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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
General Sessions Court
Heath P. Taylor, Circuit Court Judge

Case Nos.
2023-GS-32-02925A
2023-GS-32-02926
2023-GS-32-01737
Appellate Case No.
2024-001522

The State of South Carolina,

Respondent,

v.

Shanya McKnight,

Appellant.

RECORD ON APPEAL
VOLUME I OF II

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11-JUL-2023 SCANNED

WITNESSES

Lexington County Sheriffs Department

Stephanie A Cobb

Law Enforcement Case #: 22005085

LSM

ARREST WARRANT NUMBER

2022A3210201180

ACTION OF GRAND JURY

1 TRUE BILL

Foreperson of Grand Jury
Date: 12-20-23

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2023GS3202925

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

JULY TERM 2023

THE STATE

vs.

Shayna Nicole Mcknight

CDR #: 2766

Indictment for

Infliction of Great Bodily Injury upon a Child

§ 16-03-0095(A)

S.R. Hubbard III, SOLICITOR

11-JUL-2023 SCANNED

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	Infliction of Great Bodily Injury upon a Child
COUNTY OF LEXINGTON	)	
	)	§ 16-03-0095(A)

At a Court of General Sessions, convened on JULY 2023, the Grand Jurors of Lexington County present upon their oath:

That **Shayna Nicole Mcknight** did in Lexington County, South Carolina on or about March 11, 2022, knowingly, willfully, and unlawfully inflict great bodily injury upon a child, resulting in bodily injury which creates a substantial risk of death or which causes serious or permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ, to wit: did commit an act of physical assault, force, or abuse upon Minor Child 1, being a child, an infant less than one year of age, resulting in a fracture of the left leg (tibia) and resulting in protracted impairment of the bodily member as a result of the aforementioned injury, in violation of § 16-3-95(A), Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Suzanne Mayes
DEPUTY SOLICITOR

2024AUG9

WITNESSES

Lexington County Sheriffs Department

Stephanie A Cobb

Law Enforcement Case #: 22005085

LSM

ARREST WARRANT NUMBER

2022A3210201180

Amended Indictment

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: 8.5.24

VERDICT

Guilty

Foreperson of Petit Jury
Date:

DOCKET NO. 2023GS3202925A

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

AUGUST TERM 2024

THE STATE

vs.

Shayna Nicole Mcknight

CDR #: 2766

Indictment for

Infliction of Great Bodily Injury upon a Child

§ 16-03-0095(A)

S.R. Hubbard III, SOLICITOR

A TRUE COPY

Lex. Co. C.J.C.P., G.S. & F.J.

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	Infliction of Great Bodily Injury upon a Child
COUNTY OF LEXINGTON	)	
	)	§ 16-03-0095(A)

At a Court of General Sessions, convened on August 2024, the Grand Jurors of Lexington County present upon their oath:

That **Shayna Nicole Mcknight** did in Lexington County, South Carolina on or about March 11, 2022, unlawfully inflict great bodily injury upon a child, resulting in bodily injury which creates a substantial risk of death or which causes serious or permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ, to wit: did commit an act of physical assault, force, or abuse upon Minor Child 1, being a child, an infant less than one year of age, resulting in a fracture of the left leg (tibia) and resulting in protracted impairment of the bodily member as a result of the aforementioned injury, in violation of § 16-3-95(A), Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Suzanne Mayes
DEPUTY SOLICITOR

A TRUE COPY
Clerk of C.J.C.R., G.S. & F.J.

2024AUG9

WITNESSES

Lexington County Sheriff's Department

Stephanie A Cobb

Law Enforcement Case #: 22005085

SM

ARREST WARRANT NUMBER

~~2024GS3201737~~

ACTION OF GRAND JURY

TRUE BILL

TRUE BILL

Foreperson of Grand Jury

Date: 6-3

VERDICT

Guilty

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2024GS3201737

The State of South Carolina

County of Lexington

LEXINGTON COUNTY GENERAL SESSIONS

June Term 2024

THE STATE

vs.

Shayna Nicole Mcknight

Indictment For

Unlawful Conduct Towards a Child

SC Code: §63-5-70(A)(1)

CDR Code: 2481

Class E Felony

S.R. Hubbard III, Solicitor

COURT OF COMMON PLEAS & COURTS OFFICE SEAL LEXINGTON COUNTY CHIEF DEPUTY
A TRUE COPY
Lex. Co. C.C.C.P., G.S. & F.J.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)

INDICTMENT FOR

2024GS3201737

Unlawful Conduct Towards a Child

§63-5-70(A)(1)

At a Lexington County General Sessions, convened on June 3, 2024, the Grand Jurors of Lexington County present upon their oath:

Unlawful Conduct Towards a Child

That in Lexington County, South Carolina, on or about March 8, 2022, the Defendant, Shayna Nicole Mcknight, did in Lexington County, South Carolina, on or about March 11, 2022, being a person who had charge or custody of a child, or being the parent or guardian of a child, or being responsible for the welfare of a child as defined in Section 63-7-20, did unlawfully place a child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety, to wit: while serving as a daycare provider, did carry out an act of physical harm against the child victim Minor Child 1, an infant under the age of one year, at the Windsor Academy Daycare Facility, as recorded by video surveillance, in violation of Section 63-5-70 South Carolina Code of Laws, 1976, as amended, all in violation of Section 63-5-70(A)(1), et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Suzanne Mayes

Deputy Solicitor

A TRUE COPY

Lex. Co. C.C.C.P., G.S. & F.J.

2024AUG9

WITNESSES

Lexington County Sheriffs Department

Stephanie A Cobb

Law Enforcement Case #: 22005085

LSM

ARREST WARRANT NUMBER

2022A3210202179

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: 7-20-23

VERDICT

Guilty

Foreperson of Petit Jury
Date:

DOCKET NO. 2023GS3202926

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

JULY TERM 2023

THE STATE

vs.

Shayna Nicole Mcknight

CDR #: 2481

Indictment for

Unlawful Conduct towards a Child

§ 63-05-0070

S.R. Hubbard III, SOLICITOR

COURT SEAL
COMMON PLEAS · SESSIONS
COURTS OFFICE
FAMILY COURT · CLERK OF

A TRUE COPY

Lex. Co. C.J.C.P., G.S. & F.J.

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	Unlawful Conduct towards a Child
COUNTY OF LEXINGTON	)	
	)	§ 63-05-0070

At a Court of General Sessions, convened on JULY 2023, the Grand Jurors of Lexington County present upon their oath:

That Shayna Nicole Mcknight in Lexington County, South Carolina, on or about March 11, 2022, being a person who had charge or custody of a child, or being the parent or guardian of a child, or being responsible for the welfare of a child as defined in Section 63-7-20, did unlawfully, place the child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety, to wit: did place a minor child at unreasonable risk of harm, being Minor Child 2, an infant less than one year of age, by unsafe sleeping practices and/or forced restraint, immobility, and leaving the child unattended for an extended period of time, in violation of Section 63-5-70 South Carolina Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

SCANNED 7-11-2023

Suzanne Mayes

DEPUTY SOLICITOR

A TRUE COPY

Lex. Co. C.O.C.P., G.S. & F.J.

2024AUG9

STATE VS. Shayna Nicole Mcknight INDICTMENT/CASE#: 2023GS3202925

STATE OF SOUTH CAROLINA)
)
COUNTY OF Lexington)

IN THE COURT OF GENERAL SESSIONS

STATE)
VS.)
)
Shayna Nicole Mcknight) INDICTMENT/CASE#: 2023GS3202925
AKA:) A/W#: 2022A3210201180
) Date of Offense: 03/11/2022
Race: White Sex: Female Age: 36) S.C. Code §: 16-3-95(A)
DOB: October 7, 1985 248-89-5908) CDR Code #: 2766
SS#:
)
Address: 164 Megan Ln)
City, State, Zip: Lexington, SC 29073)
DL# 116233366 * SID#)

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

☐ Defendant Pro Se ☒ WAS CONVICTED OF or ☐ PLEADS

In disposition of the above indictment comes now the Defendant who

TO: Abuse / To inflict great bodily injury upon a child

In violation of § 16-3-95(A) of the S.C. Code of Laws, bearing CDR Code # 2766

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

The State's Position is:

☐ None

☐ Negotiated and Agreed Upon Sentence: ____ Years, ____ Months, Probation for ____ Years, ____ Months;

☐ Negotiated and Agreed as to Charges Only ____

☐ Recommended and Agreed Upon Sentence: ____ Years, ____ Months, Probation for ____ Years, ____ Months;

ATTEST:

64191

Solicitor SC Bar # Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☑ **State Department of Corrections** ☐ **County Detention Center,**

for a determinate term of 12 Hours/ Days/ Months/ Years. ☐ Time Served

☐ Home Detention Program(HIP) ☐ MH Evaluation and Compliance ☐ Batterer's Treatment

☐ Domestic Abuse Counseling ☐ Drug Court ☐ Drug Program ☐ Alcohol Program ☐ Inpatient Facility

☐ Hold Until Bed Space Available ☐ Mental Health Court ☐ Balance Suspended with Drug Court

☐ Other: _____

☐ Judicial Review ____ Days/ Months

☐ **Youthful Offender Act** not to exceed ____ Days/ Months/ Years

STATE VS. Shayna Nicole Mcknight INDICTMENT/CASE#: 2023GS3202925

And/ Or to pay a fine of $ _____ ;
provided that upon the service of _____ Hours/ Days/ Months/ Years ☐ Time Served

☐ Home Detention Program(HIP) ☐ MH Evaluation and Compliance ☐ Batterer's Treatment

☐ Domestic Abuse Counseling ☐ Drug Court ☐ Drug Program ☐ Alcohol Program ☐ Inpatient Facility

☐ Hold Until Bed Space Available ☐ Mental Health Court ☐ Balance Suspended with Drug Court

☐ Suspended To Batterer's Treatment

☐ Other: _____

And/ Or a payment of $ _____ ; plus costs and assessments as applicable*

the balance is suspended with **probation** for _____ Months/ Years

☐ Suspended During Probation ☐ Suspended During Drug Court ☐ Suspended During Batterer's Treatment

☐ Other: _____

and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run
☑ CONCURRENT or ☐ CONSECUTIVE to sentence on: August 8, 2024.

☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40. _____ days/months.
☐ To include time spent on monitored house arrest prior to trial and sentencing.
☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. Section 922 and §16-25-30 it is unlawful for a person convicted of a violation of Section §16-25-20 or §16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

Defendant has 10 days to apply for Home Detention Program or this will convert to an active sentence.

SPECIAL CONDITIONS:

☐ **PTUP** after _____ Months/ Years ☐ Home Detention Program(HIP)

And Other Terms Listed Below:

☐ Conditional Discharge

☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing

☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program

☐ Mental Health Counseling ☐ May serve W/E beginning: _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

☐ Other: _____

2024AUG9

STATE VS. Shayna Nicole Mcknight INDICTMENT/CASE#: 2023GS3202925

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

☐ **See Attached Restitution Order**

Total $ _____ plus 20% fee: _____ $ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine: $ _____

Fine may be pd. in equal consecutive weekly/monthly pmts. of $_____ Beginning _____

§14-1-206 (Assessments 107.5%)		$
§14-1-211 (A)(1)(Conv. Surcharge)	$100	$
§14-1-211 (A)(2)(DUI Surcharge)	$100	$
§56-5-2995 (DUI Assessment)	$12	$
§56-1-286 (DUI Breath Test)	$25	$
§14-1-212 (Law Enforce. Funding)	$25	$
§14-1-213 (Drug Court Surcharge)	$150	$
§50-21-114 (BUI Breath Test Fee)	$50	$
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% to County (if paid in installments)	TBD	$
Other Costs (As Authorized by Cost Code)*		$

☐ Appointed PD or appointed other counsel, Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees $500

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund TBD $

TOTAL $

Clerk of Court/Deputy Clerk: Lisa Comer

Court Reporter: Penny Johnson

Presiding Judge:

Judge Code: 2775

Sentence Date: 8/8/24

Specify Other Costs*

	Cost Code	Cost Description	Amount
☐			
☐			
☐			
☐			
☐			

SCCA/217 (7/2024)

2024AUG9

STATE VS. Shayna Nicole Mcknight INDICTMENT/CASE#: 2023GS3202926

STATE OF SOUTH CAROLINA)
COUNTY OF Lexington)

IN THE COURT OF GENERAL SESSIONS

STATE)
VS.)
Shayna Nicole Mcknight)
AKA:)
Race: White Sex: Female Age: 36)
DOB: October 7, 1985 248-89-5908)
SS#:)
Address: 164 Megan Ln)
City, State, Zip: Lexington, SC 29073)
DL# 116233366 * SID#)
*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

INDICTMENT/CASE#: 2023GS3202926
A/W#: 2022A3210202179
Date of Offense: 03/11/2022
S.C. Code §:
CDR Code #: 2481

SENTENCE SHEET

☐ Defendant Pro Se

☒ WAS CONVICTED OF or ☐ PLEADS

In disposition of the above indictment comes now the Defendant who

TO: Children / Legal custodian, unlawful neglect of child or helpless person

In violation of § 63-5-70 of the S.C. Code of Laws, bearing CDR Code # 2481

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

The State's Position is:

☐ None

☐ Negotiated and Agreed Upon Sentence: ____ Years, ____ Months, Probation for ____ Years, ____ Months;

☐ Negotiated and Agreed as to Charges Only ____

☐ Recommended and Agreed Upon Sentence: ____ Years, ____ Months, Probation for ____ Years, ____ Months;

ATTEST:

Solicitor 64191 SC Bar # Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☑ **State Department of Corrections** ☐ **County Detention Center,**

for a determinate term of 5 ~~Hours/ Days/ Months/~~ Years. ☐ Time Served

☐ Home Detention Program(HIP) ☐ MH Evaluation and Compliance ☐ Batterer's Treatment

☐ Domestic Abuse Counseling ☐ Drug Court ☐ Drug Program ☐ Alcohol Program ☐ Inpatient Facility

☐ Hold Until Bed Space Available ☐ Mental Health Court ☐ Balance Suspended with Drug Court

☐ Other: _____

☐ Judicial Review ____ Days/ Months

☐ **Youthful Offender Act** not to exceed ____ Days/ Months/ Years

STATE VS. Shayna Nicole Mcknight INDICTMENT/CASE#: 2023GS3202926

And/ Or to pay a fine of $ _____ ;
provided that upon the service of _____ Hours/ Days/ Months/ Years ☐ Time Served

☐ Home Detention Program(HIP) ☐ MH Evaluation and Compliance ☐ Batterer's Treatment

☐ Domestic Abuse Counseling ☐ Drug Court ☐ Drug Program ☐ Alcohol Program ☐ Inpatient Facility

☐ Hold Until Bed Space Available ☐ Mental Health Court ☐ Balance Suspended with Drug Court

☐ Suspended To Batterer's Treatment

☐ Other: _____

And/ Or a payment of $ _____ ; plus costs and assessments as applicable*

the balance is suspended with **probation** for _____ Months/ Years

☐ Suspended During Probation ☐ Suspended During Drug Court ☐ Suspended During Batterer's Treatment

☐ Other: _____

and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run
☑ CONCURRENT or ☐ CONSECUTIVE to sentence on: August 8, 2024

☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40. _____ days/months.
☐ To include time spent on monitored house arrest prior to trial and sentencing.
☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. Section 922 and §16-25-30 it is unlawful for a person convicted of a violation of Section §16-25-20 or §16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

Defendant has 10 days to apply for Home Detention Program or this will convert to an active sentence.

