have annual surveillance visits, and we
25 also have inspections every five years.

1 Q Have you been qualified before as an expert in
2 crime scene investigation?

3 A Yes, ma'am.

4 Q Approximately how times have you been qualified?

5 A Thirty-three.

6 MS. CAMPBELL: Your Honor, at this time we'd
7 offer him as an expert in crime scene investigation.

8 THE COURT: Voir dire?

9 MR. LI: No objection, Your Honor.

10 THE COURT: Ms. Pinnock.

11 MS. PINNOCK: No objection.

12 THE COURT: All right. Ladies and gentlemen,
13 normally a person cannot give opinion testimony during
14 a trial. Normally when a person testifies, they must
15 testify to what they either saw, they heard, they
16 sensed by smell or something of the nature. However,
17 there is an exception when someone is qualified
18 because of education or experience. They are
19 permitted to give their opinion in certain areas if I
20 qualify them that way.

21 This witness will be qualified in the area of
22 crime scene investigation; is that correct?

23 MS. CAMPBELL: Yes, sir.

24 THE COURT: Okay. To give opinion testimony in
25 that area does not mean that you must accept his

1 opinion, but it is evidence for you to use in any way
2 that you see fit and give it the weight and the
3 credibility that you believe is appropriate, which you
4 should be doing with every witness that testifies
5 before you.

6 Ms. Campbell.

7 MS. CAMPBELL: Thank you, Your Honor.

8 BY MS. CAMPBELL:

9 Q Sergeant, as a crime scene investigator, are you
10 trained in, as far as photographing crime scenes?

11 A Yes, ma'am.

12 Q Do you also train in the collection of evidence,
13 such as DNA evidence?

14 A Yes, ma'am.

15 Q Are you also, I believe you mentioned --- do you
16 have some training in blood spatter analysis?

17 A That's correct.

18 Q For purposes of this case.

19 A That's correct, yes.

20 Q I want to focus back on July 1st, 2013, did you
21 respond out to ■■■ Beaverbrook Drive?

22 A I did.

23 Q Is that here in Richland County?

24 A Yes, ma'am.

25 Q And when you responded out there, were there any

1 other crime scene investigators there?

2 A Yes, ma'am. Investigator Pochek was already on
3 the scene. He is a crime scene visitation that works
4 for me. He called me and told me what he had, that he
5 had deceased four-year-old, so I responded to the
6 scene.

7 Q Is it uncommon for the person to become --- he
8 was the primary crime scene investigator that day on
9 the scene?

10 A He was.

11 Q And you were there to assist him?

12 A I was.

13 Q Once you got to the scene, did you make an
14 assessment of what possible evidence was there at the
15 scene?

16 A Yes, that's what we do. To begin with, that's a
17 part of our methodology for crime scene processing,
18 and the first thing is we make an assessment. That
19 includes trying to --- that includes observing what
20 you see naturally inside a crime scene that could
21 possibly be evidence. It also includes getting
22 information from investigators or whatever might be
23 there to try to come up with the methodology you need
24 to use in order to process the scene.

25 Q And were you briefed when you got to the scene

1 that day by various investigators, including
2 investigators from the sheriff's department, as well
3 as the coroner's office?

4 A That's correct, I was.

5 Q While you were there, did you observe the child
6 actually there at the scene?

7 A Yes, ma'am.

8 Q And what area was he --- where was he when you
9 got to the scene?

10 A He was lying on his back in the living room.

11 Q And Investigator Oates was the primary, but did
12 you assist him in documenting whatever injuries were
13 notable there at the scene?

14 THE COURT: What name are you saying?

15 MS. CAMPBELL: Oates.

16 THE COURT: O-A-T-E-S?

17 MS. CAMPBELL: Yes, sir.

18 THE COURT: Oates, okay, I was having difficulty
19 hearing.

20 MS. CAMPBELL: I'm sorry. I'll try to enunciate
21 better. Oates, Investigator Oates.

22 THE COURT: Yes, ma'am.

23 BY MS. CAMPBELL:

24 Q Did you --- did he photograph some of the
25 injuries that were observable there on the scene on

1 the child?

2 A Yes, we waited until the coroner was actually in
3 the living room with us because he has to be there
4 before we can process or do anything with the
5 deceased. Once he was there, we started looking at
6 the young man. Investigator Oates was photographing
7 as we were looking at him. We looked at the front, at
8 his face, arms, legs, then rolled him over and looked
9 at the back and buttock area, as well.

10 Q Investigator Oates, I believe, actually took
11 those photographs?

12 A He did.

13 Q That day while you were there, was the victim
14 transported for autopsy?

15 A Yes.

16 Q Once he was transported to autopsy, did you then
17 do --- assist Investigator Oates in other areas of the
18 house?

19 A Yes, Investigator Oates started photographing the
20 interior of the residence himself and once we got the
21 deceased transported, I got with Investigator Oates
22 and had him to continue photographing with me several
23 areas throughout the residence. We had information
24 that there was an area, and I call it the rear right
25 bedroom. It's actually in the front of the house, but

1 all the way down the hallway. The bedroom on the
2 right.

3 We found a stain, a large stain mark there like
4 we were told that we would. We were interested in
5 that area itself. Walking down the hallway, I noticed
6 myself, and I'm always looking for things, especially
7 when someone is injured, a possibility of blood being
8 somewhere. I noticed some reddish brown stains on the
9 wall of the hallway and so I indicated to --- or I
10 told Investigation Oates to make sure we had
11 photographs of that. That was before we started
12 marking anything. We went to the rear right bedroom
13 first.

14 Q I want to talk about that for a second. In the
15 rear right bedroom, you mentioned a stain. What type
16 of stain --- describe the type of stain that are we
17 talking about, the stain that you noticed on the
18 carpet?

19 A It was kind of off color. You could tell it was
20 wet.

21 Q It was wet?

22 A Yes.

23 Q What kind of testing did you do on that stain
24 once you got back in that rear bedroom?

25 A Well, after I saw there was reddish brown stains

1 in the house, that automatically leads me to believe
2 there could have been some type of blood letting event
3 that occurred, so the first thing that was in my mind
4 was to see if what had been on the rug and if that
5 possibly could have been blood.

6 Q And when you tested it, what were your results?

7 A We used what we call Blue Star. That is an
8 enhancement and it reacts with the hemoglobin in
9 blood. If it reacts, it will become a luminous sort
10 of a bluish green color. With dim light, we sprayed
11 that down to see if we got a reaction, which we did.
12 After we got the first reaction, we cut a portion of
13 that carpet out, pulled it up and used Hemodyn, which
14 is another presumptive test for blood. It reacts with
15 hemoglobin also, but we did not get a reaction with
16 the Hemodyn.

17 Q And is that unusual to get a reaction with the
18 Blue Star but not with the Hemodyn?

19 A No, it's not. Blue star is reactive with
20 different things; most any type of presumptive test
21 will react with different things besides just blood,
22 cleaning products, vegetable oils, things of that
23 nature.

24 Q And there are cleaning products that it can react
25 to?

1 A Yes.

2 Q And specifically such things as Pine Sol or
3 something of that nature?

4 A Yes, you'll get a very very sharp response or
5 reaction when you first spray it down. When I saw
6 that, I pretty much knew that it was probably a
7 cleaning product.

8 Q That was with the Blue Star test?

9 A Yes.

10 Q And the Hemodyn just tests for blood and it was
11 not positive, correct?

12 A It was negative.

13 Q Do you have any specific test you can do for the
14 presence of urine?

15 A No, not on the scene, no, ma'am.

16 Q And the reaction you observed was consistent with
17 reacting to some type of cleaning solution?

18 A Yes.

19 Q You mentioned also that you cut out a portion of
20 that carpet and it was collected?

21 A Yes.

22 Q I want to move back to some of your earlier
23 testimony earlier about your observation of reddish
24 brown stains. You are trained to look for what's
25 called blood spatter or blood transfer?

1 A Yes, ma'am.

2 Q When you talk about reddish brown stains, that's
3 basically what could be blood?

4 A Yes.

5 Q And you noted this in different parts of the
6 house?

7 A Yes.

8 Q In what areas of the house, tell the jury, did
9 you observe reddish brown stains?

10 A I noticed or observed some reddish brown stains
11 on the rear bedroom wall. That's the same bedroom
12 that we cut the carpet out and I marked it as number
13 one. Investigator Oates then photographed that.

14 I did not use the marker number two. So I went
15 on to marker number three. I observed reddish brown
16 stains on the hallway wall. Those stains were a
17 linear pattern. What I mean by linear is that they
18 were straight or had little curvature.

19 I also marked number four reddish brown stains on
20 the hallway carpet. Number five reddish brown stains
21 on the light switch in the first bedroom to the right,
22 so there were two bedrooms on the right down the
23 hallway, the first and the second. The first bedroom
24 had --- on the light switch, it had reddish brown
25 stains, and then I marked number six reddish brown

1 stains on the living room wall. They were also a
2 linear pattern.

3 Q Before I forget, as far as when you're talking
4 about these two different stains, one in the hallway,
5 I believe, and then one in the --- what was the last
6 one, in the bedroom?

7 A Living room.

8 Q Living room, I'm sorry. When you're talking
9 about linear patterns, are those significant to you in
10 your training?

11 A It is. When you look at the patterns themselves
12 and you look at the stains in a linear pattern, if
13 they are round or elliptical, that's spatter. That
14 means those stains have been put in flight by some
15 type of force or gravity, okay. So when they wind up
16 as being linear like that, that means they were
17 projected or put in flight by an item or an ---
18 whatever it could be, by being swung.

19 If you go back and forth swinging something and
20 you could have three or four different linear patterns
21 say on the wall like this, these were noted as being
22 linear, and I classified them as castoff.

23 Q Castoff?

24 A Yes.

25 Q Would that be consistent with some type of blunt

1 force trauma or some object inflicting blunt force
2 trauma?

3 A All I can tell you is the item had blood on it
4 and it was swung.

5 Q Swung?

6 A Swung, yes.

7 Q I want to show you State's Exhibit No. 64, 65 and
8 66. Do you recognize those?

9 A Yes, I do. This is the reddish brown stains
10 that's marked number one in the rear bedroom.

11 MS. CAMPBELL: Your Honor, at this time we'd
12 offer --- if you can go ahead and review 67 through
13 73.

14 BY MS. CAMPBELL:

15 Q Go ahead, sir.

16 A All of these depict what I saw, these reddish
17 brown stains, items numbers three through six.

18 MS. CAMPBELL: We'd offer these into evidence.

19 THE COURT: What are the numbers?

20 MS. CAMPBELL: The first three are Numbers 64
21 through 66 and we're also doing 67 through 73.

22 MS. PINNOCK: No objection, Your Honor.

23 MR. LI: No objection, Your Honor.

24 THE COURT: Okay, so 64 through 73, admitted
25 without objection. Hold on one second.

1 (WHEREUPON, State's Exhibits 64 through 73 were
2 admitted into evidence.)

3 BY MS. CAMPBELL:

4 Q You mentioned the item --- when these were
5 initially observed, the stains themselves, they didn't
6 have the markers next to them, did they?

7 A No, ma'am.

8 Q You put them on there?

9 A I put the markers on there.

10 Q And does help you identify it for you later on
11 for when you come to court?

12 A Yes.

13 Q By showing these 64, 65 and 66, what area of the
14 house are these?

15 A Number one?

16 Q Yes. Number one.

17 A It was on the rear bedroom in the rear bedroom
18 wall. I called the rear bedroom the last bedroom on
19 the right down the hallway.

20 Q Is that the same bedroom where you observed the
21 stain that reacted to the Blue Star?

22 A It is.

23 Q And this was how it appeared that day?

24 A Yes.

25 Q The second one which you actually marked with the

1 number three and I show you 67 and 68, what area of
2 the house was this?

3 A Number three was reddish brown stains on the
4 hallway wall itself.

5 Q And you mentioned that you were describing this
6 as being what type in nature?

7 A A linear pattern.

8 Q And I noticed that it's like right there?

9 A That's one stain.

10 Q This is the same stain, two different
11 photographs. Okay, and that was in the hallway?

12 A That's in the hallway. If you look right above
13 where you have your finger, it's very hard to see on
14 there, but you will see a linear running pattern up
15 above.

16 Q Did you skip number two for any reason or did
17 that just happen?

18 A Yes, number two was there.

19 Q Okay. Thank you. I'm showing you State's
20 Exhibits number 69 and 70. One is further out and one
21 is a close up.

22 A Right, number four was marked as the reddish
23 brown stains on the hallway carpet.

24 Q And that's the same hallway where you just saw
25 that linear ---

1 A Yes.

2 Q And did you, on any of these stains that we're
3 talking about, did you do any testing to test for the
4 presence of blood then or there or was that collected
5 for later testing?

6 A Well, Investigator Oates photographed and tested
7 for blood and then collected swabs for each one.

8 Q Okay, on State's Exhibit No. 71 with the number
9 five next to it, what does that show?

10 A That's a reddish brown stains on the light switch
11 on the first bedroom on the right going down the
12 hallway.

13 Q Do you recall what type of furniture was in that
14 first bedroom on the right?

15 A I don't, not off the top of my head, no.

16 Q But that would have been next to the bedroom
17 where you had collected that?

18 A Yes.

19 Q And finally, as far as your observations, I'm
20 going to show you State's Exhibit 72 and 73. What
21 does this show, sir, and where is it?

22 A That is the stains I observed on the living room
23 wall.

24 Q And how did you characterize the stain that was
25 on the living room wall?

1 A Those were also linear patterns.

2 Q And you didn't do any of the collection of
3 evidence that day on these, did you?

4 A I did not.

5 Q But how would --- if you were to want to test
6 these later for say DNA, how would that be collected?

7 A It would have been swabbed. Each of those stains
8 would have been swabbed using a stain or cotton swab,
9 sterile cotton swab, that we have in a container. You
10 would moisten it with distilled water and rub it in
11 over the stain. Put it in a box, seal it, put it into
12 evidence, mark it for DNA analysis and that's what
13 happened.

14 Q That was done by Investigator Oates?

15 A It was.

16 Q Thank you. That day did you conduct any type of
17 search for any type of medication that may have been
18 involved with this child?

19 A Yes, I looked through the house looking for
20 medications, along with the coroner's office. What
21 was found was mostly post birth type medications.

22 Q When you say post birth that would have been for
23 an adult having given birth?

24 A Yes.

25 Q Your next involvement in this case, I want to

1 turn your attention to I believe July 9th. That would
2 have been some eight days later.

3 A Yes, ma'am.

4 Q Did you receive a certain item?

5 A I did. I took possession of a white in color
6 pipe, a metal pipe from Investigator Polis who had
7 collected the pipe at the residence during the visit
8 there.

9 Q I'm going to show you what's been marked as
10 State's Exhibit No. 103, and first ask you to look at
11 that and see if you recognize it.

12 A Yes. That's the pipe. That's my writing on the
13 evidence label.

14 Q And you didn't actually collect this, but this
15 was provided to you?

16 A It was. I signed for it from Investigator Polis
17 on a chain of custody.

18 Q And that was on July 9th?

19 A Correct.

20 MS. CAMPBELL: Your Honor, at this time I'd offer
21 State's Exhibit 103 into evidence.

22 MR. LI: No objection from us, Your Honor.

23 MS. PINNOCK: No objection.

24 THE COURT: State's 103 without objection.

25 (WHEREUPON, State's Exhibit Number 103 was

1 admitted into evidence.)

2 BY MS. CAMPBELL:

3 Q Once you collected or got this item from chain of
4 custody from Investigator Polis, the next day, did you
5 do any type of testing on it?

6 A Yes, on July 10th, I used the markers that ---
7 and we marked four different areas of brown reddish
8 stains on the card. Investigator Oates was there. I
9 had him photograph those areas. Then I took swabs,
10 sterile cotton swabs, and I generally on each one of
11 the four areas that of reddish brown stain, I swabbed
12 those in order to submit to DNA.

13 Q I'm going to show you 86 through 101 and ask
14 first if you recognize those?

15 A Yes. These are photographs depicting the pole
16 that we processed that day.

17 MS. CAMPBELL: Your Honor, at this time we would
18 offer into evidence 86 through 101.

19 MR. LI: No objection, Your Honor.

20 MS. PINNOCK: No objection.

21 THE COURT: All right. Let her write it down.

22 MS. CAMPBELL: Yes, sir.

23 (WHEREUPON, State's Exhibits No. 86 through 101
24 were admitted into evidence.)

25 THE COURT: Ladies and gentlemen, we will take

1 just a little bit of a pause to let the court reporter
2 write down exactly what comes into evidence and what
3 doesn't. At the conclusion of the case, all these
4 exhibits will eventually come back to you, so it's
5 important that we keep a record of what's in evidence
6 or what's not in evidence so that we make sure the
7 correct items that are properly admitted before you
8 make it back to you when it's time to deliberate.

9 That's what we're doing when we take a little bit of a
10 pause. We're making notes of it to make sure we have
11 all the right items down.