SPECIAL CONDITIONS:

☐ **PTUP** after _____ Months/ Years ☐ Home Detention Program(HIP)

And Other Terms Listed Below:

☐ Conditional Discharge

☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing

☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program

☐ Mental Health Counseling ☐ May serve W/E beginning: _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

☐ Other: _____

2024AUG9

STATE VS. Shayna Nicole Mcknight INDICTMENT/CASE#: 2023GS3202926

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

☐ **See Attached Restitution Order**

Total $ _____ plus 20% fee: _____ $ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine: $ _____

Fine may be pd. in equal consecutive weekly/monthly pmts. of $ _____ Beginning _____

§14-1-206 (Assessments 107.5%)		$
§14-1-211 (A)(1)(Conv. Surcharge)	$100	$ 100
§14-1-211 (A)(2)(DUI Surcharge)	$100	$
§56-5-2995 (DUI Assessment)	$12	$
§56-1-286 (DUI Breath Test)	$25	$
§14-1-212 (Law Enforce. Funding)	$25	$ 25
§14-1-213 (Drug Court Surcharge)	$150	$
§50-21-114 (BUI Breath Test Fee)	$50	$
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% to County (if paid in installments)	TBD	$
Other Costs (As Authorized by Cost Code)*		$

☐ Appointed PD or appointed other counsel, Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees $500

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund TBD $

TOTAL $

Clerk of Court/Deputy Clerk: Lisa Comer

Court Reporter: Penny Johnson

Presiding Judge: [signature]

Judge Code: 2725

Sentence Date: 8/6/24

Specify Other Costs*

	Cost Code	Cost Description	Amount
☐			
☐			
☐			
☐			
☐			

SCCA/217 (7/2024)

2024AUG9

STATE VS. Shayna Nicole Mcknight INDICTMENT/CASE#: 2024GS3201737

STATE OF SOUTH CAROLINA)
COUNTY OF Lexington)
STATE)
VS.)
Shayna Nicole Mcknight)
AKA:)
Race: White Sex: Female Age: 36)
DOB: October 7, 1985 248-89-5908)
SS#:)
Address: 164 Megan Ln)
City, State, Zip: Lexington, SC 29073)
DL# 116233366 * SID#)
*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
☐ Defendant Pro Se

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2024GS3201737

A/W#:
Date of Offense: 03/11/2022
S.C. Code §: 63-5-70(A)(1)
CDR Code #: 2481

SENTENCE SHEET

In disposition of the above indictment comes now the Defendant who ☒ WAS CONVICTED OF or ☐ PLEADS

TO: Unlawful Conduct Towards a Child

In violation of § 63-5-70(A)(1) of the S.C. Code of Laws, bearing CDR Code # 2481

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

The State's Position is:

☐ None

☐ Negotiated and Agreed Upon Sentence: ____ Years, ____ Months, Probation for ____ Years, ____ Months;

☐ Negotiated and Agreed as to Charges Only ____

☐ Recommended and Agreed Upon Sentence: ____ Years, ____ Months, Probation for ____ Years, ____ Months;

ATTEST:

Solicitor 64191 SC Bar # Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☑ **State Department of Corrections** ☐ **County Detention Center,**

for a determinate term of 5 ~~Hours/ Days/ Months/~~ Years, ☐ Time Served

☐ Home Detention Program(HIP) ☐ MH Evaluation and Compliance ☐ Batterer's Treatment

☐ Domestic Abuse Counseling ☐ Drug Court ☐ Drug Program ☐ Alcohol Program ☐ Inpatient Facility

☐ Hold Until Bed Space Available ☐ Mental Health Court ☐ Balance Suspended with Drug Court

☐ Other: _____

☐ Judicial Review ____ Days/ Months

☐ **Youthful Offender Act** not to exceed ____ Days/ Months/ Years

2024AUG9

STATE VS. Shayna Nicole Mcknight INDICTMENT/CASE#: 2024GS3201737

And/ Or to pay a fine of $ _____ ;
provided that upon the service of _____ Hours/ Days/ Months/ Years ☐ Time Served

☐ Home Detention Program(HIP) ☐ MH Evaluation and Compliance ☐ Batterer's Treatment

☐ Domestic Abuse Counseling ☐ Drug Court ☐ Drug Program ☐ Alcohol Program ☐ Inpatient Facility

☐ Hold Until Bed Space Available ☐ Mental Health Court ☐ Balance Suspended with Drug Court

☐ Suspended To Batterer's Treatment

☐ Other: _____

And/ Or a payment of $ _____ ; plus costs and assessments as applicable*

the balance is suspended with **probation** for _____ Months/ Years

☐ Suspended During Probation ☐ Suspended During Drug Court ☐ Suspended During Batterer's Treatment

☐ Other: _____

and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run
☑ CONCURRENT or ☐ CONSECUTIVE to sentence on: August 8, 2024

☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40. _____ days/months.
☐ To include time spent on monitored house arrest prior to trial and sentencing.
☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. Section 922 and §16-25-30 it is unlawful for a person convicted of a violation of Section §16-25-20 or §16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

Defendant has 10 days to apply for Home Detention Program or this will convert to an active sentence.

SPECIAL CONDITIONS:

☐ **PTUP** after _____ Months/ Years ☐ Home Detention Program(HIP)

And Other Terms Listed Below:

☐ Conditional Discharge

☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing

☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program

☐ Mental Health Counseling ☐ May serve W/E beginning: _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

☐ Other: _____

2024AUG9

STATE VS. Shayna Nicole Mcknight INDICTMENT/CASE#: 2024GS3201737

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

☐ **See Attached Restitution Order**

Total $ _____ plus 20% fee: _____ $ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine: $ _____

Fine may be pd. in equal consecutive weekly/monthly pmts. of $_____ Beginning _____

§14-1-206 (Assessments 107.5%)		$
§14-1-211 (A)(1)(Conv. Surcharge)	$100	$ 100
§14-1-211 (A)(2)(DUI Surcharge)	$100	$
§56-5-2995 (DUI Assessment)	$12	$
§56-1-286 (DUI Breath Test)	$25	$
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§14-1-213 (Drug Court Surcharge)	$150	$
§50-21-114 (BUI Breath Test Fee)	$50	$
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% to County (if paid in installments)	TBD	$
Other Costs (As Authorized by Cost Code)*		$
☐ Appointed PD or appointed other counsel, Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees	$500	
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	$
	TOTAL	$

Clerk of Court/Deputy Clerk: Lisa Comer

Court Reporter: Penny Johnson

Presiding Judge: [signature]

Judge Code: 2775

Sentence Date: August 8, 2024

Specify Other Costs*

	Cost Code	Cost Description	Amount
☐			
☐			
☐			
☐			
☐			

SCCA/217 (7/2024)

STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF LEXINGTON	)	2023-GS-32-02925A
	)	2023-GS-32-02926
	)	2024-GS-32-01737
	)	
	)	
	)	
	)	
STATE OF SOUTH CAROLINA, PLAINTIFF,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
SHAYNA MCKNIGHT, DEFENDANT.	)	
	)	

August 5-8, 2024
Lexington, South Carolina

B E F O R E:

THE HONORABLE HEATH P. TAYLOR, JUDGE.

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

SUZANNE MAYES, ESQ.
WHITNEY TAYLOR, ESQ.
Attorney for the Plaintiff

LARRY MARCHANT, ESQ.
Attorney for the Defendant

PENNY M. JOHNSON
Court Reporter III

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(PW) - Denotes Plaintiff's Witness
(DW) - Denotes Defense Witness

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I N D E X

(PW) - Denotes Plaintiff's Witness
(DW) - Denotes Defense Witness

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E X H I B I T S

NO.	DESCRIPTION	ID.	EVD.
	(Plaintiff's Exhibits)		
1	Statement		391
2	Report		411
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5	Cell Phone Ext. (ID only)		
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12	Photograph		162
13	N/A		
14	Interview (Disk) (ID Only)		
15	Video		207
16	Video		167
17	Video		207
18	Video		207
19	Video		207
20	Video		207
21	Video		207
22	Video		207
23	N/A		
24	Video		207
25	Video		207
26	Video		207
27	Video		207
28	N/A		
29	Video		207
30	Video		225
31	Video		225
32	Video		225
33	Video		225
34	Video		225
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E X H I B I T S

NO.	DESCRIPTION	ID.	EVD.
	(Plaintiff's Exhibits)		
45	Photograph		157
46	Photograph		177
47	Photograph		177
48	Photograph		236
49	Photograph		236
50	N/A		
51	Video		219
52	Video		219
53	Photograph		254
54	Photograph		254
55	Photograph		254
56	N/A		
57	N/A		
58	N/A		
59	Photograph		254
60	N/A		
61	N/A		
62	N/A		
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All Exhibits were retained by the Clerk of Court for Lexington County.

P R O C E E D I N G S

THE COURT: Good morning, ladies and gentlemen. My name is Heath Taylor. I am a circuit judge. I am visiting from the First Circuit, which is Calhoun, Orangeburg and Dorchester, but this is sort of like coming home to me because I practiced law in this courthouse for -- my office was in West Columbia and I practiced law in this courthouse and across the street for about 24 years. So it's a pleasure to be with y'all.

What I'm going to do right now is called jury qualification. This term is for one week. Therefore, your services as jurors would end this Friday unless something unforeseen happens. But in the typical week, we will be done.

We understand the inconvenience jury service causes for you and we thank you for being here. We're going to do our best to minimize the inconvenience and, hopefully, make this an enjoyable and educational week for you.

We have bailiffs in here and deputies that can assist you and get you where you need to be if you have any questions. But it should be a seamless process once we get the jury seated.

The purpose this morning is to determine your qualifications and eligibility to serve as jurors. This is done in several stages. We've already done the roll call.

Has the jury been sworn, Madam Clerk?

THE CLERK: No, sir.

THE COURT: Why don't we swear them in and we'll go ahead with the qualification process.

(WHEREUPON, the jury panel was sworn.)

THE COURT: Thank you.

I have a number of questions I need to ask you to determine your qualifications. These will determine your general eligibility to serve. State law requires that I ask you these questions. Quite frankly, some of them are somewhat personal and you may not want to stand in front of your fellow jurors and answer them. If you need to respond, I'll ask you to stand. If you don't want to stand, that's fine. At the end of the process, I will give each of you a chance to come forward and speak privately with me, the attorneys and the clerk of court. We don't want anybody to be embarrassed, so, again, if there's something personal, just please make a note to come forward at the end. It's absolutely essential that we have accurate information.

The first question, is there any member of the jury panel not a citizen of the Unites States? If so, please, stand.

(There was no response.)

THE COURT: Is there any member of the jury panel not a citizen and resident of Lexington County, South Carolina?

intelligently waived her rights and that the statement was voluntary.

Anything else?

MS. MAYES: May we approach, Your Honor, regarding scheduling?

THE COURT: Yes.

(WHEREUPON, a bench conference was held.)

THE COURT: We're back on the record.

Mr. Marchant, you had something about the indictment.

MR. MARCHANT: Yes, Your Honor, if it please the Court, just for the record, I would like to note my objection to the State changing the indictment of Ms. McKnight concerning the sentence dealing with the broken leg being severe bodily injury.

Your Honor, it was done in 2023, I think it was July, I don't have the exact date in front of me, Your Honor, but that is the indictment the Defense has been working from from the beginning of this action. I was notified late on Friday that the State was going to change the indictment to take out the word willfully. That indictment had originally read that Shayna Nicole McKnight did in Lexington County, South Carolina on or upon March 11th, 2022, knowingly, willfully and unlawfully inflict great bodily injury upon a child resulting in bodily injury which creates a substantial risk of death or which causes serious or permanent

disfigurement or protracted loss or impairment of function of any bodily member or organ, to-wit: Did commit an act of physical assault, force or abuse upon NG, being a child, an infant less than one year of age, resulting in the fracture of the left leg tibular and resulting in protracted impairment of the bodily member as a result of aforesaid injury in violation of Code 16-3-95(A) of the Code of Laws of South Carolina, 1976 amended, signed by Deputy Solicitor Suzanne Mayes. And that was on, Your Honor, 7/20/2023.

This morning right before jury selection, the grand jury convened and issued a new indictment taking out the wording knowingly and willfully. That has caused a surprise for the Defense. We were not prepared to have that changed in the indictment. We believe that indictment is important to my client's Constitutional rights under the Fifth Amendment and the due process law. We note our objection for the record.

THE COURT: Anything from the State?

MS. MAYES: Yes, Your Honor.

So it is the statute which controls, and the statute being 16-3-95 sets forth it is unlawful to inflict great bodily injury upon a child. And that's the extent of it. Of course, great bodily injury is defined by statute as an injury which creates a substantial risk of death or which causes serious or permanent disfigurement or protractive

loss or impairment of the function of any bodily member or organ.