12 Go ahead, Ms. Campbell.

13 MS. CAMPBELL: Thank you, Your Honor.

14 BY MS. CAMPBELL:

15 Q I want to show you what's being marked as State's
16 Exhibit 86. Does that show the pole?

17 A That's a full view of the pole, yes, ma'am.

18 Q And is this how it appeared right as you were
19 getting ready to do your testing or collection of
20 evidence?

21 A Yes, yes.

22 Q And what type of evidence were you trying to get
23 off this pole that day as you observed it?

24 A Any type of DNA, but specifically I was
25 interested in swabbing the four brownish red stains

1 that I observed on the pole.

2 Q That day prior to collecting those stains for
3 further testing by DNA, did you mark where you were
4 collecting those items?

5 A Yes.

6 Q And what lettering did you use?

7 A (A), (B), (C), and (D).

8 Q And I'm showing you here State's Exhibit number
9 88. Is that an (A) underneath there?

10 A It is.

11 Q And specifically, where was the actual reddish
12 brown stain as we observed there?

13 A The stain would have been right underneath that
14 that you can see.

15 Q Underneath here?

16 A Yes.

17 Q But that's approximately where it would have been
18 on the pole?

19 A Yes, (A), (B), and (C) was on that end of the
20 pole.

21 Q And then I show you State's Exhibit No. 89.

22 A Yes, that's (B).

23 Q And again, the reddish brown stain we're talking
24 about, it's easier to see on this one.

25 A Yeah, that is the reddish brown stain inside the

1 jagged area.

2 Q And again, in State's Exhibit 92, that actually
3 points to it?

4 A Yes, it does.

5 Q As (B)?

6 A As (B).

7 Q And then --- is this the same end of the pole?

8 A Same end.

9 Q And State's Exhibit 93 is that another reddish
10 brown stain?

11 A Yes, marked (C) on the same end.

12 Q And finally, a different position on the pole,
13 here is a close up of (C); is that correct?

14 A Yes, ma'am.

15 Q And I show you 100 --- 98, and where is this
16 located on the pole?

17 A About midway down the pole.

18 Q And State's Exhibit 100. Is that a closer up?

19 A It is.

20 Q And there appears to be some type of pattern in
21 this reddish swab?

22 A There appears to be patterns in two of them.
23 Number C, which is up the top near the jagged edge and
24 D. which was more close to the center of the pole.

25 Q And in your experience, what pattern type is that

1 consistent with?

2 A They appeared to be ridge detail. Ridge detail
3 is what you have on your fingers and palms.

4 Q You mentioned that's in (C) also, which is
5 Exhibit 94?

6 A Correct.

7 Q Is was there any ridge detail there to do any
8 type of comparison?

9 A No. We tried, and later on we tried some
10 enhancements and tried to find more that you possibly
11 couldn't see and we were unsuccessful in doing so.

12 Q So you couldn't match it, there just wasn't
13 enough there to match it?

14 A Not enough there.

15 Q The next day, did you continue to do some testing
16 on this pole --- or maybe not the next day?

17 A The 28th?

18 Q The 28th, yes, I'm sorry.

19 A Yes. I went back again on the 28th. I
20 retested --- the problem you have is that when you
21 have something like this, you look at the type of
22 evidence that you possibly could get. Number one, of
23 course, some type of DNA, maybe a latent print or
24 blood stains, which is also DNA, of course, in
25 serology.

1 In order to do that, you have to try to sequence
2 what you're doing and try to get the best you can
3 without destroying something else.

4 We've tried for a long time to photograph, try to
5 it see if we had enough ridge detail to do latent
6 prints, which we did not. Afterwards, while we were
7 doing that, I was taking very small amounts of the
8 reddish brown stains and submitting those to DNA
9 trying not to destroy what I already had in ridge
10 detail. Afterwards, I took a look at the ridge detail
11 and decided we didn't have enough, so I then went back
12 a second time and swabbed three of the areas, which
13 was (A), (C), and (D).

14 Q Uh-huh. So you actually did back-up swabs in
15 this case?

16 A I did.

17 Q While we're talking about that, I'll show you
18 State's Exhibit No. 102. Were these the original
19 swabs that were collected from the (A), (B), (C), (D)?

20 A (A) through (D). Yes, ma'am.

21 MS. CAMPBELL: Your Honor, at this time we'd
22 offer State's 102 into evidence.

23 MR. LI: No objection, Your Honor.

24 MS. PINNOCK: No objection, Your Honor.

25 THE COURT: State's 102 without objection.

1 (WHEREUPON, State's Exhibit Number 102 was
2 admitted into evidence.)

3 BY MS. CAMPBELL:

4 Q So, on this file, that would have been from the
5 reddish mark on (D)?

6 A Yes.

7 Q And you took swabs from each of those, correct?

8 A Yes.

9 Q And were those later submitted for DNA testing?

10 A Yes.

11 Q The next day, I believe you testified you went
12 back and did back-up swabs, as well?

13 A Correct.

14 Q So if they hadn't gotten any results from the
15 first swab?

16 A Correct.

17 Q Later finally did you do some additional testing
18 on this pole?

19 A I did.

20 Q Which makes it purple now?

21 A I did. This was in the context of trying to
22 develop more ridge detail or find possibly more
23 reddish brown stains that we couldn't see with the
24 naked eye or even under lights. What we have is
25 certain chemicals, as a matter of fact it's called

1 L.C.V. it's leuco-crystal violet. It's an enhancer or
2 blood not a stain. It's a hemastain, really. What
3 can be done is you can spray this and it can react or
4 enhance a hemoglobin in blood where you couldn't see
5 with a naked eye. It stains it actually, the hema
6 molecules inside.

7 What would have been the next step after this
8 would have been what we call amino black. That is a
9 protein stain. We used this first because after you
10 used the leuco-crystal violet, you continue to
11 sequence and do more things with what you have. Once
12 you have used the amino black, you have to stop
13 because it's a protein stain and there's nothing else
14 you can do with it after that. We never did get to
15 that. Once we try the L.C.V. on this, you can see
16 that it turned purple. We were not able to see or
17 enhance or stain any other ridge detail to it, so we
18 stopped at this point.

19 Q So basically you've exhausted all the possible
20 testing on this as far as for the presence of blood or
21 fingerprints?

22 A We did.

23 Q And the end, where you've got (A), (B), and (C),
24 is that down here where I'm pointing?

25 A That's correct, the jagged end.

1 Q And then the other stain was right below this
2 little chip?

3 A Yes, that's correct.

4 Q Which was (D)?

5 A Yes.

6 Q And this pole used to be white until you did all
7 your testing?

8 A Used to be, yes, ma'am.

9 Q Like it's shown in the photograph?

10 A Yes, ma'am.

11 Q And then at a later date, you logged that into
12 evidence after the testing was done?

13 A Yes, ma'am.

14 Q I want to back up a little bit to the house. I
15 want to show you what's been marked as State's Exhibit
16 No. 211. Do you recognize this?

17 A Yes. That's a not to scale drawing from
18 Investigator Oates of the residence, the interior of
19 the residence.

20 Q And other than it's not to scale, does this
21 fairly and accurately and accurately depict generally
22 the interior of the residence?

23 A Yes, it is.

24 MS. CAMPBELL: Your Honor, at this time we'd
25 offer State's Exhibit 211 into evidence.

1 MR. LI: No objection, Your Honor.

2 MS. PINNOCK: No objection.

3 THE COURT: Without objection, State's 211.

4 (WHEREUPON, State's Exhibit Number 211 was
5 admitted into evidence.)

6 MS. CAMPBELL: Your Honor, may the witness step
7 down?

8 THE COURT: I'm sorry?

9 MS. CAMPBELL: May the witness step down?

10 THE COURT: Yes, ma'am.

11 All right. Investigator, please make sure you're
12 keep your voice up so that all the jurors can hear
13 you, okay?

14 THE WITNESS: Yes, sir.

15 THE COURT: Thank you.

16 BY MS. CAMPBELL:

17 Q If you'll come over on this side so the court
18 reporter can hear you better. On State's Exhibit
19 No. 211, does this show the general outlay of the
20 house?

21 A Yes, it does.

22 Q I should a say layout of the house. Where is the
23 front door on that diagram?

24 A The front door is in this general area right
25 here.

1 Q And generally, where was the child's body located
2 as you walked in?

3 A As indicated by Investigator Oates, you could
4 tell the child's body was in this general area.

5 Q And you mentioned going down a hallway area.
6 Where is the hallway on that diagram?

7 A This would be the hallway. This is the living
8 room, kitchen.

9 Q Uh-huh.

10 A Turn to the right. This is the hallway that
11 leads to the first bedroom that I talked about, the
12 second bedroom that I talked about and this (AA) that
13 you see indicates the stain that was in that second
14 bedroom.

15 Q The (AA) in this, is the circular spot in the
16 middle of the floor?

17 A Yes.

18 Q That's the carpet that was actually cut out that
19 day?

20 A Yes.

21 Q The area where it was?

22 A Yes.

23 Q I notice you have (AB) pointing towards
24 something. What is that?

25 A That would probably be a dresser. Investigator

1 Oates made this sketch, so I assuming that was the
2 dresser on that side of the bedroom.

3 Q As far as the stains that y'all collected that
4 day, one through six except for two?

5 A Yes.

6 Q Are those shown on that diagram?

7 A They are.

8 Q In the general area where they were collected?

9 A Yes, ma'am.

10 Q And the stain marked as number one, where is
11 that?

12 A It would have been on the wall of the last
13 bedroom right here, right beside where you would be
14 going out the door.

15 Q Okay. That's what's shown as State's Exhibit
16 No. 64 and 66?

17 A It is.

18 Q Moving on to item number three, the stain you
19 observed, which was --- was this one of your linear
20 ones?

21 A It is.

22 Q These are shown in State's Exhibit 67 and 68,
23 where was that located?

24 A Number three is indicated on the wall, going this
25 way on the right side of the hallway, right here.

1 Q So it's actually in the hallway?

2 A It's in the hallway on the wall.

3 Q Okay. The carpet stain you observed, which is
4 marked as number four, which is shown as 69 and 70,
5 where is that located?

6 A This is marked number four on the carpet in the
7 hallway.

8 Q And number five, which is State's Exhibit 71?

9 A Number five was in the first bedroom on the
10 right. It would have been on a light switch on the
11 wall approximately right there beside the entry way.

12 Q And finally, State's Exhibit 73 and 72, this
13 linear stain?

14 A This linear stain on the wall in the living room
15 is indicated on number six in the picture.

16 Q The kitchen area is here?

17 A That's correct.

18 Q And is this a door to the outside, as well?

19 A Yes.

20 Q Right here next to this number seven?

21 A Yes.

22 Q Thank you. Take a seat.

23 Sergeant, the swabs that you collected, were
24 those submitted into evidence for further testing?

25 A Yes, ma'am.

1 Q You aren't the person that actually does the DNA
2 testing?

3 A No, ma'am.

4 Q Is that another part of your laboratory?

5 A That's our DNA section, yes, ma'am.

6 Q During the time period that any of these items
7 were in your possession, the blood swabs, the pipe
8 itself, anything else, did you ever alter it or tamper
9 with it anyway?

10 A No, ma'am.

11 Q Was a proper chain of custody kept by you?

12 A Yes, ma'am.

13 MS. CAMPBELL: Thank you, sir.

14 I have nothing further, Your Honor.

15 THE COURT: Cross?

16 CROSS-EXAMINATION:

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

19 THE COURT: Yes, ma'am.

20 BY MS. EISENHOWER:

21 Q Mr. Richards, you said you noticed some reddish
22 brown stains on the wall; is that correct?

23 A Correct.

24 Q And you also noticed some reddish brown stains on
25 the pole; is that correct?

1 A On the what?

2 Q On the pole.

3 A Yes, that's correct.

4 Q But you're not able to determine by looking at
5 those stains when exactly the blood was transferred to
6 the wall, correct?

7 A No, because blood in droplets of that size can
8 dry fairly quickly.

9 Q And the same with the pole, correct? You're not
10 able to determine when the blood was transferred to
11 the pole, correct?

12 A No, ma'am.

13 Q And you said you were also given a chance to
14 examine the victim's body, correct?

15 A Yes, I was there.

16 Q And when you examined the victim's body, other
17 than the blood coming from the victim's cut on his
18 lip, you didn't notice any open fresh wounds with the
19 blood coming out of them, correct?

20 A I didn't notice anything with blood coming out of
21 them, an open fresh wound; I would be skeptical to say
22 how fresh, but there was a --- I don't know if I would
23 call it an inside --- there was a cut on him, yes.

24 Q But upon examining the body, you wouldn't say
25 that you noticed any sort of wound that would have

1 allowed blood that could have contributed to the
2 spatter on the walls?

3 A No, I couldn't say that.

4 Q Okay.

5 MS. EISENHOWER: No further questions, Your
6 Honor.

7 THE COURT: Cross?

8 MS. PINNOCK: May it please the Court, Your
9 Honor.

10 CROSS-EXAMINATION:

11 BY MS. PINNOCK:

12 Q Investigator Richards, the presumptive test that
13 you did, it's not conclusion, correct?

14 A I can't say it's blood that it's blood even after
15 that.

16 Q Okay. That's why you send it off to the DNA lab
17 for them to do testing?

18 A Yes, ma'am.

19 Q They're the ones that determine if it's blood and
20 whose DNA is actually present?

21 A That's correct.

22 MS. PINNOCK: Beg the Court's indulgence.

23 (Pause.)

24 MS. PINNOCK: I have nothing further, thank you.

25 THE COURT: All right.

1 MS. CAMPBELL: I'm good.

2 THE COURT: Thank you, sir. You may step down.
3 You're excused. Have a nice day.

4 All right. Call your next witness.

5 MS. McDUFFIE: The State calls Investigator Chris
6 Lindler.

7 THE COURT: All right. Investigator Lindler,
8 please come forward.

9 CHRIS LINDLER,

10 after being duly sworn, testified as follows:

11 THE CLERK: Please have a seat. State your full
12 name.

13 THE WITNESS: Chris Lindler, L-I-N-D-L-E-R.

14 DIRECT EXAMINATION:

15 BY MS. McDUFFIE:

16 Q Mr. Lindler, where are you employed?

17 A I'm employed at the Richland County Sheriff's
18 Department. I've been there since 1998.

19 Q What are your duties with the Richland County
20 Sheriff's Department?

21 A I'm presently the sergeant over the Major Crimes
22 Unit. I handle the assaults, criminal domestic
23 violence cases.

24 Q As the sergeant over the Major Crimes Unit for
25 the sheriff's department, please tell the jury a

1 little bit about what your duties are.

2 A On any given day, we handle any number of
3 assaults, whether it be shootings, stabbings, criminal
4 domestic violence, which would be a husband and wife,
5 boyfriend girlfriend who reside together, have
6 children in common, those type of assaults, those
7 reports come in daily.

8 Also as a sergeant, we take evening shift call
9 about once every seven weeks, where I'm the sergeant
10 on duty once the normal investigators have gone home.
11 I have a team of investigators that work with me on
12 what we call evening shift or evening shift on-call.

13 Q On July 1st of 2013, were you the on-call
14 sergeant?

15 A I was.

16 Q And did you --- at some point did you become
17 notified of an incident that occurred at [REDACTED]
18 Beaverbrook Road?

19 A I was. Normally when we get called, I am
20 notified by the desk sergeant. A line unit, whether
21 it be a deputy on the scene would call for an
22 investigator.

23 The desk sergeant would make contact with me, and
24 I would dispatch the appropriate investigators out to
25 that scene.

1 Q Because you're the sergeant on call that night,
2 does that mean you're in charge of the investigation
3 from start to finish?

4 A No, it does not. That just means we handle the
5 initial investigation and then somebody takes over
6 that next morning while I continue on evening shift.

7 Q So it's assigned to an investigator, a lead
8 investigator as it's sometimes called?

9 A It is.

10 Q In this case, who was this case assigned to?

11 A It was assigned to Travis Holdorf.

12 Q On July 1, 2013, did you respond yourself to the
13 residence at [REDACTED] Beaverbrook?

14 A I did, but I sent Investigator Holdorf, who was
15 actually on the evening shift with me that night. I
16 sent Investigator Holdorf and another investigator out
17 to that scene.

18 Q And you followed sometime prior?

19 A I did.

20 Q You stayed back at headquarters?

21 A I did.

22 Q What was the point of doing that or why were you
23 back at headquarters?

24 A Several reasons, just to run some background on
25 the residence itself to see if we have had any prior

1 incidents out at that address, maybe get an idea of
2 what kind of occupants were there at the house and
3 also to stay behind in case --- once Travis were to
4 get out on the scene, we may need a search warrant for
5 the house, and if so, he would then relay that
6 information back to me, and we could get a search
7 warrant done.

8 Q In this case, did Investigator Holdorf request
9 that you obtain a search warrant?

10 A He did. I was en route to headquarters at Two
11 Notch from my office, which was at Pine View at the
12 time. He relayed to me that they would need a search
13 warrant before any further entrance into the house was
14 made by folks from the Richland County Sheriff's
15 Department.

16 Q In this case, did you and Investigator Robbie
17 Crane actually prepare the search warrant and present
18 that search warrant to a magistrate judge?