And in this particular case, Your Honor, the indictment fully sets forth all of the elements as well as the fact that the Defendant unlawfully inflicted the injury.

The previous indictment that Mr. Marchant mentioned was erroneous by virtue of the fact that it had superfluous language. And that is actually very common. In some of our older indictments, it's got a lot of unnecessary language there that doesn't necessarily track the statute verbatim.

The new indictment, Your Honor, is still the same indictment number. It has simply been amended to remove the superfluous language. All of this consistent, Your Honor, with State vs. Gonzalez, State vs. Means and other cases that hold that an indictment is phrased substantially as long as the statute is referenced in the indictment and that the elements are listed. Words like feloniously or willfully are not required unless they are of a specific intent statute, such as attempted murder, for example.

But we don't have that here. It's simply superfluous language. We could have moved to strike or redact that language and I think that would have been fully proper, however, we went back and actually amended the indictment for the grand jury to renew that language. It's the statute that controls and that all parties, the State and the

Defense, should be on notice of and aware of in terms of preparing our case or preparing the defense.

THE COURT: All right. We discussed this in chambers. I'm going to note your objection, Mr. Marchant, but I'm going to permit the amendment pursuant to 17-19-100, which permits an amendment to an indictment as long as it does not change the nature of the events. I don't think deleting willfully changes the nature of the offense. Therefore, I am going to permit the State to amend the indictment.

Anything else?

MR. MARCHANT: No, sir.

THE COURT: All right. We're going to take a short break and we'll get the jury out.

(WHEREUPON, a short break was taken.)

THE COURT: State ready for the jury?

MS. MAYES: The State is ready, Your Honor.

THE COURT: Defense ready?

MR. MARCHANT: Yes, sir, Your Honor.

THE COURT: Bring them in, please, sir.

(WHEREUPON, the jury enters the courtroom at 3:52 p.m.)

THE COURT: You want to swear the jury, please, ma'am.

(WHEREUPON, the jury was sworn.)

THE COURT: Y'all can be seated.

Ladies and gentlemen, we are about to begin the trial of the case of the State vs. Shayna McKnight. I want to

thank you for accepting the responsibility of jury service. I want you to understand that we can't do our jobs as parts of this system without good folks like you being willing to show up and help the system proceed through trials. A lot of cases don't make it to trial because of folks like you willing to show up. So we appreciate it. I will certainly thank you again at the end.

The instructions I'm about to give you are remarks about sort of a roadmap for the trial, an introduction, if you will. These are not going to be instructions on the law. I am going to give you the law at the end of the case before you consider your verdict. This is merely an explanation of the procedure that we'll follow during the trial to help you understand what's happening. We're not going to be taking notes in this trial. I don't think it's going to be exceptionally long. So please don't take notes.

The Defendant is charged by warrants and subsequent indictments filed in this court with the crimes of unlawful -- or two counts of unlawful conduct towards a child as well as infliction of great bodily injury on a child. The elements of those crimes will be explained to you later.

The warrants and indictments are simply the charges by which this case is brought into court and is not in any sense of the word evidence of the allegations contained in the warrants or indictments. The Defendant has pled not

guilty to these indictments, therefore, the State has the burden of proving each of the elements of the crime beyond a reasonable doubt.

It's your duty, ladies and gentlemen, to decide whether the State has met that burden. Your purpose as jurors is to find and determine the facts. You're the sole judge of the facts. If at any time I make any sort of comment regarding the facts, you must disregard it. You're to determine the facts from the testimony and other evidence that's introduced in court. It's up to you to determine the facts and inferences which you feel can be properly drawn from the evidence.

It's especially important you perform your duty of determining the facts diligently and conscientiously because ordinarily, there is no way to correct an erroneous determination of the facts by a jury. If I make an error on the law, there's some folks in downtown Columbia that will certainly tell me about it. However, they cannot invade the province of the jury when it comes to the facts.

On the other hand and with equal emphasis, the same rules that make you the judges of the facts make me the judge of the law. The law as given by the Court is the only law you may consider. You must accept and follow it even though you may disagree with it. I cannot tell you what the facts are and you can't tell me what the law is or ought to

be.

It's your job to take the law as I give it to you and apply it to the facts as you find them from the testimony of the witnesses and any other evidence that may be introduced. After doing that, you will render your verdict under the oath you just took as jurors.

Until I advise you to begin your deliberations, you must not discuss the case with anyone, including your fellow jurors, your friends, your family or anyone involved in the case. You must decide this case solely on the evidence presented here in this courtroom. That means during the trial, you must not conduct any independent research about the case by searching the internet, websites or any other electronic means or the media. I think there is some media present, so, please, avoid that as well. After the case is submitted to you, you must discuss it only in the jury room with your fellow jurors.

The attorneys and parties in this case, as I told you early on, have been advised not to talk to you. So if you see anybody in the hall or at the elevator and they don't say hello, they're not being rude, they're just following my instructions.

It's important, also, for you to keep an open mind and not decide any issue in the case until all the evidence has been presented and the parties have made their closing

arguments and I have instructed you on the law. If you become aware of another juror's violations of these instructions, you must inform me immediately.

It's your responsibility to determine the guilt or innocence of the Defendant. And your verdict must be based solely on the evidence as it is presented to you in this courtroom and on the law as I instruct you at the close of the trial.

In just a moment, the solicitor will make what's called an opening statement in which the solicitor will explain to you the issues in the case or, at least, what she thinks the issues are in the case. The attorney for the Defendant may, also, make an opening statement, although they're not required to do so. What the attorneys tell you during the opening statements is not evidence in the case. It's only their contention as to what the issues are or what the evidence may show. The evidence in this case will be presented to you by the testimony of sworn witnesses from this witness stand and by exhibits that may be introduced into evidence.

From time to time, you may hear one of the lawyers say something like, Your Honor, I believe we have a question of law or a matter of law to discuss with you or may we approach, or sometimes I, myself, might feel it's necessary to excuse you from the courtroom so we can discuss a matter

of law.

The reason for this is that you are the judges of the facts and sometimes when I'm discussing a matter of law with the lawyers, it may be necessary for me to make some comment on the facts in connection with my ruling and whether or not a particular law applies. I'm not supposed to tell you what the facts are, so I excuse you from the courtroom while the discussion is taking place so that I will in no way influence anything as far as your fact finding.

In determining what the facts are in the case, you must decide whether or not the testimony of the witness is believable. It will be my responsibility to rule as a matter of law as to whether certain testimony is admissible, but once the testimony is admitted, it's solely for you to determine the believability of the witness's testimony.

In deciding whether to believe a witness, you have the right to consider the interest of any witness, the bias of any witness, the prejudice of any witness, the opportunity for the witness to have seen the matters and things about which the witness may testify and the way the witness acts on the witness stand. You have a right to consider anything that's in the record that will help you evaluate the testimony of the witnesses. That means you must pay close attention to the witnesses, observe them and listen to their testimony. Don't let your thoughts wander and, please, give

strict attention to the testimony so at the end of all the testimony, after the arguments of counsel and my charge on the law, you will then be in a position to determine what the applicable facts are and apply the law to those facts.

All right. We need to appoint a foreperson.

Sir, what's your juror number?

JUROR #254, KENNETH SPRY: 254.

THE COURT: You picked the magic seat.

Mr. 254 is going to be our Foreperson.

You're not going to get paid any more or anything like that, but you will preside over deliberations in the jury room and, ultimately, sign the verdict form.

Any exceptions to anything I've said from the State?

MS. MAYES: None from the State, Your Honor.

THE COURT: From the Defense?

MR. MARCHANT: No, Your Honor.

THE COURT: All right. We're ready to begin.

MS. TAYLOR: Thank you, Your Honor. May it please the Court?

THE COURT: Yes, Ms. Taylor.

OPENING STATEMENT BY THE STATE:

MS. TAYLOR: I heard a pop. I heard a pop. Those were the first words out of the Defendant, Shayna McKnight's mouth on the morning of March 11th, 2022. Those were her words after she aggressively and with force put little

Minor Child 1 into her crib, flipping her over by her legs, in her own words, after she jerked her out of her bouncy seat by her little arm, causing bruising to her arm. And in no way should that ever be how any individual should be handling a child.

Little Minor Child 1 was ten months old at the time. And, again, by this Defendant's own admission, as you will see today, to her coworker, Ms. Donna Reed, she flipped her over by her legs and her that pop.

Ladies and gentlemen, that pop was little Minor Child 1's leg breaking. That pop was the very moment that she suffered a spiral fracture to her leg. The type of fracture that you will hear from an emergency room doctor describe that type of fracture that can only be sustained by some type of twisting force. A twisting force that occurred in this case by aggressively flipping over a 10-month-old little girl.

You will hear from Minor Child 1's mother and father who got her ready for her day to be dropped off at Windsor Academy here in Lexington County. Just like every other day, they got her ready. She was crawling. She was crawling fast. And you'll see that in some video that you will see here today. She was crawling. She was pulling up with support. And she was on the verge of taking her first steps. So she was crossing some big milestones in her little life at this point.

And they'll tell you, she was crawling, scooting, pulling up. And she was doing just that before she was dropped off at Windsor Academy that morning. And there were no signs of injury. Both of them will testify to that in this trial.

And you'll see video evidence of this child that from the testimony of eyewitnesses from that witness stand that after Minor Child 1's leg was broken, she never put weight on it again. She no longer was crawling around that was so normal for her. She was no longer scooting around that was so normal on a day-to-day basis. She couldn't put weight on it. She couldn't pull up even with holding onto something. She was in pain. She no longer even moved her leg.

In fact, you'll see from video that she laid on the floor on a mat of some sort and just laid still. Her behavior when she was dropped off at daycare that morning, crawling around fast like she always does to after Shayna McKnight flipped her by her legs into that crib, it was night and day.

And again, you'll hear from emergency medicine doctor, Elizabeth Renwick, who was the first physician to assess Minor Child 1 after she was picked up from daycare by her mother. And she'll be able to explain again how that spiral fracture to a ten-month-old baby's leg is great bodily injury. And she will explain to you how the Defendant's behavior, her

aggressive behavior that is obvious to anyone who sees it, her improper lifting of a baby by her arm, the twisting force that would have had to have been applied in order to sustain such a fracture is diagnostic of child abuse. And that is in her expert opinion.

Minor Child 1 took months to heal. Her mother and father would testify to that. She had a cast. It affected her greatly for a baby that was just about to take her first steps just hours before.

Again, you will, also, see evidence and testimony merely moments before she flipped her into that crib that Shayna McKnight placed little Minor Child 1 at an unreasonable risk of harm by yanking her arm, causing bruising, and wrapping her tightly with a blanket, so tightly that it impeded her airway as it was over her mouth, and she had her pacifier in her mouth so tightly that she could not break free because she was in a bouncy seat. And, again, it impeded her airway as well. And for this, the Defendant is charged with unlawful conduct towards a child as she placed Minor Child 1, that ten-month-old little baby girl, at an unreasonable risk of harm.

Now, Judge Taylor has explained to you the roles that everyone plays in this case. He is the judge of the law. He is the only one who can tell you the law at the end of this trial, but you have a role to play as well. You are

the judge, the sole judge of the facts in this case. You will be able to take the evidence that you see and hear from that witness stand and you will apply it to the law as Judge Taylor instructs you at the end of the trial this week.

But as the State, we have the burden of proving the elements of these offenses by a standard that we call beyond a reasonable doubt. I'm sure you've probably heard about it somewhere along the way. What does that exactly mean? We'll start with by what it does not mean. It does not mean that the State is required to overcome all reasonable doubt or beyond a shadow of a doubt. It simply means that at the end of the trial this week, if you are left firmly convinced of the Defendant's guilt, you must find her guilty. That is a high burden, but it is a burden that we embrace as the State and a burden we believe we will easily overcome at the end of this trial.

So I've given you a snapshot of the testimony and evidence that you will see and hear today. The Defendant's behavior, which you will get to see with your own eyes on that screen, ladies and gentlemen, it speaks for itself. Her behavior speaks for itself. And that video will give Minor Child 1 the voice she didn't have at that time. It will show you the severity of the actions the Defendant took that day and will show that it was not a single moment of frustration. It's simply how Shayna McKnight behaves and

how Shayna McKnight treated Minor Child 1 that day.

And that is why at the end of this trial, we will implore you to find the Defendant, Shayna McKnight, guilty of unlawful conduct towards a child and infliction of great bodily injury upon a child.

Thank you.

THE COURT: Mr. Marchant.

MR. MARCHANT: Thank you, Your Honor. May it please the Court?

THE COURT: Yes, sir.

OPENING STATEMENT BY THE DEFENSE:

MR. MARCHANT: Good afternoon. My name is Larry Marchant. I am representing Shayna McKnight on the charges today. We'll be with you for several days this week.

What happened to Minor Child 1 is tragic. This is an emotionally-charged case. When you're dealing with young children, it's tough. It's a tough case. And, you know, lawyers, we're advocates. Whatever I say or whatever opposing counsel says is not evidence. We're just going to get up and cheer for our client -- or they're going to cheer against my client. But what's on that jury box, what's on that jury box and the evidence is entered, and the video, that's the evidence in this case. And that's what's going to be important.

Now, we were asking a bunch of questions earlier today

to pick a jury. And that's important because it's important to pick a jury that is going to be able to look at the case, assess the facts. The Judge is going to give you the law. But it's important, it's the bedrock to our country to have a jury trial among your peers, an independent jury that's going to look at all the evidence, take the emotion away, look at the evidence. I believe we have a good jury today. The prosecution believes we have a good jury today and the Judge believes we have a good jury today. That's why you're here. Because we all trust you to do what you believe is right.

Now, the Judge is going to talk to you a lot later about all the different aspects of the law. The presumption of innocence is very important. My client, Shayna McKnight --

Shayna, stand up.

(WHEREUPON, the Defendant stood.)

MR. MARCHANT: Shayna, under the Constitution of the United States of America and South Carolina, is innocent. She was innocent when she was arrested. She is innocent right now. She's innocent when you go back to that jury deliberation room. And she stays innocent until such time as a jury believes, if they can, that she is guilty beyond a reasonable doubt.