19 A We did.

20 Q Did you obtain a search warrant for the residence
21 of ■■■ Beaverbrook?

22 A We did.

23 Q Was that search warrant then afterward given to
24 the investigators to execute?

25 A It was.

1 Q You then responded out to Beaverbrook that
2 evening, correct?

3 A I did.

4 Q What were your duties while you were there that
5 evening?

6 A One was to protect the crime scene, make sure we
7 didn't have anybody entering or exiting the crime
8 scene that didn't need to be there. While we were
9 waiting on the search warrant, we don't go inside of
10 that crime scene until we get that search warrant in
11 our hands and the search warrant has been signed.

12 Once the search warrant was brought to me that
13 night, it was handed over to the folks from our lab,
14 which would have been Stan Richards and Robert Oates
15 from our crime scene unit.

16 Q Were you also made aware that there was an infant
17 child that was there at the home that evening and now
18 at the scene?

19 A Yes, ma'am.

20 Q Did you make arrangements for the safe keeping
21 and the well-being of that child?

22 A We did. Once on the scene, we had learned about
23 the child and learned that it had been born just a
24 couple of days prior, and I had contacted --- once I
25 arrived on the scene, I contacted DSS for them to send

1 someone out to us.

2 There was some discussion about whether we were
3 going to turn the child over to DSS or release that
4 infant child to another family member.

5 Q And ultimately the decision was made to release
6 that child to a family member?

7 A Correct.

8 Q While you were there and after the search warrant
9 was procured, crime scene was going through the house?

10 A Yes.

11 Q And you were present when that was occurring?

12 A Correct.

13 Q At some point in time did you become aware that
14 inside the house, there was --- there were items from
15 the hospital that were given to Ms. Thompson upon her
16 release, formula, diapers, things of that nature?

17 A Things any infant would need, formula, baby
18 bottles, diapers, things like that.

19 Q I'm going to show you State's 45 and ask if you
20 recognize that?

21 A I do.

22 MS. McDUFFIE: Your Honor, at this time we'd
23 offer State's 45.

24 MR. LI: No objection.

25 MR. STAGGS: Can I see that?

1 (Pause.)

2 MR. STAGGS: No objection.

3 THE COURT: State's 45 without objection.

4 (WHEREUPON, State's Exhibit Number 45 was
5 admitted into evidence.)

6 BY MS. McDUFFIE:

7 Q Investigator Lindler, after crime scene finished
8 processing the home that night, did you or did crime
9 scene at your request go in and remove the diapers and
10 baby bottles from on top of this dresser?

11 A They did.

12 Q What was the point of removing those items that
13 night?

14 A It was for the infant child so the infant child
15 would have something to nurse from, you know, for the
16 family members that were taking the child.

17 Q So at your request these items were removed from
18 the home that night?

19 A Yes, they were.

20 Q They weren't taken into custody or evidence, but
21 they were released to the family member?

22 A That's correct.

23 Q After that was done, did you have any further
24 involvement that evening or the next morning?

25 A The next day after I came in, I did --- when I

1 got in that afternoon, I believe, the --- Travis and
2 some of the other investigators were involved in some
3 interviews at that point in time. I was being brought
4 up to speed on what happened that day.

5 Q And were you aware that both Ms. Thompson and
6 Mr. Guinyard were at the sheriff's department?

7 A I was.

8 Q And that they were being interviewed at that
9 point separately from each other?

10 A Yes, they were.

11 Q Are you aware that they had been advised of their
12 Miranda rights?

13 MR. STAGGS: Objection, Your Honor. She is
14 leading the witness.

15 THE COURT: Sustained.

16 BY MS. McDUFFIE:

17 Q Had they been advised of their rights?

18 A They had.

19 Q When you encountered Mr. Guinyard and
20 Ms. Thompson, please tell the jury where that was?

21 A Once they had finished their interviews, I don't
22 remember which one wanted to see the other one. They
23 were in the break room there at the sheriff's
24 department seated across the table from each other.
25 They wanted to talk to each other before being

1 transported. We were in the courtroom with them ---
2 it was myself --- excuse me, not the courtroom, the
3 break room. Myself and several of the other
4 investigator were there present.

5 Q When you say break room, describe what this room
6 is like.

7 A It's small room, possibly the size of the judge's
8 bench up there with a table in it. It would look like
9 a normal kitchen table or dining table with chairs
10 around it, with a snack machine on one side, a sink,
11 and some water machines.

12 Q Both Ms. Thompson and Mr. Guinyard were in the
13 room?

14 A Yes.

15 Q Please describe for the jury what you then
16 observed.

17 A Ms. Thompson was seated to my left and Antonio
18 was seated to my right. I observed Antonio take some
19 money out of his pocket and hand it to Courtney. She
20 would then count the money, keep some of it, give some
21 of it over to Antonio.

22 Q And what did you then --- what occurred after
23 that?

24 A Investigator Holdorf, at that time, had stated to
25 them that didn't they want to give some of that money

1 to the kids to help them out.

2 MR. STAGGS: Objection, Your Honor. This is
3 hearsay.

4 THE COURT: It's not offered for the truth of the
5 matter asserted.

6 MS. McDUFFIE: Thank you, Your Honor.

7 BY MS. McDUFFIE:

8 Q Please continue.

9 A Investigator Holdorf made it a point to tell them
10 while I was standing there that they didn't need the
11 money; that their meals at the jail would be provided
12 free.

13 Q Did they do anything or respond in any way?

14 A No, ma'am.

15 Q And they both kept the money?

16 A Yes, ma'am.

17 Q And did Mr. Guinyard make any statements?

18 A While we were standing there with them in the
19 break room and as they were talking to each other, I
20 heard Antonio tell Courtney to take the charges so he
21 could go home and take care of the kids.

22 Q Please tell the jury or point to the jury who
23 made that statement.

24 A Antonio, seated right there in the white shirt,
25 striped top.

1 Q Who did he say that to?

2 A Courtney, who's seated just over here in the
3 black blazer.

4 MS. McDUFFIE: Your Honor, please let the record
5 reflect that Investigator Lindler has identified the
6 defendants.

7 THE COURT: Okay.

8 BY MS. McDUFFIE:

9 Q When this was occurring or you were observing
10 this, please describe Mr. Guinyard's demeanor for the
11 jury.

12 A Just like any other day. He wasn't upset, no
13 tears.

14 Q And Mr. Guinyard, again, said what to
15 Ms. Thompson?

16 A To take the charges so he could go home and take
17 care of the kids.

18 Q And after that, did you have any further
19 involvement with either of them?

20 A I had no other involvement in this case after
21 that point.

22 MS. McDUFFIE: Thank you, Your Honor. No further
23 questions.

24 THE COURT: Who is first?

25 All right. Mr. Li.

CROSS-EXAMINATION:

MR. LI: May it please the Court, Your Honor.

BY MR. LI:

Q Investigator Lindler, how are you doing?

A Good.

Q Your involvement in this case basically lasted from 7/1 to 7/2, correct?

A Correct, about a day-and-a-half.

Q And you said you spoke with a Natalie Thompson and a Maria Thompson, correct?

A Out on the scene that night, yes.

Q Okay, but you never took any statements from them, correct?

A No, sir, I did not.

Q All right. And basically that's all you did on the case?

A Yes.

MR. LI: Thank you, sir.

No further questions, Your Honor.

THE COURT: Cross-examination?

MR. STAGGS: Thank you, Your Honor. May it please the Court.

THE COURT: Yes, sir.

CROSS-EXAMINATION:

BY MR. STAGGS:

1 Q Sergeant Lindler, I just have very little. You
2 did go to the scene that evening?

3 A I did.

4 Q But you didn't speak with Courtney that evening,
5 right?

6 A I did not.

7 Q Okay. And you didn't participate in the
8 interviews the next day at headquarters either; is
9 that right?

10 A I did not.

11 Q Okay. The last question, when did you write your
12 report?

13 A My follow-up was done, and it --- it was loaded
14 into ACISS sometime in February of this year, but my
15 report was done.

16 Q Contemporaneous?

17 A (There was no response.)

18 Q When was your report completed?

19 A I keep all of my reports on my computer in a
20 Windows file and I cut and paste those into ACISS.

21 MR. STAGGS: Thank you very much.

22 THE COURT: Anything further, Ms. McDuffie?

23 MS. McDUFFIE: Nothing further.

24 THE COURT: Thank you, investigator. You are
25 excused.

1 All right. You all approach real quick.

2 (WHEREUPON, a bench conference was held in the
3 presence, but not within hearing of the jury.)

4 THE COURT: All right. Ladies and gentlemen,
5 we've been going about an hour, hour 15 minutes or so.
6 We're going to take a break, let you all stretch your
7 legs, use the restroom, other things like that you
8 need to do you before you come back.

9 We will finish by 5:15 today. So if that --- so
10 we'll be out of here. You'll be out of here. You'll
11 be done by that time, so we'll take a little break now
12 and come back and finish up for the day with at least
13 one more witness. Do not discuss the case. Keep an
14 open mind. We'll see you back in about ten minutes.
15 Thank you.