I am not going to sit here and tell you how reasonable

doubt works because the Judge will do a lot better at that than me. But it's just that feeling that it just doesn't seem right, that feeling inside. That's that reasonable doubt that you have.

Now, there were three people in that room, that daycare room that day, March 11th, 2022. And we're going to probably get to hear, at least, from two, maybe three of the people that were in that room. Shayna McKnight was charged, but nobody saw what happened. This is all video evidence. The other two witnesses in that room did not see what happened.

Shayna McKnight became a suspect very quickly in this case. You know why? Because as soon as it happens, she went and told a coworker immediately. Come over here and check and make sure everything's okay. Now, does that sound like somebody who's going to intentionally try to hurt a child?

Picture the room, and you'll see it on the video, there are 12 to 15 kids and there's only three daycare workers in there. Screaming and going crazy and all that. I mean, these are little toddlers. If anybody has had a child, they know. You blink your eye and you don't know what they're involved in. They're quick. They scoot around pretty quick.

It would have been so easy if somebody wanted to

intentionally hurt a child, put the child in the crib and just walk away. Nobody saw it. But she cared, she cared. She heard that -- you're going to see on the video, she was bending over the rail. She didn't know what that was. That could have been the rail clicking, popping, clicking. It's referred to in multiple ways. Everybody has got their own definition. There's several ways this has been described by witnesses. But she immediately showed concern. She reported herself. Nobody self-reports if they intentionally want to hurt a child.

Now, what happened to Minor Child 1 is tragic. She had a broken leg. Thank God, it was just a nondisplaced break. They didn't have to set it, just a cast. Things could have been a lot worse easily. We all agree that what happened was tragic. What we don't agree on is how it actually happened. Because less than 15 minutes after my client voluntarily went to another worker and they both looked --you know, the other worker looked at the child. You're going to see the video. Everything looks okay. Stands the baby up, she seems to be all right. Now, she's a toddler now, toddlers can't walk, so they are going to be a little wobbly. Then my client went on to do two tours for other parents coming in wanting to do a tour of the daycare.

Another lady that was in the room, who is probably going to be a witness here, took the baby, changed the

baby's diaper. Pulled her pants off, changed the diaper, puts the pants back on. And I'll let you be the judge. You're going to get to be the judge on how fragile this other lady was with the child changing the diaper. The fact of the matter is, the only person that's ever admitted that there was anything possibly wrong here is my client. So she automatically became the suspect right off the bat. Rush to judgment is kind of what I'm looking at here.

You're going to see a lot of video, a lot of video. Listen, I'm old. I just turned 62 yesterday. I didn't even know what a terabyte was. I'm still kind of like in the MV whatever thing. I didn't know there was TBs and stuff. This is so much video, I don't know how in the world anybody can get through it all.

But you will see during the testimony in this case that there was some issues with the video with the daycare. It had nothing to do with my client. She was just a worker. And the State didn't get the videos back and able to start downloading them and looking at them until the day before my client was arrested. So they were definitely doing some overtime.

The reason why they were doing overtime is because they knew who they were going to go after. It's easy. Let's go after the lady who self-reported. Hey, I heard something. My client never admitted to doing it. If my client is

guilty of anything, it's guilty of trying to be sensitive and caring and reporting and doing the things you're supposed to do.

There were several people that handled that baby after Shayna McKnight put her in the crib. That was at 9:45ish. You'll get the exact time when you see the video. But then I don't think the mother came and picked the child up until about one o'clock or shortly thereafter. There were several people that handled that child.

And you know how people get curious about things that happen, they want to look at it and hold it and move it and do all that sort of thing. We don't know. I'm asking you, don't rush to judgment. Look at all the evidence. Look clearly at the other people that handled this child. Take into consideration Shayna McKnight's willingness to actually show some concern.

And the other two counts, unlawful conduct. The prosecution acted like she just wrapped this baby up like a mummy. It was swaddled. Ever hear of swaddling? She's been charged with unlawful conduct of a child because she swaddled too tightly. She did it all right. She took the blanket, turned it and tucked it in and did all that sort of thing. I think you will see on the video, she put her hand here to make sure it's not too tight here.

Now, my client is not perfect. You will see on this

video that there were a couple of incidents where she got a little -- I don't think she hurt the children, but she was a little rough picking them up or putting them down. She's accused of putting a boppy pillow on one of them, a boppy pillow on the top of the child to help them sleep, but that was to restrict movement. With little small infants, if you've ever had a child before, the first thing you do when you leave the hospital is you walk out with a swaddled baby. Because when they're all like that, it's supposed to make them feel better.

I think we have 12 good jurors that's going to look at the evidence not emotionally, not throwing stones and -- you know, let the lawyers do that. We'll get it very, very carefully, methodically. Try to take the emotions out and look at exactly what happened. I think when you do that, you're going to come back and say that my client is innocent of these charges.

Now, the Judge will, again, give you jury instructions on beyond a reasonable doubt. But remember, the presumption of innocence is with my client until such time there is indisputable evidence to show you otherwise.

I appreciate you being here today, you know, the next couple of days. I know that it is a big sacrifice, but it is very important. And I want to personally thank you all for doing this because it is a sacrifice for you and on

behalf of Shayna and her family. She's got two kids. She lost her husband two and a half years ago. She's got two kids. She's been in the daycare business her whole adult life. She's never been in any trouble before, not one time.

I want to thank you for your time today, thank you for your time this week as this trial goes along. I ask you to please consider this evidence that you see and make sure the State convinces you beyond a reasonable doubt. And if they do not, you must find my client not guilty.

Thank you very much.

THE COURT: State ready to call your first witness?

MS. TAYLOR: Yes, Your Honor. The State calls John Donnelly.

THE CLERK: Place your left hand on the Bible and raise your right hand, please.

WHEREUPON;

JOHN DONNELLY,

after being duly sworn, testified as follows:

THE CLERK: Have a seat. State your name and, please, spell your last for the record.

THE WITNESS: I'm John Donnelly, D-O-N-N-E-L-L-Y. I'm a forensic investigator with Lexington County Sheriff's Department.

DIRECT EXAMINATION

BY MS. TAYLOR:

Q Good afternoon, Investigator Donnelly. Could you please introduce yourself to the jury and tell us where you are currently employed?

A I'm currently employed with Lexington County Sheriff's Department. I work as a crime scene investigator, but, also, a forensic technologies examiner. I've been doing that since 2023 and then I've been a crime scene investigator since late 2019. I've been employed with the sheriff's office since 2018.

Q So in March of 2022, you were, also, a crime scene investigator as well?

A That's correct.

Q Tell us a little bit about your duties and responsibilities of what a crime scene investigator entails.

A Essentially, required to go to various scenes ranged from an assortment of different deaths or natural deaths to just incidents where there's a lot of evidence. We go there. We work alongside our crime investigators and determine what's evidence. We assist in the collection and cataloging of it.

Q And does part of your responsibility -- and I think you may have mentioned this briefly. Does part of your responsibility as a crime scene investigator include digital evidence?

A Correct. We, also, deal with cell phones, computers,

tablets, stuff like that, also, DVR systems. We'll actually deal with analysis and examination of those items.

Q So that would include cell phone extractions?

A Yes, ma'am.

Q Can you briefly describe what a cell phone extraction is?

A So, essentially, a cell phone is just a mini computer that everyone has nowadays. That computer, that little phone contains an assortment of data. It can be text messages, call logs, pictures and just different events that are happening within the device itself. I can actually use certain forensic tools and actually acquire that data. And then we can analyze that data to see what is actually taking place during the day.

Q What program do you normally use the perform the cell phone extractions?

A So we use a software called Cellebrite. It is a company that actually is in the digital forensics world. We utilize what's called UFED Touch 2, which is the Universal Forensic Examination Device or Extraction Device. And we, also, have a software that's called 4PC, which is just a software program on the computer that allows us to pull the data from the phone. Then we take that data, run it through an analysis software called Physical Analyzer, that's, also, made by Cellebrite. And that's how we actually view raw

data.
Q Now, backing up just a little bit, can you tell me a little bit about your education?
A Sure. So I have taken numerous online classes in reference to digital forensics. There's a company and organization called NW3C, which is the National White Collar Crime Center. They post various free trainings. I've, also, taken actual certification courses through Cellebrite, which has certified me as a certified Cellebrite operator, but, also, a certified physical analyst with Cellebrite. I've, also, gone to NCFI, which is the National Computer Forensic Institute, in Cooper, Alabama, where I've taken a mobile device examination course, which was a three-week-long course, and advanced mobile course, which was two weeks. And I've, also, taken an advanced Smart phone analysis course through Cellebrite.
Q Now, is the Cellebrite extraction method accepted as a reliable method among your peers in this field?
A Yes.
Q And would that include State Law Enforcement Division and U. S. Secret Service?
A Yes. And I'm, actually, a task force member with the United States Secret Service.
Q Okay. And is this technology used by multiple law enforcement agencies?

A Correct.
Q And is this technology consistently reviewed and approved?
A It is.
Q All right.
MS. TAYLOR: Your Honor, at this time, the State ask to tender John Donnelly as an expert in digital evidence extraction.
THE COURT: Mr. Marchant?
MR. MARCHANT: No objection.
THE COURT: All right. I'll find expert testimony is necessary to assist the jury resolving certain factual questions. Mr. Donnelly is qualified in the area of digital forensic technology --
MS. TAYLOR: Digital evidence extraction and the testimony and methodology behind this testimony is reliable.
Ladies and gentlemen, normally, a witness can't give you opinion testimony. They have to tell you what they saw, heard, smelled, something of that nature. However, there is an exception when someone is qualified because of education or experience. Those folks are entitled -- are permitted, rather, to give their opinion in certain areas if I find them to be qualified in that area.
Mr. Donnelly will be qualified in the area of digital forensic extractions to give you an opinion in that area.

That doesn't mean you must accept his opinion, but it's evidence for you to use in any way you see fit and give it the weight and credibility you believe it deserves.

You may proceed.

MS. TAYLOR: Thank you, Your Honor.

BY MS. TAYLOR:

Q Did you prepare a report in this case?

A I did, yes.

Q And you performed a phone inspection?

A Yes.

Q What phone was the inspection performed? Was it for the Defendant, Shayna McKnight?

A It was.

Q Okay. Now, backing up just a little bit, were you, also, present for the execution of the search warrant for a DVR system for Windsor Academy?

A Yes. I was actually contacted by Detective Jesse Snelgrove with our major crimes unit. He asked for assistance in seizing a DVR system at the daycare.

Q Okay. So you were physically present with him during the execution of that warrant?

A Yes, ma'am.

Q Okay. And was evidence collected pursuant to that search warrant?

A Yes, ma'am, the DVR system was collected.

Q Would you recognize that if we were to show it to you today?
A Yes, ma'am.
MS. TAYLOR: Permission to approach the witness?
THE COURT: Yes, ma'am.
BY MS. TAYLOR:
Q Viewing this package, do you recognize that?
A I do.
Q What is that?
A It is a brown paper bag that's affixed with the case number in reference to this incident. Also, with Detective Stephanie Cobb's information on it. This was the package I actually took from our evidence and transported it to another analyst that worked with us.
Q And does that package contain the DVR system that was collected as evidence from Windsor Academy on March 15th, 2022?
A That's what it says, yes.
Q Does that package on the outside of it contain a serial number?
A It does.
Q That would be as an identifier of that DVR system?
A Yes, ma'am.
Q Can you please read that into the record?
A The serial number that's affixed to this tag, this

evidence tag is going to be G14519386.

Q Okay.

MS. TAYLOR: Your Honor, permission to unseal the evidence so that he can identify the DVR that is contained within the package?

THE COURT: Yes, ma'am.

BY MS. TAYLOR:

Q Is that the DVR system that you collected pursuant to that search warrant on March 15th, 2022?

A Yes, it is.

Q Would you read to the jury what the model number on that device is?

A The model number is GAR326-16/A.

Q Okay. And the serial number that is attached?

A The serial number attached is G14519386.

Q And that matches to the serial numbers affixed to the outside -- the packaging of the DVR?

A Yes, ma'am.

MS. TAYLOR: Your Honor, at this time -- oh, one more question. I apologize.

BY MS. TAYLOR:

Q And this is the device that you said you submitted to another analyst for forensic review?

A Yes, ma'am.

Q Who is the name of the analyst?

A That was at the time Forensic Technology Examiner Michael Phipps.

MS. TAYLOR: Your Honor, at this time, we would offer State's 4 into evidence.

THE COURT: Any objection?

MR. MARCHANT: No objection, Your Honor.

THE COURT: It will be admitted as State's 4.

(WHEREUPON, State's Exhibit No. 4 was admitted into evidence.)

BY MS. TAYLOR:

Q Now, you said that you delivered this device to Mike Phipps for review?

A Yes, ma'am.

Q Now, after it was collected from Windsor Academy, it was logged into evidence pursuant to the proper procedures?

A Yes, ma'am.

Q And then you would have checked that out of evidence to transport that to Mike Phipps?

A Yes, ma'am.

Q Okay. Now, after it was delivered to Mike Phipps -- can you tell me what date that was that you would have checked that out of evidence to take to him?

A It would be March 15th, 2022.

Q Okay. Now, sometime in the future after he had concluded his report, did you or somebody else pick this

device back up?
A I went to his office and I was able to obtain this item back and return it back to our evidence.
Q Do you recall what date that was?
A It was May 4th, 2022.
Q And on that same day, was it logged back into evidence at Lexington County Sheriff's Department?
A Yes, ma'am.
Q Now, going back to the cell phone extraction that you said that you conducted on the Defendant's phone, can you -- do you recall -- if you need a copy of the report to refresh your memory -- the model of the phone that the phone extraction was conducted?
A If you can provide me with a copy of my report.
MS. TAYLOR: Beg the Court's indulgence.
(Pause.)
BY MS. TAYLOR:
Q Here's a copy of your report. What's the model of the Defendant's phone?
A I believe the Defendant's phone was a Samsung Galaxy Note 8.
Q And is there a serial number or some type of identifying number that is associated with the Galaxy Note 8?
A There's, actually, a few. We have an evidence property

room number associated with it as well as the actual serial number of the device.