16 (WHEREUPON, the jury left the courtroom at
17 3:58 p.m.)

18 THE COURT: Okay. Let's take a quick ten minute
19 break.

20 (WHEREUPON, a short break was taken.)

21 THE COURT: Ready? Take a seat, please.

22 MS. CAMPBELL: Yes, Your Honor, we've got some
23 more witnesses that we're taking out of order. We've
24 gone through their records with defense counsel.

25 THE COURT: Okay.

1 MR. LI: Yes, Your Honor.

2 MS. PINNOCK: Your Honor, I believe they were
3 going to call Crystal Thompson. That was one of the
4 witnesses that we were going to ask to proffer the
5 testimony on.

6 THE COURT: Okay. Are we doing that this
7 afternoon?

8 MS. CAMPBELL: Yes, sir.

9 THE COURT: All right, sir. Let's call her up.

10 MS. CAMPBELL: Where is she?

11 CRYSTAL THOMPSON,
12 after being duly sworn, testified outside the presence
13 of the jury as follows:

14 THE CLERK: Please have a seat, state your full
15 name.

16 THE WITNESS: Crystal Thompson.

17 DIRECT EXAMINATION: (Proffered)

18 BY MS. CAMPBELL:

19 Q Hey, Ms. Thompson. I'm just going to ask you a
20 few questions before the jury comes in, okay? Was
21 there a period of time when you were around Courtney
22 when she had CHILD in her care?

23 A Yes, ma'am, I stayed with her for like a year.

24 Q For like a year? During the period of time,
25 would that have been sometime before he died, about

1 that year before he died?

2 A Yes, ma'am.

3 Q It was then after she got him back from foster
4 care?

5 A Yes, ma'am.

6 Q Okay, and once she got him back from foster care,
7 did you ever observe her do anything to CHILD as far
8 as discipline him?

9 A Yes, ma'am.

10 Q And what things did you observe her do?

11 A The beatings, like as far as his butt.

12 Q His butt? Did you ever see her beat him with any
13 objects?

14 A A drop card.

15 Q A drop cord. Any other objects that you recall?

16 A No, ma'am.

17 Q Do you remember giving a statement in this case?

18 A I remember, but I --- I remember like half of it.

19 Q Okay, you remember like half of it now? Would it
20 help you to look at your statement to refresh your
21 memory?

22 A I mean, yeah, I can.

23 Q I want to show you this statement that you gave.
24 You mentioned a wire clothes hanger, a broom, cable
25 cord, her fist, her knees and kick him?

1 A I seen her put her knee in his back.

2 Q In his back?

3 A When she grabbed the clothes hanger, that was at
4 my sister's house, but it was taken out of her hand
5 before she could actually use it.

6 Q She had it in her hand to use it, but she didn't
7 actually use it on him, but you seen her use her knee?

8 A Yes, ma'am.

9 Q What other objects have you seen her hit him
10 with?

11 A A belt.

12 Q A belt. What about her feet?

13 A Just the knee and back.

14 Q And the cable cord was the cord you were talking
15 about earlier?

16 A Yes, ma'am.

17 Q And those were all things that you saw in that
18 year or so when you were staying with her?

19 A Yes, ma'am.

20 Q And that was after she got him back from foster
21 care?

22 A Yes, ma'am.

23 Q And you actually observed her hit him with those
24 items?

25 A Yes, ma'am.

1 Q Did you also observe Antonio discipline [CHILD] ?

2 A No, ma'am.

3 Q Do you remember giving that statement, again?

4 A Yes, ma'am.

5 Q Would this refresh your memory?

6 Where you said I've seen him hit [CHILD] twice.

7 I've seen Antonio punch [CHILD] and sit on the toilet
8 for three hours.

9 A Yes, ma'am.

10 Q Did you observe all those things, as well?

11 A Yes, ma'am.

12 MS. CAMPBELL: That's all I have about that prior
13 abuse on this witness.

14 THE COURT: Okay. What's your argument?

15 MS. PINNOCK: Your Honor, may I ask a couple of
16 questions.

17 THE COURT: What for?

18 MS. PINNOCK: To still establish the timeframe.
19 We're still talking about a full calendar year,
20 sometime in the year leading up to his death. That's
21 not --- it doesn't satisfy the clear and convincing.
22 It doesn't make the connection with the charges, and
23 we don't know what kind of timeframe we're talking
24 about.

25 THE COURT: She just said within a year.

1 MS. CAMPBELL: After he was returned from foster
2 care.

3 MS. PINNOCK: Yet, he was in the house for 16
4 months, I believe.

5 THE COURT: When did you move in, approximately?
6 (There was no response.)

7 THE COURT: I don't need the specific date.

8 THE WITNESS: It was around summer. Really I
9 don't know the date.

10 THE COURT: Summer of what?

11 THE WITNESS: 2012, I believe.

12 THE COURT: And when did you move out?

13 THE WITNESS: September the 5th. Well, it was in
14 September. I don't remember the date.

15 THE COURT: Of what year?

16 THE WITNESS: 2013.

17 THE COURT: 2013?

18 THE WITNESS: Yes.

19 THE COURT: You lived there after she went into
20 custody?

21 THE WITNESS: No, 2012. My bad.

22 THE COURT: All right. What else do you want to
23 ask her about besides time?

24 MS. PINNOCK: Nothing, Your Honor. Thank you.

25 THE COURT: Okay. What's your argument?

1 MS. PINNOCK: That cleared it. Thank you, Your
2 Honor.

3 THE COURT: So there is no objection to her
4 testimony?

5 MS. PINNOCK: No, sir.

6 THE COURT: Okay. All right. Bring the jury in.
7 (WHEREUPON, the jury entered the courtroom at
8 4:20 p.m.)

9 MS. CAMPBELL: Your Honor, does she need to come
10 off the stand to be sworn in front of the jury?

11 THE COURT: Yes, that's fine. Come sit right
12 there on the front row, or just stay where you are
13 right now. You're fine.

14 THE BAILIFF: The jurors are present, Your Honor.

15 THE COURT: Thank you very much.

16 All right. Ms. Thompson, raise your right hand.

17 CRYSTAL THOMPSON,
18 after being duly sworn, testified as follows:

19 THE COURT: All right. Yes, ma'am.

20 MS. CAMPBELL: May it please the Court.

21 DIRECT EXAMINATION:
22 BY MS. CAMPBELL:
23 Q You're Ms. Crystal Thompson?
24 A Yes, ma'am.
25 Q What is your relationship to either Mr. Guinyard

1 or Courtney Thompson?

2 A Courtney is my sister.

3 Q She's your sister?

4 A Yes, ma'am.

5 Q Is she older or younger than you?

6 A Younger.

7 Q Do you have any other sisters?

8 A Yes, ma'am.

9 Q What are their names?

10 A Nelly Thompson and Maria Thompson.

11 Q And Maria Thompson?

12 A Yes, ma'am.

13 Q And what's your mom's name?

14 A Gladys Thompson.

15 Q Where do you live now?

16 A 1810 Benedict Court.

17 Q Who do you live there with?

18 A Just me and my son for now.

19 Q I want to turn your attention back to --- well,
20 let me ask you this. You had a nephew that was named

21 CHILD?

22 A Yes, ma'am.

23 Q Was CHILD your only niece or nephew?

24 A No, ma'am.

25 Q How many children does Courtney have?

1 A All together?

2 MS. PINNOCK: Objection. Relevance.

3 THE COURT: Overruled.

4 BY MS. CAMPBELL:

5 Q You can answer me.

6 A Seven.

7 Q Seven? And who was CHILD's father?

8 A Antonio.

9 Q And did CHILD have a nickname that you all
10 called him?

11 A CHILD

12 Q CHILD?

13 A CHILD.

14 Q And for a period of time was CHILD removed from
15 Courtney's home and Antonio's home? He didn't live
16 with them for awhile?

17 A Yes, ma'am.

18 Q And then in April of 2012, did CHILD get
19 returned back to Courtney and Antonio?

20 A I guess. I don't know when he got returned back.

21 Q Sometime after he had been gone for several
22 years?

23 A Yes, ma'am.

24 Q Once he was back in their care for some period of
25 time, did you stay with her?

1 A No. I didn't move in until like a couple of
2 months later, a month or two.

3 Q Okay. So that summer?

4 A Yes, ma'am.

5 Q Of 2012?

6 A Yes, ma'am.

7 Q And during that time period, did you ever see
8 either Antonio Guinyard or Courtney discipline CHILD?

9 A No, ma'am, not at first.

10 Q Not at first, but as time passed, did you have
11 occasion to see them do certain things to CHILD?

12 A Yes, ma'am.

13 Q And Courtney, what would she do?

14 A She would take him upstairs and beat him.

15 Q What would she beat him with?

16 A A drop cord or something like that or with her
17 hand.

18 Q Or her hand? Did you ever see her beat him with
19 anything else?

20 A A belt, a drop cord. That's really basically all
21 I can remember.

22 Q All you can remember now. Do you remember back
23 giving a statement in this case?

24 A Yes, ma'am.

25 Q And I believe on July 3rd of 2013, you went down

1 to the sheriff's department down on Garners Ferry
2 Road?