Q What is the property number associated?

A The property number associated is 155708.

Q And what was the serial number associated?

A The serial number associated with this device was R28K82TCOPW.

Q And what is the IMEI number associated with the device?

A The IMEI number associated with this device is 358510081887792.

Q Is the IMEI an identifying factor associated with this device?

A Yes, ma'am, it's International Mobile Equipment Identifier. It's just another serial number for the device.

Q That PR number, that property room number, is the internal number?

A Correct.

Q With the sheriff's department, okay. I wanted to clarify that. Now, you said that you conducted an extraction report on the device?

A Yes. I completed an extraction on that device.

Q Now, I'm showing you what's been previously marked for identification as State's Exhibit 7. Do you recognize that?

A Yes.

Q What is that?

A That is a preliminary device report for that Samsung Galaxy Note 8.
Q And this is a fair and accurate depiction of this report that you generated for the Defendant's phone?
A Yes, ma'am.
MS. TAYLOR: Your Honor, at this time, we would offer State's 7 into evidence.
THE COURT: Any objection?
MR. MARCHANT: May I take a quick look?
THE COURT: Sure.
(Defense attorney reviews document.)
MS. TAYLOR: Your Honor, was that admitted?
THE COURT: Any objection?
MR. MARCHANT: No objection.
THE COURT: The device report will be admitted as State's Exhibit No. 7.
(WHEREUPON, State's Exhibit No. 7 was admitted into evidence.)
BY MS. TAYLOR:
Q And I'm showing you now what's been previously marked for identification as State's Exhibit No. 5. Do you recognize this?
A Yes, ma'am.
Q And what is that?
A It is a blue ray disk with the cell phone extraction on

it.
Q Would that contain the entire phone extraction for the Defendant's phone?
A Yes, ma'am.
MS. TAYLOR: Your Honor, at this time, State offers State's Exhibit No. 5 -- I apologize. This is for ID only at this time.
THE COURT: Okay.
BY MS. TAYLOR:
Q Now, from the extraction report we just entered into evidence, would that, also, contain a call log from the Defendant's phone?
A Yes, it would.
Q Okay. And that is organized by date and time and things of that nature?
A Yes, ma'am.
Q And I'm showing you now what's been previously marked as State's Exhibit No. 6. Do you recognize this?
A Yes, ma'am. It looks to be a call log report from that extraction.
Q And what date is this call log report from that extraction?
A It's going to be March 13th.
Q And is that from 2022?
A 2022.

MS. TAYLOR: At this time, Your Honor, the State offers State's Exhibit No. 6 into evidence.

THE COURT: Any objection?

MR. MARCHANT: No objection.

THE COURT: It will be admitted as State's Exhibit No. 6.

(WHEREUPON, State's Exhibit No. 6 was admitted into evidence.)

BY MS. TAYLOR:

Q And how many calls were made to and from the Defendant's phone on the date of March 13th, 2022?

A Eighteen.

MS. TAYLOR: Nothing further at this time, Your Honor.

THE COURT: Anything on cross-examination?

MR. MARCHANT: Very quickly, Your Honor.

CROSS-EXAMINATION

BY MR. MARCHANT:

Q Mr. Donnelly, just one quick thing for clarification. The cell phone extraction, you said you were coordinating some things with Detective Cobb. You worked with Detective Cobb --

A Yes --

Q On the cell phone?

A -- on the cell phone --

Q Let me ask you this, did you receive the pin code or

the log in from Detective Cobb for my client on the -- when she -- did you have to go into my client's phone to try to figure out what the code was to get in?

A No, sir, it was provided to me by Detective Cobb.

Q Are you aware that my client voluntarily gave that to Detective Cobb?

A I would not be aware of the situation of how we received it.

MR. MARCHANT: No further questions.

MS. TAYLOR: Nothing further.

THE COURT: All right. You may step down, sir.

Ladies and gentlemen, the lawyers tell me that the next couple of witnesses might take a while, so rather than us being here until 5:30 or 6:00, I think we're going to break here for today. I will ask y'all to be back here by 9:15 in the morning and we will get started back shortly thereafter.

Again, I remind you not to discuss the case with anyone, don't research it, don't look at any media. We'll be ready to get in a full day tomorrow morning. Y'all are excused.

Oh, also, too, nobody really knows what's happening with the weather. I know in my home county, they have already shut down the courthouse tomorrow and Wednesday. Just continue to monitor the weather. I think each courthouse follows what county government offices are doing,

so if you were to see the Lexington County Courthouse is closed, that would mean we're not working tomorrow. But right now, I don't think we anticipate that occurring in Lexington County. It's mostly further south. Just continue to monitor the weather and we'll see you in the morning.

(WHEREUPON, the jury exits the courtroom at 4:43 p.m.)

THE COURT: Anything from the State?

MS. MAYES: Your Honor, if we may approach with the clerk? We're just trying to get a feel for scheduling. I'm kind of getting updates along with anybody else.

(WHEREUPON, a bench conference was held.)

THE COURT: I told the jury to be back at 9:15. If y'all have anything we need to address, we will do it. If not, we will get going as soon as everybody is here.

MS. MAYES: Thank you, Your Honor.

THE COURT: Have a good evening.

(WHEREUPON, court was adjourned for the day to reconvene Tuesday, August 6, 2024.)

TUESDAY, AUGUST 6, 2024

THE COURT: State ready to proceed?

MS. MAYES: Your Honor, we are just testing out the equipment real quick. We should have that done in a matter of two or three minutes.

THE COURT: No problem.

(Pause.)

MS. MAYES: We're ready, Your Honor.

THE COURT: Very good.

Bring in the jury, please, sir.

(WHEREUPON, the jury enters the courtroom at 9:32 a.m.)

THE COURT: All right. You can be seated.

Ms. Mayes, are you ready to proceed?

MS. MAYES: Yes, Your Honor. Beg the Court's indulgence.

THE COURT: Yes, ma'am.

(Pause.)

MS. MAYES: Your Honor, may it please the Court?

THE COURT: Yes, ma'am.

MS. MAYES: The State calls Erika Garcia.

THE CLERK: Place your left hand on the Bible and raise your right hand, please.

WHEREUPON;

ERIKA GARCIA,

after being duly sworn, testified as follows:

THE CLERK: If you'll have a seat, please. State your name and then spell your last for the record.

THE WITNESS: Good morning. My name is Erika Garcia, G-A-R-C-I-A.

DIRECT EXAMINATION

BY MS. MAYES:

Q Ms. Garcia, good morning. I'm going to move a little

bit closer --

MS. MAYES: Your Honor, with your permission.

THE COURT: No problem.

BY MS. MAYES:

Q Ms. Garcia, what county do you currently reside in?

A Lexington.

Q And how long have you been living here in Lexington County?

A Around four and a half years, almost five years.

Q All right. Do you have a family?

A Do I have family here?

Q Do you have a family? Are you married?

A Yes, I'm married.

Q What is your husband's name?

A Gerardo Garcia.

Q Do you have children?

A Yes.

Q And tell us about your children. Who is your older?

A My oldest is Minor Child 1 and my youngest is (ph). What

Q is Minor Child 1's date of birth?

A .

Q All right. I'll put that up here on the board. And that date of birth again, Ms. Garcia?

A It's .

Q On the date of March 11th, 2022, approximately how old

was Minor Child 1?
A She was ten months old.
Q Ten months old. I'm going to show you a picture and ask you whether or not you recognize who is in this photograph? This is State's 45.
A That's my daughter, Minor Child 1.
Q And is this photo a fair and accurate representation of how your daughter appeared back on March 11th, 2022?
A Yes, it is.
Q And do you recognize where she is in this photograph?
A She is at Windsor Academy in the baby classroom, playroom.
MS. MAYES: Your Honor, this would be State's Exhibit No. 45 for evidence.
THE COURT: Any objection?
MR. MARCHANT: No objection.
THE COURT: It will be admitted as State's Exhibit No. 45.
(WHEREUPON, State's Exhibit No. 45 was admitted into evidence.)
BY MS. MAYES:
Q So this is Minor Child 1 here at ten months. And I'm going to ask you again about the classroom. You said Windsor Academy?
A Correct.

Q Was that her daycare?
A Yes.
Q And Ms. Garcia, was Windsor Academy located here in Lexington County?
A Yes.
Q How long approximately had she been attending Windsor Academy?
A She started around December, and I have to apologize, I don't remember the exact date when she started, but for December to March because I withdrew her that same day, March 11th.
Q So she had been there, your estimate is, since December, so for several months?
A Yes.
Q Now, were you working during this point in time?
A Yes, I was.
Q And where were you working?
A At Bank of America.
Q And what were your general hours at Bank of America that required you to use daycare?
A So I have to be there at 8:15 in the morning and the bank closed at 4:00. I got to leave around 4:30, sometimes 4:45 if we were busy and had to do additional duties.
Q So it was a full time job?
A It was.

Q Was your husband, also, working?
A Yes.
Q And what decision did you make as a couple, as a family about Minor Child 1's care while the two of you were working?
A As soon as I gave birth, they gave me four months of maternity leave. And during that four months, we had to plan -- as a couple plan our finances. And we figured that it wasn't going to be enough to live only on his income, so I had to work as well so we could supplement, you know, make ends meet.

So after the four months, it was during Covid that I had maternity leave. I was able to work from home an additional two months after my leave was up. That gave me some time to plan and find a daycare.

So looking online, I found Windsor Academy. I called in to see if they had availability. They had to put her on a wait list. And then they told me they were available for her in December. That's when I started to work at the Bank of America branch.

Q And where was the Bank of America located that you were working at?
A Over in West Columbia by Sunset Boulevard, near the hospital.
Q And what is the general location which Windsor Academy was located?

A It's over by Old Cherokee Road.
Q Here in Lexington?
A Here in Lexington.
Q Now, did you visit Windsor Academy prior to enrolling Minor Child 1 there?
A Prior to enrolling, no. They had some kind of -- I'm not sure what you call it, but they weren't letting a whole lot of people in because of Covid. I wasn't able to look in the classroom and meet with them. But they reassured me and, you know, it seemed from the reviews that they had online that nothing major had been going on.
Q So upon Minor Child 1 attending there, did you have an opportunity to be onsite and, actually, see the classrooms?
A When I took her the first day?
Q Yes.
A Yes. I had an opportunity to meet some of the teachers. I didn't meet a lot of them. I met with the director. And before that, I was speaking with Bess over the phone.
Q Okay. So we'll talk more about that later, about the director and some of the other people involved. But, ultimately, did you feel at the beginning comfortable with Minor Child 1 being at Windsor Academy?
A As a mother, I was comfortable leaving her, but at the same time, it hurt me to leave my baby.

Q Now, how much were you paying per week for Minor Child 1's care there at Windsor Academy?
A So 200 a week, which came out to 800 a month. And back in the day, that was almost as much as our mortgage payment. It was a lot for us.
Q So an $800 range per month?
A Correct.
Q Now, I want to ask you if you recognize any of the individuals shown in this photograph? This is State's Exhibit No. 12.
A That is Shayna McKnight on the right, beside her is Amy and then is Ms. Bess.
Q What is this location depicted in State's Exhibit No. 12?
A That is Windsor Academy lobby area.
Q Okay. Did you take there Minor Child 1yourself on the date of March 11th, 2022?
A I did.
Q And did you drop her off there from this lobby?
A I did.
Q Is this a fair and accurate representation of the lobby on that date?
A Yes.
Q And again, you have identified all of the persons in that photograph?

A Yes.

MS. MAYES: This would be State's Exhibit No. 12 for evidence.

THE COURT: Any objection?

MR. MARCHANT: I haven't seen it yet. I don't think so.

(WHEREUPON, Defense counsel reviews photograph.)

MR. MARCHANT: No objection.

THE COURT: All right. Photograph is admitted as State's Exhibit No. 12.

(WHEREUPON, State's Exhibit No. 12 was admitted into evidence.)

BY MS. MAYES:

Q Now, this area where we see Minor Child 1, is that the lobby or is that in a baby classroom?

A That's the baby classroom.

Q All right. Now, in this photograph, which is State's Exhibit No. 12 in evidence, what is this area that we're looking at here in the background?

A That looks like the lobby.

Q The Defendant in this case, Shayna McKnight, can you tell us whether or not she is in this photograph?

A Yes.

Q Where is she located?

A She's in the gray sweater right near the exit.

Q That would be right here?
A Right there, yes.
Q And the date on this photograph is March 11th, 2022. You've indicated Minor Child 1 was at Windsor Academy on that date?
A Yes.
Q And you dropped her off yourself?
A Yes.
Q Who is the individual that we see here in blue looking at a phone?
A That's Amy.
Q So I'm going to write down some of these names. Now, Shayna McKnight, what is your understanding of what her role was there at the daycare?
A It was my understanding that she was in charge of the baby classroom where my daughter was in.
Q Okay. And then who is the individual that we see here in blue?
A That's Ms. Amy.
Q All right, Ms. Amy. And what did you understand her role to be there at the daycare?
A I believe she was an assistant director. That's what I was told she was.
Q All right, assistant director. And then who is the other individual that we see here, also, on a telephone with

glasses?
A That's Bess, the daycare director.
Q Okay. Do you know whether or not that would be Bess Locklear?
A Bess Locklear, yes. I'm sorry, she went by Bess, but she has another first name.
Q Okay. And what -- Ms. Locklear, what was her role there at Windsor?
A Ms. Locklear, she's the director.
Q Now, Ms. Garcia, on the date of March 11th, approximately what time did you drop Minor Child 1 off here at the lobby of the daycare?
A I would usually get there around 7:45 in the morning. And
Q was that the same for that day?
A Correct.
Q So 7:45 a.m. When you dropped Minor Child 1 off that morning at 7:45 a.m., did she appear normal?
A She did.
Q At ten months, how much was -- developmentally, how much was Minor Child 1 doing at this point in her life?
A She was able to crawl. She was able to stand up. She was even able to while holding onto something take little steps.
Q Okay. So she was crawling?
A Yes.

Q Was she an active crawler?
A She was an active crawler.
Q Okay. And when you talked about stand up, was she able to even pull herself up if she had an object to hold onto?
A Correct, yeah, she was able to pull herself up like she's doing, it appears, in that photo while holding onto anything.
Q All right. And then if she's able to pull up and hold onto an object, what would she normally do if she's able to pull up and hold onto an object?
A She's able to, like, kind of bounce herself up and down.
Q Okay. And could she, also, move side to side while holding onto an object?
A Side to side, yes.
Q So Minor Child 1 was doing all of that at ten months of age?
A Correct.
Q Now, had she been able to actually begin walking yet?
A No, she hadn't taken her first steps yet, but I know she was about to because she was taking little steps while holding onto either the couch or we had a little walker at home that she would use and hold onto it.
Q All of those things you described, the crawling, the ability to pull up, the ability to hold onto an object and move side to side, was Minor Child 1 doing all of that on the

morning of March 11th?
A That morning, she was doing just fine. She was -- usually, the way she would greet me in the mornings is she would stand up in the crib and jump up and down. And she was doing that. She was acting normal.
Q And this video -- or this photograph that we're looking at here, State's Exhibit No. 45, you're aware that it came from a video?
A Yes.
Q And you're aware that there was video at Windsor Academy?
A Yes.
Q And I believe you've been able to identify your daughter's clothing from a portion of that video?
A Yes.
Q I'm going to show you State's Exhibit No. 16. It's a portion of a video where your daughter was crawling. Have you seen that portion of the video?
A I've seen the portion where she was crawling. Yes, I saw a portion of that video.
Q Was there any doubt in your mind that that was Minor Child 1 on the morning of March 11th?
A No doubt in my mind.
MS. MAYES: State's Exhibit No. 16 for evidence.
THE COURT: Any objection?

MR. MARCHANT: No objection.

THE COURT: All right. It will be admitted as State's Exhibit No. 16.

(WHEREUPON, State's Exhibit No. 16 was admitted into evidence.)

MS. MAYES: Permission to publish, Your Honor.

THE COURT: Yes, ma'am.

(WHEREUPON, State's Exhibit No. 16, a video, was published in open court for the jury.)

BY MS. MAYES:

Q Looking here at this video dated March 11th, 2022, at 7:50 a.m., how close in time would this be to when you had dropped Minor Child 1 off there at 7:45?

A Just about five minutes after I dropped her off. She's -- it looks like she's crawling normally.

Q And who is this person right here?

A That's my daughter, Minor Child 1.

Q All right. And Minor Child 1 is wearing a -- can you describe her clothing for the record?

A Yes. She's wearing a light pink sweater with gray sweatpants.

Q And is that a long-sleeved top?

A Long-sleeved, yes.

Q And your daughter had hair?

A Yes.

Q What color was her hair?
A Dark brown.
Q So a full head of hair?
A Yes.
Q And you indicated as she's crawling here, was that normal for Minor Child 1?
A Yes, that was normal.
Q Had you seen any signs of injury on Minor Child 1 on the morning of March 11th?
A I did not.
MS. MAYES: Please continue.
(WHEREUPON, State's Exhibit No. 16, a video, continued to be played in open court.)
BY MS. MAYES:
Q And now, she's sitting up and playing with the gate. Can you tell us whether or not that's normal play for Minor Child 1?
A Yes, that's normal.
(WHEREUPON, State's Exhibit No. 16, a video, continued to be played in open court.)
BY MS. MAYES:
Q And now, what is she doing?
A She's crawling around.
Q And is that the speed she normally crawls at?
A Yes, yes, she was a fast crawler.

(WHEREUPON, State's Exhibit No. 16, a video, continued to be played in open court.)

BY MS. MAYES:

Q And now sitting up on her knees, is that, also, normal for Minor Child 1?

A Yes.

Q So on the date of March 11th, where were you at around 10:30 to 11:00 a.m. that morning?

A I was at work.

Q And what, if anything, unusual happened on that date?

A I received a call from the daycare director, Bess, telling me that my daughter was not putting weight on her leg.

Q All right. So let me stop you right there. The phone call you received was from this individual right here, Bess?

A Correct.

Q The director, Ms. Locklear?

A Correct.

Q And what time would you estimate -- it doesn't have to be exact, but what time would you estimate you received this call?

A Around 10:50 something, 10:53.

Q Okay. And at this point, you're advised that Minor Child 1 does not appear to be putting weight on her leg?

A Correct.

MR. MARCHANT: Objection, hearsay.
MS. MAYES: Very well.
MR. MARCHANT: Stricken, please, Your Honor.
THE COURT: Excuse me?
MR. MARCHANT: Strike for the record, please.
THE COURT: I'm not going to strike the question. I sustain the objection.
BY MS. MAYES:
Q Please don't repeat what anyone else said to you, but just going back, you received a phone call from Ms. Locklear?
A I received a phone call, yes.
Q And, eventually, are you able -- without saying what someone said to you, were you able to make contact with Ms. Locklear there at the daycare?
A Yes.
Q And you've estimated that to be about what time?
A Like I said, it was almost 11:00 in the morning.
Q Now, based on that phone call, what provisions did you have to make at work?
A Well, it's only three of us in the branch, so, therefore, I had to make sure to follow protocols because I had a cash box. I had to count my cash and put away. I had to make sure, at least, one other person was there so they could be okay while I left for the day and pick up my

daughter.

Q And you indicated that you were in West Columbia?

A Correct.

Q Ultimately, did you go to Windsor Academy to pick up Minor Child 1 there at Windsor?

A Did I go pick up -- yes, I left my job around 12:30. Q Describe to us, Ms. Garcia, how you observed Minor Child 1 when you arrived?

A When I arrived, they held me up in the lobby telling me what they thought happened.

Q And without saying what anyone else said to you --

A Sure, I'm just saying they held me up. I was trying to get to the bottom of what was happening because I was really confused by what was told to me over the phone.

So I get there in the lobby area. Then they let me in the baby room. When I see my daughter, she's unable to move and she's -- like, she's being held by another daycare worker there. She's crying and she's not drinking her bottle as she normally does. And I freaked out immediately because that's not like -- that's not how I left her. You know, she seemed in a lot of pain.

Q What did you observe about her physically?

A Physically, she was not able to -- she was in this position, just like this, with her arms like this. Her legs were spread out and she was not able to move.

Q Was that usual or unusual for Minor Child 1?
A Unusual.
Q You indicated that she seemed to be in pain. Was she crying?
A She was crying.
Q Did she want to take a bottle?
A She did not want to take a bottle.
Q You've talked about her laying still. I want to ask you specifically about her left leg. Did you see her move her left leg at all?
A She was not moving any of her legs. She was not moving her arms and she was not moving her legs.
Q Did you see her attempt to crawl?
A No, not at all.
Q Attempt to sit up?
A Not at all.
Q Did she even appear to want to reach for you or anyone else while you were there?
A It appeared that she could not even reach for me. She was in so much pain that she couldn't even hold her arms up like she normally does. She couldn't do that.
Q Once you found Minor Child 1 in that condition, when I asked you about the individuals here on the screen, specifically, the Defendant in this case, Shayna McKnight, did she ever speak to you or acknowledge you in any way when you came to

pick up Minor Child 1?
A She did not. She sat there with other babies. And she gave me this look like (indicating), and that was it.
Q Did she ever give you any explanation at all about what had happened to your daughter?
A No.
Q Where did you go after picking up Minor Child 1 -- first of all, about what time would you estimate it was once you made provisions at work and left West Columbia to get to Windsor Academy?
A I'm sorry, can you repeat the question?
Q What time would you estimate it was approximately once you took care of your provisions at work and left West Columbia that you arrived at Windsor?
A What time did I estimate that I arrived? It was around 1:06.
Q Okay. And that's when you found Minor Child 1 in the condition you've described?
A Correct.
Q What decision did you make about where to take Minor Child 1 once you picked her up in that condition?
A I looked on my phone the nearest emergency center that I could find and took her there, which happened to be Lexington Urgent Care.
Q And Lexington Urgent Care was located approximately how

close to this facility?
A To be honest with you, I don't remember. It was about a 15-minute drive.
Q And were they able to see Minor Child 1 right away?
A They were, yeah. They took me immediately to the patient room and examined her.
Q Once you arrived there at Lexington Urgent Care, did she see a physician?
A She did.
Q And what -- without going into what the doctor said to you, what arrangements were made then for a transfer of Minor Child 1?
A Yes. So they asked if I had a choice to take her to Prisma Children's Hospital myself or get an ambulance. And I decided to take her myself because she would be more comfortable in her car seat. So I took her there myself. They helped me put her in the car safely so that -- so she wouldn't have any more strain on her left leg.
Q Now, while she was there at Lexington Hospital, can you tell us whether or not a cast was placed on Minor Child 1?
A Before taking her to Prisma, she did get a cast on her leg.
Q And which leg was the cast on?
A The left leg.
Q And then from there, you safely got her to Prisma

Children's Hospital?
A That's right.
Q And did she see additional physicians once she arrived at Prisma Children's Hospital?
A She did.
Q How late were you there at the hospital with Minor Child 1 on the night of March 11th?
A Yes, I was there until almost midnight. They did a lot of tests, x-rays, CT scans to make sure she didn't have, you know, like, brain trauma injury aside from the bruising and broken tibia.
Q So I want to talk about that a little bit more. While you were at Prisma Children's Hospital, did you ever receive any indication that the daycare themselves had made a report to the police?
A No.
Q Who is actually the person through Prisma that made a report to the police?
A It was I.
Q And that was a report regarding what had happened to Minor Child 1 at Windsor?
A Yes, it was a report regarding how I found her and that I wanted to get to the bottom of what happened. I wanted an investigation done.
Q Okay.

A Because I was not getting answers.
Q And, ultimately, did an officer, a deputy or investigator with the Lexington County Sheriff's Department come meet you at Prisma Hospital while you were still there with Minor Child 1?
A Yes.
Q And was that on the night of March 11th?
A Yes.
Q I'm going to show you some photographs and ask you whether or not you recognize them. State's Exhibit No. 44, do you recognize the person in that photograph?
A That's my daughter.
Q And can you tell me whether that a fair and accurate representation of how she appeared at Prisma Hospital on the night of March 11th?
A Yes.
Q That is State's Exhibit No. 43. Is this a fair and accurate representation of how she appeared at Prisma Hospital on the night of March 11th?
A Yes.
Q Next, is State's Exhibit No. 47. Is this a fair and accurate representation of how Minor Child 1 appeared at Prisma Hospital on March 11th?
A Yes, it is.
Q Now, I've got a followup photograph, I believe, from

September 16th -- I'm sorry, March 16th, so about five days later. Is this a fair and accurate representation of Minor Child 1?

A Yes.

MS. MAYES: All for evidence at this time, Your Honor.

MR. MARCHANT: No objection.

THE COURT: The photos will be admitted as State's Exhibit Nos. 43, 44, 46 and 47.

(WHEREUPON, State's Exhibit Nos. 43, 44, 46 and 47 were admitted into evidence.)

BY MS. MAYES:

Q As for State's Exhibit No. 44 and 43, I'm going to give you a chance to look at these photos close up with the naked eye. First, I want to ask you, when we saw Minor Child 1 on the video from that morning crawling around and looking here at State's Exhibit No. 45 how she appeared when you dropped her off on the morning of March 11th, did she have any bruising on her?

A When I dropped her off, she did not have any bruising.

Q What, if anything, did you notice while you were at Prisma Hospital and your daughter was being treated for the broken tibia that you told us about?

A What did I notice? I just noticed that my daughter was in a lot of pain and I wanted it to be me feeling that, not her.

Q Looking here at State's Exhibit No. 44, what, if anything, did you observe different about your daughter on the night of March 11th or the evening of March 11th than how she appeared that morning?
A She had a bruise, obviously, she's restless. She wasn't eating her bottle.
Q And looking at State's Exhibit No. 43, what, if anything, different did you observe about her physically than how she appeared that morning?
A She's got that bruise on her right leg.
Q I'm going to put these on the overhead, which may distort the photo. But are you able to see the bruise that you just described?
A Yes.
Q I'm going to hand you a laser. So that would be a bruise on the right arm just above the hand, just above the wrist?
A Correct.
MS. MAYES: Your Honor, the record may reflect she has identified a location on State's Exhibit No. 44.
THE COURT: Yes, ma'am.
BY MS. MAYES:
Q Now, as to State's Exhibit No. 45 -- sorry, State's Exhibit No. 43. What, if anything, different did you notice about Minor Child 1?

A On her right leg, she had another bruise right here.
Q Can you show us where that is?
A Right here.
Q Can you tell us whether these photographs were taken by the law enforcement officer who was there at Prisma?
A Yes, they were taken by law enforcement.
Q Now, you mentioned the tibia. When did you learn that Minor Child 1 had suffered a fractured tibia or leg?
A The morning of March 11th when I received a phone call right around 10:50 something, 53.
Q When did you actually learn, though, that it was --
A Oh, sorry, sorry. When did I learn about it? It was when the doctor --
Q Which hospital were you at when you first learned that she had a tibia fracture?
A Lexington Urgent Care.
Q Okay. And while she was at Lexington Urgent Care, what did they do to treat her there before she was transferred on to Prisma?
A They put a cast on her. And that was about all they could do. She's a baby. She couldn't take any pain meds.
Q Okay. We're looking here at State's Exhibit No. 47. The cast that we see there on the left leg, is that the cast that was placed there by the Lexington Hospital?
A Yes.