3 A Yes, ma'am.

4 Q Do you remember meeting with, I believe,
5 Investigator Holdorf and giving a statement?

6 A Yes, ma'am.

7 Q Was your memory better then?

8 MS. PINNOCK: Objection. She is leading.

9 THE WITNESS: Yes, ma'am.

10 THE COURT: Overruled.

11 MS. CAMPBELL: Thank you.

12 BY MS. CAMPBELL:

13 Q Do you remember giving them a statement about
14 everything you knew about this case?

15 A Yes, ma'am.

16 Q I'm going to show you a copy of that statement
17 and see if this refreshes your memory. Does that look
18 your statement? Is this your signature?

19 A Yes, ma'am.

20 Q If you review this, does that help refresh your
21 memory on what all you saw him beaten with by
22 Courtney?

23 A Yes, ma'am.

24 Q And what all --- is that the statement you gave?

25 A That's the statement. I just don't remember

1 nothing about the broom.

2 Q Just don't remember the broom, but do you
3 remember all the other items listed there?

4 A Yes, ma'am.

5 Q And what are those other items?

6 A A clothes hanger, a coat hanger, a drop cord,
7 cable cord and knees.

8 Q Anything else?

9 A It just says knees.

10 MS. PINNOCK: Judge, I have to object. It's
11 improper. She is reading her statement. If the
12 solicitor is going to give it to her to refresh her
13 memory, she has to take it back.

14 THE COURT: Well, she can use it to refresh her
15 memory and that's it.

16 MS. CAMPBELL: Or in the alternative, I can
17 impeach her with it, I mean, which ever you prefer.

18 THE COURT: Right.

19 MS. PINNOCK: Your Honor, may we approach?

20 THE COURT: Sure.

21 MS. CAMPBELL: I'm sorry. Excuse me.

22 (WHEREUPON, a bench conference was held in the
23 presence, but not within hearing of the jury.)

24 THE COURT: All right. Ladies and gentlemen, why
25 don't you stand up where you are, talk amongst

1 yourself. Do not talk about the case and stretch
2 while I look at this one thing instead of going back
3 to the jury room. All right. Go ahead and stand up.
4 Don't be scared. Stretch your legs, talk amongst
5 yourselves. Do not talk about the case. I can't hear
6 you talking.

7 (Pause.)

8 THE COURT: All right. You were the guinea pigs.
9 I've never done that before. All right. Next time we
10 have something like this, I'll tell you to stand up
11 and talk amongst yourselves and it will be a good
12 opportunity to stretch your legs because I know that
13 sitting there can be tiring.

14 All right. Ms. Pinnock, your objection is
15 overruled. Ms. Campbell, you may continue with the
16 testimony.

17 MS. CAMPBELL: Thank you, Your Honor.

18 BY MS. CAMPBELL:

19 Q Did you ever observe Antonio inflict any pain on
20 CHILD?

21 A Not really.

22 Q Okay. And again, do you remember making this
23 statement back on July 3rd, 2013? You're under
24 subpoena here today, right?

25 A (Nods in the affirmative.)

1 Q Do you want to be here?

2 A I mean, it's for my nephew. I got no choice.

3 Q Would it help you to look at your statement that
4 you wrote back then?

5 A I mean, I know it. I don't...

6 Q Do you remember giving that statement to
7 Investigator Holdorf?

8 A Yes, ma'am.

9 Q On July 3rd at about 1:00 in the afternoon at the
10 sheriff's department on the lower side?

11 A Yes, ma'am.

12 Q And do you remember telling him, "I witnessed
13 him" --- talking about Antonio, "I witnessed him hit
14 **CHILD** twice"?

15 A Yes, ma'am.

16 Q "I've also seen Antonio punch **CHILD**."

17 A Yes, ma'am.

18 Q "I have seen Antonio make **CHILD** sit on the
19 toilet for three hours."

20 A Yes, ma'am.

21 Q Do you remember saying all that?

22 A (There was no response).

23 THE COURT: Answer out loud, please.

24 THE WITNESS: Yes, ma'am.

25 BY MS. CAMPBELL:

1 Q Now, I want to turn your attention to the day
2 when [CHILD] died, okay. Do you remember giving a
3 statement about what you remember from that day to the
4 sheriff's department?

5 A What I heard, yes, ma'am.

6 Q And that afternoon, did you have a phone
7 conversation with your sister?

8 A Yes, ma'am.

9 Q And your sister, that's Courtney we're talking
10 about?

11 A Yes, ma'am.

12 Q And you were on the telephone with her?

13 A Yes, ma'am.

14 Q Do you remember what your telephone number was?

15 A 297-3813.

16 Q 3813?

17 A Yes, ma'am.

18 Q That afternoon when you were on the phone with
19 her, what did you hear Courtney talking about?

20 A We was just basically talking about [CHILD] and the
21 baby, and then she said she would call me back.

22 That's when I got the phone call, picked it up. It
23 was basically, it was probably a butt dial, I don't
24 know. I just heard their conversation.

25 Q Okay. Prior to --- but you were aware of where

1 your sister had been earlier that day?

2 A Yeah.

3 Q Where had she been?

4 A Emergency room.

5 Q At the hospital?

6 A At the hospital, yeah.

7 Q Had she given birth recently?

8 A Yes, ma'am.

9 Q To her seventh child?

10 A Yes, ma'am.

11 Q When you talked to her, do you know where she
12 was?

13 A She was at home.

14 Q Okay. That afternoon?

15 A Yes, ma'am.

16 Q And when you were on the phone, did you hear her
17 saying something to Antonio?

18 A Yes, ma'am.

19 Q And what was she telling Antonio?

20 A To see what **CHILD** was doing or see what was he
21 doing.

22 Q Do you remember telling --- do you remember
23 giving this statement and you were on the phone, you
24 heard her tell Antonio that he was not hitting **CHILD**
25 hard enough and when **CHILD** grew up, he would beat

1 Antonio up?

2 A Yes, ma'am.

3 Q And that's what you remember?

4 A Yes, ma'am.

5 Q At that point, do you remember what you asked
6 Courtney?

7 A I didn't ---

8 Q Did you ask her what **CHILD** had done?

9 A I didn't asked her that. She wasn't on the
10 phone. The phone butt dialed me. When I asked her
11 that was when she basically came to the house that
12 night and was talking.

13 Q When you talked to the police back then, you told
14 them you were on the phone that afternoon with her and
15 she told you that **CHILD** had gone into her bag that
16 she had brought home from the hospital and took a
17 cracker and was trying to eat it. And at that point
18 she said she wanted to call you back, right?

19 A She said she was going to take a shower, yes,
20 ma'am.

21 Q At that point, did the phone hang up?

22 A It hung up and redialed back, I guess.

23 Q When it redialed back, did you listen to the
24 phone?

25 A Yes, ma'am.

1 Q And this was the same phone number?

2 A Yes, ma'am.

3 Q What could you hear?

4 A Just basically a baby getting beat.

5 Q Did you hear a baby's voice?

6 A Yes, ma'am.

7 Q And whose voice did you hear?

8 A [REDACTED]'s.

9 Q [REDACTED]? And how could you tell it was [REDACTED]'s
10 voice?

11 A Because he said, "help" and he screamed for help.

12 Q Who was he screaming for help from?

13 A He just said, "help."

14 Q Do you remember telling the police that he said,
15 "Help me, Lord"?

16 A Probably did. It's been a year ago.

17 Q And how you knew it was his voice was because of
18 his stutter?

19 A Yes, ma'am.

20 Q Do you remember what Courtney said to [REDACTED] after
21 he was screaming for the Lord to help him?

22 A "Hush."

23 Q Do you remember telling police she told him to
24 spread his hands out and then she told Antonio to put
25 the baby down and to hold [REDACTED]'s legs?