Q Or Urgent Care Center?
A Yes.
Q And then once she got to Prisma, did they do additional treatment of her and x-rays?
A They did x-rays, a lot of other scans, you know, exams.
Q Now, did law enforcement, including this detective here, do followup photos at your residence several days later?
A Yes.
Q I'm going to refer you to the date of March 16th, 2022. I'm going to show you State's Exhibit No. 42. What are we looking at in this photo?
A That's my daughter and that's her cast that was put on her.
Q Now, that cast, I'm just going to ask you a few questions for the record. How far up did it extend on her leg? Was that below the knee or above the knee?
A Above the knee.
Q Was this a walking cast or a nonwalking cast?
A Nonwalking.
Q So in this cast, was Minor Child 1 able to crawl as she normally would, using both legs as she normally would?
A No.
Q Was she able to pull up like she used to do?
A No, the cast prevented her from doing a lot of

movement.
Q Approximately how long was she in that cast?
A Around two to three months, I believe.
Q Well, let me ask you about this cast specifically?
A Around two months.
Q At least, several weeks?
A Several weeks. I'm sorry, it's just hard to recall this.
Q At least --
A A long time.
Q As she was in the cast, once it was removed, what efforts did you have to undertake in order for her to regain use of her leg for crawling and things like that?
A I had to make sure -- she's a baby, she has to be -- make sure she was being careful with her leg. Basically, I couldn't leave her side for not even five seconds, just to make sure she was being careful and gentle and not, you know -- so that it would heal faster.
Q Did she have followup medical appointments?
A Yes.
Q And can you tell us whether she, also, had physical therapy of some type?
A She didn't have physical therapy. She just had followup appointments.
Q And based on everything that you observed about Minor Child 1

after getting this cast, did she lose the ability to use that leg for some period of time?
A Yeah. Basically, what she would do is -- after the cast was removed, she would kind of scoot. She wouldn't put any weight on it. She would try to crawl, but dragging her left leg.
Q You had mentioned that right before this happened with Minor Child 1 that she had been on the verge of taking her first step?
A Right.
Q Was she ever able to take that first step with that cast on?
A No, no.
Q Now, without getting into what anyone said to you, did you ever request from the daycare, specifically, Windsor daycare, did you ever request to view the video or see the video yourself?
A Yes, I wanted to see what happened to my daughter. I requested the video immediately. After I found out that she had a broken tibia, I texted Bess.
Q Without getting into what anyone said to you --
A Right. I wanted to know what happened and I requested the video.
Q Was that within 24 hours of Minor Child 1's injury?
A Yes, that was shortly after the injury.

Q And yet, did any individual at Windsor ever provide you with that video?
A No. They gave me excuses, but no.
MS. MAYES: Beg the Court's indulgence.
THE COURT: Yes, ma'am.
(Pause.)
BY MS. MAYES:
Q And, specifically, as to the Defendant in this case, Shayna McKnight, when you went to pick Minor Child 1 up with those injuries, was she present in the room?
A Yes.
Q She was present in the baby room when you picked Minor Child 1 up?
A Yes.
Q Did you ever see her with Minor Child 1 or attempt to comfort Minor Child 1?
A No.
Q Did she ever give you any explanation whatsoever as to what had happened to your daughter?
A No.
MS. MAYES: Thank you. Nothing further.
THE COURT: Cross-examination.
MR. MARCHANT: I don't have any questions at this time, Your Honor.
THE COURT: Ms. Garcia, you can step down.

Counsel, can y'all approach?

(WHEREUPON, a bench conference was held in the presence of the jury, but outside the hearing of the jury.)

THE COURT: Call your next witness.

MS. MAYES: Beg the Court's indulgence, Your Honor. State's Exhibit No. 42 was offered into evidence and there was no objection. I think the court reporter had a question about that.

MR. MARCHANT: I don't recall her admitting it.

THE COURT: I didn't have it as being offered.

MS. MAYES: I will offer it at this time.

THE COURT: Is there any objection?

MS. MAYES: State's Exhibit No. 42 was identified as well as a photograph on March 16th.

THE COURT: Yeah, there was a full foundation laid and everything.

MR. MARCHANT: No objection.

THE COURT: Okay. It will be admitted as State's Exhibit No. 42.

(WHEREUPON, State's Exhibit No. 42 was admitted into evidence.)

MS. TAYLOR: The State calls Gerardo Garcia.

THE CLERK: Place your left hand on the Bible and raise your right.

WHEREUPON;

GERARDO GARCIA,

after being duly sworn, testified as follows:

THE CLERK: Have a seat over there, please. If you'll state your name, please, for the record and spell your last.

THE WITNESS: Hi, my name is Gerardo Garcia, G-A-R-C-I-A.

DIRECT EXAMINATION

BY MS. TAYLOR:

Q Thank you, Mr. Garcia. Are you the father of Minor Child 1?

A Yes, I am.

Q How old is she today?

A She's three years old.

Q And back in March of 2022, how old was she at that time?

A Ten months.

Q Ten months old. Okay. Now, at that time, was she going to daycare?

A Yes.

Q Where was she going to daycare?

A Windsor Academy.

Q Is that here in Lexington County?

A Yes, ma'am.

Q Now, you said she was ten months old at the time; is that right?

A Yes.
Q Can you tell me how she was acting at that time? Was she crawling?
A She was crawling.
Q What else was she doing? How did she act at that time in her life?
A Standing, trying to walk.
Q Had she taken her first steps yet?
A Yes.
Q When she would pull up, would she move from side to side?
A Not too much, a little bit, but starting to walk.
Q So she was about to start walking?
A Yes.
Q Is it fair to say she was an active child at that time?
A Uh-huh, yes.
Q On March 11th of 2022, did she go to daycare that day at Windsor Academy?
A Yes.
Q What was the normal routine for you guys in the morning until she was dropped off at Windsor Academy?
A I saw my daughter crawling. She was very active.
Q So she was crawling that morning on March 11th?
A Yes.
Q And that was normal for her?

A Yes.
Q And was it normal for your wife to drop her off or would you drop her off at Windsor?
A She would do it.
Q Okay. Now, prior to her -- when you saw her that morning, did you see any signs of injury on Minor Child 1?
A No.
Q Was she acting completely normal?
A Yes.
Q And you said normal was crawling and being very active?
A Yes.
Q Okay. Do you recognize this photo?
A Yes.
Q Who is this individual, this person in that photo?
A She's my daughter.
Q And is that how you saw her that morning or somewhat that activity level that morning before you left for work?
A Yes.
Q Now, after she was dropped off at Windsor Academy that day, or before, did you go to work that day?
A Me?
Q Yes.
A Yes.
Q Okay. When did you see Minor Child 1 again that day?
A After midnight, or midnight.

Q And after midnight, how did Minor Child 1 appear to you?
A She was crying.
Q She was crying?
A Crying, in pain, crying all the time.
Q And did she have a cast on at that point?
A Yeah.
Q Did you see any other signs of injury, such as bruising or anything of that nature?
A Yeah, the bruising that I saw that night.
Q I'm showing you what's in evidence as State's Exhibit No. 43. What do you notice about Minor Child 1 in that photo, if anything?
A Say it again.
Q What, if anything, do you notice about Minor Child 1 in this photo, which is State's Exhibit No. 43?
A The bruise.
Q And where is the bruise?
A On the right leg.
Q Do you have the little laser? Can you point it out? Yeah, right there. Thank you. Can you point out on the photo where you see the bruise on her leg?
A (No response.)
Q Would it help if I showed you the picture up close?
A Yeah.
MS. TAYLOR: Permission to approach?

THE COURT: Yes, ma'am.
BY MS. TAYLOR:
Q Mr. Garcia, do you see the -- where is the bruise you were trying to show us in that photo?
A (Witness indicates.)
Q Can you say your answer into the microphone? On her leg there?
A Yeah, on the right leg.
Q On the right leg, okay. Now, I'm showing you another photo, State's Exhibit No. 44. What, if anything, do you see in that photo on Minor Child 1?
A The bruise is on the right hand.
Q The right arm?
A Yes, the right arm.
Q Would you be able to point that out or would you rather me bring it to you?
A (Witness indicates.)
Q Okay. Is that how she appeared when you saw her after midnight?
A Yes.
Q March 11th into March 12th?
A Yes.
Q And were those bruises there when you saw her that morning?
A Say it again.

Q Did you notice those bruises that morning before you left for work that day?
A Yes.
Q Before you went to work or did you notice it later that --
A After.
Q After is when you first noticed these bruises?
A Yes.
Q And you said how was Minor Child 1 acting when you saw her that night?
A Crying.

MS. TAYLOR: No further questions, Your Honor.

THE COURT: Anything on cross-examination?

MR. MARCHANT: Just a couple, Your Honor.

CROSS-EXAMINATION

BY MR. MARCHANT:

Q Mr. Garcia, just a couple of questions for you. I'm sorry about what you had to go through. You've testified that you saw your daughter after midnight when she came home from the hospital?
A (No response.)
Q That's correct? You just testified you saw your daughter when she came home after midnight, right?
A Yes.
Q And what do you do for a living?

A Huh?
Q What do you do for work? What's your job?
A Construction.
Q You don't work at night, do you?
A No.
Q Why didn't you go to the hospital?
A Because I --
Q Is it because your daughter maybe -- did your wife tell you it wasn't that big of a deal, that she could handle it?
A She was in the hospital.
Q I understand that. I'm asking you why you didn't go to the hospital?
A Because I was tired.
Q Did your wife say that she could handle it on her own, it wasn't that bad? I mean, if it was bad, you would have gone to the hospital, wouldn't you?
A We had only two cars, you know.
Q I'm sorry?
A My van work.

MR. MARCHANT: No further questions, Your Honor.

THE COURT: Any redirect?

MS. TAYLOR: Briefly, Your Honor.

REDIRECT EXAMINATION

BY MS. TAYLOR:

Q Mr. Garcia, you left for work that morning?

A I went to work, yes.
Q And do you work all day long?
A Yes, I do.
Q So you have a full time job?
A I have a full time job till six o'clock.
Q Six o'clock at night?
A At night, yes.
Q So you were at work the entirety of the day?
A Uh-huh.

MS. TAYLOR: Nothing further.

THE COURT: Any recross?

MR. MARCHANT: Nothing further, Your Honor.

MS. MAYES: Your Honor, due to the scheduling issue raised at the bar, we're ready to break.

THE COURT: Okay.

Mr. Garcia, you can step down.

Ladies and gentlemen, we're going to take a break. We've had some scheduling issues in the courthouse with another judge needs a court reporter kind of thing for a short period. So we may have a little bit more of an extended break to accommodate them, but we will -- we're at a good stopping point for our mid-morning break, so we're going to let you guys take a break, make any calls you need, whatever you need to do there. But, please, don't discuss the case and we'll be back with you shortly.

(WHEREUPON, the jury exits the courtroom at 10:27 a.m.)

THE COURT: We'll be at ease for, at least, 15 minutes.

(WHEREUPON, a short break was taken.)

THE COURT: State ready to proceed?

MS. MAYES: Yes, Your Honor.

THE COURT: Defense ready?

MR. MARCHANT: Yes, sir.

THE COURT: Bring in the jury.

(WHEREUPON, the jury enters the courtroom at 11:09 a.m.)

THE COURT: State call your next witness.

MS. MAYES: Your Honor, the State calls Mike Phipps.

THE CLERK: Please your left hand on the Bible and raise your right hand, please.

WHEREUPON;

MICHAEL PHIPPS,

after being duly sworn, testified as follows:

THE CLERK: If you'll have a seat, please. State your name and spell your last for the record.

THE WITNESS: Michael Phipps, P-H-I-P-P-S.

DIRECT EXAMINATION

BY MS. MAYES:

Q Good morning. Tell us a little bit about yourself. Where are you currently employed?

A I currently work for the United States Secret Service.

Q Okay. And if you could pull the microphone up a little bit closer to you. You indicated you work for the U.S. Secret Service. In what capacity is that?
A I'm a digital forensic examiner. I examine items, electronic items for evidence in criminal cases.
Q All right. Now, before your employment with the U.S. Secret Service, where were you employed?
A I worked for the Lexington County Sheriff's Department for 26 years.
Q And were you a sergeant doing the same type of work in digital examination?
A I wasn't a sergeant, but, yes, I was doing digital exams for Lexington County since 2017 full time.
Q As an investigator?
A Yes.
Q So you mentioned 26 years. I want to go back and cover some of your experience. What is meant by the term crime scene investigations?
A At least, at our department, a crime scene investigator pretty much does everything. So we respond out to the scene, we document the scene and collect evidence. We take photographs, video, fingerprints, whatever that case requires to be done.
Q Also, known as CSI?
A That is correct.

Q And how long did you work as a CSI investigator for the Lexington County Sheriff's Department?
A 13 years.
Q And using that work as a CSI investigator, how, if at all, did that parlay into your work in digital evidence?
A I started receiving training in digital forensics in 2005, I believe it was, and it was sort of a collateral duty to the crime scene work. We would go out and there would be something like a cell phone and we would collect that. We have forensic tools that can pull the data off of that phone.

So at first, it started to be just a collateral duty in addition to the regular crime scene duties. But then as cell phones became more important and the information on them became more important to investigations, it became, basically, a full time job.

Q All right. And speaking of cell phones, do you commonly work primarily now with cell phones and data extracted from those cell phones?
A I do.
Q Does that include things like call logs?
A It does.
Q Now, what type of software is generally relied upon by the Lexington County Sheriff's Department and in the secret service in extracting data from cell phones?

A We have a couple different tools, but, primarily, we go with a company called Cellebrite. We have a couple of different variations of tools that allow us to track data.
Q And is that software, the Cellebrite software, accepted among law enforcement peers in your field?
A It is.
Q Including the State Law Enforcement Division or SLED?
A Yes, ma'am.
Q Now, in addition to your work with cell phones, do you have and have you had the opportunity to receive training regarding other types of digital evidence, including computers, tablets, video recording systems?
A I have and even vehicle forensics as well.
Q Okay. A black box, for example, from inside the vehicle?
A Yes, ma'am.
Q So in this particular case, I'm going to ask you about State's Exhibit No. 4 already in evidence and ask you whether or not you're familiar with the DVR system that was submitted to you for examination? Can you tell us whether or not there was a DVR system --
A Yes, ma'am, there was. On March 15th of 2022, I examined a digital video recorder, like a surveillance video recorder that would be in a home or a business.
Q So in addition to cell phones, you have the capability

to extract data from a DVR system that you've just described?

A Yes, ma'am.

Q Can you tell us whether your education and training in the field of digital evidence includes devices such as State's Exhibit No. 4?

A It does. These systems are, basically, stand-alone dedicated computers. In this instance, it even has a hard drive like you would have in your home computer.