1 A I don't remember.

2 Q Do you remember hearing Antonio then on the phone
3 after that, in the background?

4 A No.

5 Q And ---

6 A I basically heard amongst them talking. I don't
7 know.

8 Q Do you remember Antonio saying a few seconds
9 later, "He's not moving."?

10 A (There was no response.)

11 THE COURT: You need to answer out loud, ma'am.

12 THE WITNESS: No, ma'am. I mean, I know I gave a
13 statement, but it's been ---

14 BY MS. CAMPBELL:

15 Q When you gave this statement, this was all fresh
16 in your mind?

17 A (Nods in the affirmative.)

18 Q Because it was two days later?

19 A Yes, ma'am.

20 Q And then the phone went dead?

21 A I hung it up. It was hung up.

22 Q Okay. And when you gave the statement was when
23 that would have been fresh in your memory?

24 A Yes, ma'am.

25 Q And you definitely were on the phone after she

1 thought she had hung up?

2 A Yes, ma'am.

3 Q And you still vividly remember the baby being
4 beaten and hearing that?

5 A Yes, ma'am.

6 Q And then the two voices on the phone, Antonio and
7 Courtney?

8 A Yes, ma'am.

9 Q Other than the baby. Later that day, after
10 hanging up the phone, did you find out that CHILD had
11 passed?

12 A Yes, ma'am.

13 Q And after that, did you see your sister Courtney
14 anymore?

15 A Not until later on that night.

16 Q And that night when you talked to Courtney, did
17 you ask her what had happened?

18 A Yes, ma'am.

19 Q And did she give you some different versions of
20 what had happened?

21 A She gave me the same thing she gave everybody
22 else.

23 Q Do you remember telling the police you asked
24 Courtney what happened three times?

25 A I remember asking her what had happened.

1 Q Okay. What do you remember her telling you?

2 A That he was jumping off the dresser or jumped
3 from the dresser to the bed and fell and hit his head,
4 something like that.

5 Q Hit his head?

6 A Yeah, hit his head and had seizure.

7 Q The first time that you talked to her, did she
8 say anything about being in the shower?

9 A She said she was getting in the shower, or yeah,
10 she was about to take a shower.

11 Q Do you remember telling the police the first time
12 she told you CHILD fell off the dresser, hit his head
13 on the corner of the dresser?

14 A She didn't tell me that at first. It was called
15 --- the people who took us to the house told us then.
16 When I seen her that night and had asked her, she was
17 telling us.

18 Q Okay. That's when she told you that?

19 A Yeah.

20 Q She told you that he fell off the dresser and hit
21 his head or jumped off the dresser and hit his head?

22 A Yes, ma'am.

23 Q And then you told the police she never said never
24 said anything the first time about being in the
25 shower?

1 A I don't remember that.

2 Q Then you said --- you asked her again a second
3 time, and she said she was in the shower and heard a
4 big boom?

5 A She said that, yes, ma'am.

6 Q And that she went into the room with the dresser
7 and CHILD was in the corner seizing?

8 A Yes, ma'am.

9 Q And that she picked him up and he passed out in
10 her arms?

11 A Yes, ma'am.

12 Q And then do you remember telling the police you
13 asked her a third time what happened and she said that
14 she was about to get in the shower when she heard the
15 boom?

16 A Probably. I don't know.

17 Q And that she said he had jumped off the dresser
18 and onto his bed?

19 A Yes, ma'am.

20 Q And that his bed was on the bricks and it was the
21 sound of the bricks that fell?

22 A No, ma'am.

23 Q You don't remember saying that?

24 A I don't remember nothing about no bricks.

25 Q Okay.

1 A He had a brand new bed.

2 Q Do you remember she said that she told him to sit
3 down in the front room?

4 A I remember ---

5 Q This is what she told you, yeah. And that she
6 said **CHILD** was watching TV?

7 A When she got in the shower, yes, ma'am.

8 Q And then that **CHILD** was foaming at the mouth on
9 the bed?

10 A On the floor.

11 Q You don't remember saying that he was on the bed
12 or that the third version was on the bed?

13 A On the floor. I mean, from what I --- I don't
14 know.

15 Q Okay. And again this was fresher in your memory
16 back in July and she is your sister?

17 A Yes, ma'am.

18 Q Do you remember when the police asked you about
19 whether or not you confronted Courtney about what you
20 heard on the phone?

21 A I told her that I knew --- that I told her I
22 think I know what did it.

23 Q Do you remember telling the police that you told
24 them that you heard **CHILD** saying, "Lord, help me."?

25 A Yes, ma'am.

1 Q And you told Courtney that if anyone, she could
2 talk to you?

3 A I mean, yes, ma'am.

4 Q But she didn't say anything?

5 A She was too upset.

6 Q She just kept saying that she didn't kill him?

7 A Yes, ma'am.

8 Q And then she and Antonio just walked out?

9 A Yes, ma'am.

10 Q On occasions prior to that night, did you ever
11 hear Courtney talking about CHILD and whether he
12 lived or died?

13 A I heard her, yes, ma'am.

14 Q Do you remember confronting her when she said she
15 was going to kill him?

16 A Yes, ma'am. That was my sister.

17 Q That was your sister?

18 A Yes, ma'am.

19 Q And do you remember what Courtney said back to
20 you?

21 A What she said back to my sister.

22 Q What she said --- yeah, when you were there?

23 A Yes, ma'am.

24 Q That she said she didn't care and didn't care if
25 the retarded bastard died?

1 A Yes, ma'am.

2 Q And that if DSS did not take him, that she was
3 going to kill him and bury him so DSS would not take
4 her other baby. Do you remember telling the police
5 that?

6 A Yes, ma'am because it was all in the recording.

7 Q And finally, later that night after **CHILD** had
8 died, do you remember your family gathering around and
9 you all were trying to do something for **CHILD** so you
10 could have a memory of him?

11 A My sister was talking about having something for
12 him.

13 Q Do you remember what Courtney's reaction was?

14 A Yes, ma'am.

15 Q What was it?

16 A She was like, no, he's in a room. He is in a
17 room. He is going to walk out any minute now.

18 Q Do you remember telling the police that she got
19 an evil look on her face and said, "No, don't do
20 anything for him?"

21 A Yes, ma'am. He --- yes, ma'am.

22 Q She didn't even want him to have a funeral?

23 A She basically kept saying he was in the room like
24 she didn't believe that he was gone.

25 Q Do you remember later on in the night when she

1 started laughing about something that had happened to
2 CHILD with CHILD 2?

3 A I know we was laughing about CHILD 2 and things.
4 I don't remember what else.

5 Q Do you remember telling the police that all of a
6 sudden she starting laughing and saying CHILD 2 bit
7 CHILD and left a bite mark on his back?

8 A Yes, ma'am.

9 Q While she was sitting on your mom's legs?

10 A Yes, ma'am.

11 Q Did you ever talk to her anything about the
12 cameras that were in her house?

13 A That was mentioned.

14 Q And what was she telling you about the cameras
15 that she had in her house from Time Warner?

16 A She didn't say nothing. It was just mentioned
17 that if she didn't do it, then tell them to pull the
18 cameras.

19 Q Did she say something about it wasn't a problem
20 because the cameras didn't record. They were on live
21 feed?

22 A Yeah.

23 Q And why did you ask --- tell your sister that if
24 she didn't stop, she was going to kill CHILD?

25 A That was my sister Natalie.

1 Q Did you ever call the police?

2 A No, ma'am.

3 Q Why not?

4 A I mean, I don't know.

5 Q Okay. As far as your prior record back in 2006,
6 did you pay a fine for shoplifting?

7 A My father did, yes, ma'am.

8 Q Okay. And then pending, you have two financial
9 card theft charges?

10 A That's supposed --- it's supposed to be, to have
11 been getting removed.

12 Q Okay. But those are still pending as of this
13 moment?

14 A I guess so.

15 Q Okay. Courtney Thompson, your sister, the mother
16 of [CHILD], who you heard on that day on the phone, do
17 you see her here in the courtroom?

18 A Yes, ma'am.

19 Q Do you mind pointing her out for the jury?

20 A (Indicating.)

21 Q Seated at the this end of the table over against
22 to the wall?

23 A Yes, ma'am.

24 Q And Antonio Guinyard, actually Robert Antonio
25 Guinyard, [CHILD]'s father, the other person you

1 heard on the phone that day, do you see him in the
2 courtroom?

3 A Yes, ma'am.

4 Q Can you point him out for the jury?

5 A (Indicating.)

6 Q Where is he seated?

7 A Right there.

8 Q At the second table?

9 A Yes, ma'am.

10 Q On the far end?

11 A Yes, ma'am.

12 MS. CAMPBELL: Your Honor, may the record reflect
13 she has identified the defendants.

14 THE COURT: So reflected.

15 Cross-examination.

16 MR. LI: Thank you, Your Honor. May it please
17 the Court.

18 THE COURT: Yes, sir.

19 CROSS-EXAMINATION:

20 BY MR. LI:

21 Q Good afternoon, Crystal.

22 A Good afternoon.

23 Q I want to ask you some more background questions
24 first, okay. Who are your sisters?

25 A Who are my sisters?