Q All right. And your education and training on these items of digital evidence, again, including cell phones, computers and recording systems, such as State's Exhibit No. 4, is that ongoing education and training?

A It is. Probably to date, I've had over 800 hours of training in various digital forensics.

Q And, again, you've been doing this type of work in the extraction of digital evidence for how many years?

A Since -- the training officially started in 2005, so from that date forward.

Q And as a result of your education and training, were you the primary person responsible for the extraction of data for the Lexington County Sheriff's Department during your work with them?

A At the time that I examined this, I was actually a full-time task force officer with the Secret Service sitting

in the lab and that's all I did was digital work.

Q Is it possible for you to estimate how many extractions you have done on items of digital evidence during this timeframe of 2005 to the present?

A It's over a thousand. I just don't really keep up with it.

Q How many times have you been previously qualified as an expert in the field of digital evidence to include extraction of such evidence?

A It's over 30 times.

Q And does that include the Court of General Sessions that we are here in today?

A Yes, that covers all cases.

MS. MAYES: Your Honor, at this time, the State offers Michael Phipps as an expert in the field of digital evidence and digital evidence extractions.

MR. MARCHANT: No objection, Your Honor.

THE COURT: Okay. I'll find that expert testimony is necessary to assist the jury resolving the factual questions. Mr. Phipps is qualified in the area of digital evidence and digital evidence extraction. The testimony and methodology behind the testimony is reliable.

Ladies and gentlemen, the same rules apply as before as an expert. Again, like I told you earlier, normally, folks can't offer an opinion, but when I find that they are

qualified because of their education or experience, they may offer an opinion in this case. And you may give it whatever weight you deem necessary in your deliberations.

Yes, ma'am.

MS. MAYES: Thank you, Your Honor.

BY MS. MAYES:

Q Now, regarding State's Exhibit No. 4, this item right here being a DVR system, I'm going to hand that to you and ask you whether or not you can identify this item and whether or not you recognize this item in relation to your extraction?

A I do. The serial number matches my notes for this examination.

Q And for the record, would you state that serial number?

A G, as in golf, 14519386.

Q All right. And, also, what appears to be the make and model number for this particular DVR system?

A Model is GAR326-16/A.

Q I'm going to show you an item that is already in evidence and this is State's Exhibit No. 12. This being an overhead -- looking here on the overhead, this being a photograph. Up in the left-hand corner, we see a date and time stamp?

A Yes, sir.

Q Do you recognize where this particular screen shot came

from?
A I do. It's from the incident location in the lobby area.
Q And do you have a laser pointer with you or should I get you one?
A I have one.
Q All right. Now, looking here in the upper left-hand corner at the date and time stamp -- first of all, as part of your extraction, how do you go about verifying the date and time stamp on any video recording?
A We usually try to locate -- if it wasn't documented when the box was collected, we try to document a known point in time. In this case, we were told that the video system had gone down. Some individual responded to the scene to bring it back up and when we turned the video system on, the very first recording matched that date. The time, you can see there's a clock on the wall there if you zoom in. The time very closely, within a couple of minutes, matches the clock as well.
Q And where do you see the clock on the wall?
A (Witness indicates.)
Q Located here?
A Yes, ma'am.
Q So you were able to cross-compare the time of the clock to the date and time stamp from March 11th, 2022?

A Of course, it doesn't have a date, but the time does match within a couple of minutes.
Q Okay. And then what is noted down here by this camera number?
A Well, systems number their cameras, just for reference. So there was -- I can't remember exactly how many, but there was quite a few cameras at that location in various rooms.
Q Okay. Now, this particular still shot is from the date of March 11th, 2022. Why was that date significant, if at all, in terms of your analysis and review of this video system?
A According to the sworn affidavit, that was the date of the incident.
Q So you were specifically looking for any video recordings that could be recovered from the date of March 11th?
A That is correct.
Q Now, take us through your initial examination of this device. When you first cut that device on and began your extraction, were you able to recover video from the date of this incident on March 11th?
A I was not.
Q Tell us about that.
A So when we receive the DVR, we create an image of it so that we can put a duplicate back in the system so we're not

using the original evidence. In reviewing what would actually be visible to the user of the DVR, the 13th -- actually, the late afternoon, I guess, of the 13th was the first recording that could be found. So it was the 13th moving forward.

Q All right. So let me stop you right there. You indicated already that this device was recovered pursuant to a search warrant?

A Yes.

Q And you go in looking for recordings from March 11th?

A Yes, ma'am.

Q And you were not able to recover those?

A Could not see those.

Q And, again, what is the date of the first recordings that you found on this device?

A It was on March 13th and it comes up at 5:52 p.m.

Q That was March 13th of 2022?

A Yes, ma'am.

Q And when you say it comes up, what do you mean by that?

A That's the very first recorded clip on the system and that's the first date and time stamp. And it's from that point moving forward. There was nothing historical before that date and time that you could see on the system.

Q Now, looking at the information attached to the system and the date of collection, what was the date that this

search warrant was executed at Windsor Academy and this system was actually recovered?

A The date on the packaging is March 15th, 2022.

Q Okay. So it is collected as evidence on March 15th, 2022. And what date did you receive it to begin your examination?

A That same day. I started my exam on the 15th.

Q Now, ordinarily, would you expect -- if you're starting your examination on the 15th, would you expect a device such as this to still have video from the incident date of March 11th, just four days earlier?

A You would. Most DVR systems, depending on how they're configured and what size storage is in them, usually, you have, at least, a week archive on them.

Q All right. And you said you find video on March 13th. What is the time that you say you first have evidence of the video system recording on March 13th?

A It starts recording at 5:52 p.m. that afternoon.

Q 5:52 p.m. So as part of your work here in the digital review of video recordings from March 11th, you can't find them, what do you do next?

A We use the image that -- the drive that was in this DVR was a three terabyte in size drive. We imaged it, which means we made an exact copy and processed it in a forensic tool. That tool was able to carve, carving means looking

for something that may have been deleted or corrupted. And it carved for video clips and it recovered quite a few going back even before the incident time period.

Q All right. So using your expertise and that software, were you able to recover data from March 11th?

A We were.

Q And based upon your examination of this item and your recovery process, do you have an opinion as to whether or not that video from March 11th had been deleted?

A I do.

Q What is that opinion?

A That someone caused the footage to be corrupted or deleted.

Q And despite it being deleted, you were able to recover it?

A Yes, ma'am.

Q And looking here at the still shot that we see on the overhead from March 11th, is this created from your recovery of that diluted data on March 11th?

A It is.

Q So we'll come back to that a little bit later regarding your recovery of the deleted data. But once you did recover video recording from March 11th, how did you go about your review and your CSI experience to determine whether there were any items of interest on that recording?

A Based on the affidavit of the search warrant as far as the date and time of the incident, the victim in this case, the location within the facility that the victim was normally at, we started reviewing video footage from that day and identifying her and just watching all that transpired with her throughout that entire day.
Q Looking here at State's Exhibit No. 45, is this the victim that you referenced?
A Yes, that's Minor Child 1.
Q Minor Child 1?
A That's correct.
Q Were you able to even find video from around the time of her initial arrival there at Windsor Academy on March 11th?
A Yes. From the lobby camera view, you could see her coming into the facility that morning.
Q And do you have notes or the ability to recount some of these times?
A I believe I have some notes, yes, ma'am.
Q And I was going to ask about the approximate time of her arrival at the facility?
A I have that indicated as 7:45 a.m.
Q 7:45 a.m.?
A That's correct.
Q And from there, were you able to examine the video to

see if Minor Child 1 following her arrival appeared to be crawling and developmentally acting normally?
A She appeared quite active.
Q Within the developmental guidelines of a ten-month-old generally?
A Yes, ma'am.
Q Crawling?
A Crawling.
Q Did you observe her pulling up?
A I did.
Q Did you observe her having the ability to take a few steps if she was holding onto an object?
A Yes.
Q Can you describe what you observed?
A Well, there was a couple points during that morning where she would crawl over to an object and be able to pull up, such as the little bench we see there, and she could turn and move her body around. She didn't walk away from it. She had to continue holding onto it.
Q I'm going to show you what is State's Exhibit No. 15, State's Exhibit No. 16, State's Exhibit No. 16 is already in evidence, State's Exhibit No. 17 and State's Exhibit No. 18 and State's Exhibit No. 19. These cover a time period between 7:49 and 8:30. Are you familiar with this timeframe?

A I am, yes, ma'am.
Q As well as additional videos going on that morning through the time period of 9:47. I'm going to show you some documents and ask you whether or not you recognize them and, if so, how?
A I do. All these have my initials on them.
Q Okay. Are they a fair and accurate representation of the video that you recovered on March 11th from that DVR system?
A They are.
MS. MAYES: All for evidence at this time, Your Honor.
MR. MARCHANT: No objection.
THE COURT: All right. I had State's Exhibit No. 16 is already in and State's Exhibit Nos. 15, 17, 18, 19. What are the others?
MS. MAYES: We would have State's Exhibit Nos. 20, 21, 22, 24, 25, 26, 27 and 29 at this time.
THE COURT: So State's Exhibit Nos. 15, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27 and 29 will be admitted as State's evidence without objection.
MR. MARCHANT: Yes, no objection.
(WHEREUPON, State's Exhibit Nos. 15, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27 and 29 were admitted into evidence.)
MS. MAYES: Permission to publish, Your Honor.
THE COURT: Yes, ma'am.

BY MS. MAYES:

Q And we already have one item in evidence, State's Exhibit No. 16, which depicted the victim, or Minor Child 1, crawling. Did you observe that video as well?

A Yes, I did.

Q In fact, as to State's Exhibit No. 16, does it, also, bear your initials?

A Yes, ma'am, it does.

Q I'm going to start with State's Exhibit No. 17. If you could describe what we're looking at here in this video.

(WHEREUPON, State's Exhibit No. 17, a video, was played in open court for the jury.)

THE WITNESS: This would be the crib room, what's termed the crib room within the facility. This would be on March 11th.

BY MS. MAYES:

Q So looking here, again, March 11th, what time are we looking at now in the upper left-hand corner?

A My eyes are bad. It looks like eight something.

Q 8:07 appear to be accurate?

A Yes, ma'am.

Q Based upon your review of this evidence and your knowledge of this case, who are we looking at here in the right side of this video?

A Shayna McKnight.

Q That would be the Defendant in this case, Shayna McKnight?
A Yes, ma'am.
Q How, if at all, were you able to consistently identify her over the course of the videos from that date?
A Well, initially, it was from law enforcement reports. And then once I identified her, her clothing is rather distinctive, her hair color was rather distinctive, so she was fairly easy to track.
Q And for the record, does there appear to be some type of distinctive pattern on the leggings worn by Shayna McKnight in the videos on the date of March 11th?
A Yes, it does.
MS. MAYES: Please continue.
BY MS. MAYES:
Q State's Exhibit No. 18.
(WHEREUPON, State's Exhibit No. 18, a video, was played in open court for the jury.)
BY MS. MAYES:
Q Now, looking here at State's Exhibit No. 18, what, if anything, did you just observe Minor Child 1 do?
A Crawling.
Q And what are we looking at here at this moment at 8:19:42?
A (No response.)

Q Is she crawling now?
A I've lost track of her.
Q Okay.
MS. MAYES: Your Honor, with your permission?
THE COURT: Yes, ma'am.
(WHEREUPON, State's Exhibit No. 18, a video, was continued to be played.)
BY MS. MAYES:
Q What are we observing here?
A Here, she's pulling up. Right there, she's pulling up on the gate.
Q Okay.
A So she had just crawled in front of that.
Q And then was able to pull up onto the gate?
A Yes, ma'am.
Q And does it appear that she can attempt to take a few steps if she's holding onto an object?
A Yes, ma'am.
Q And then crawl?
A Yes.
Q And where is she now?
A She's over by the lockers.
Q Appears to be able to sit up on knees and transition to crawling?
A Yes, ma'am.

Q At this time, does she appear to be playing or interacting with other children?
A She is.
Q All right. Next, we're going to show you a video from 8:32. This is going to be State's Exhibit No. 20. Now, do you have the ability, once you've recovered video, to zoom in close or create slow motion videos and things of that nature?
A Yes. We can zoom in or crop or slow the frame rate down.
Q Were you able to do that with some of these video clips?
A We were.
(WHEREUPON, State's Exhibit No. 20, a video, was played in open court for the jury.)
BY MS. MAYES:
Q For example, the video we're looking at now, were you able to zoom in to this video?
A It starts at full frame just so you see the point of reference and then zooms in on a portion of the frame.
Q What time do you understand it to be now?
A 8:32.
Q Now, as to this particular video, I'm going to ask you whether or not you were able to identify Shayna McKnight, the Defendant in this case, in this video?

A Yes. She's the one seated in the chair.
Q And can you show us where that is?
A (Witness indicates.)
Q And where is Minor Child 1?
A Right here.
MS. MAYES: Please play.
(WHEREUPON, State's Exhibit No. 20, a video, was continued in open court.)
BY MS. MAYES:
Q What, if anything, do you observe in that video?
A She picks Minor Child 1 up by one arm and kind of sits her down forcefully.
Q Next, as to State's 21. The video we just saw, I believe, was at 8:32.
(WHEREUPON, State's Exhibit No. 21, a video, was played in open court for the jury.)
BY MS. MAYES:
Q And what time are we looking at now?
A That is 8:35 a.m.
Q So it's now 8:35. This is going to be three minutes after the video where you just described that Minor Child 1 was picked up by one arm?
A Yes, ma'am.
Q Do you see Minor Child 1 in the video at this time?
A Yes. She's in the playpen area at the gate.

Q In this area here?
A Yes, ma'am.
Q And where is Shayna McKnight?
A She's standing to the left towards the door there.
MS. MAYES: Please play.
(WHEREUPON, State's Exhibit No. 21, a video, was continued in open court.)
BY MS. MAYES:
Q Is that Minor Child 1 here?
A On the right, yes, ma'am.
Q That was 8:35?
A That's correct.
Q Next, I want to ask you about State's Exhibit No. 22. Again, you were able to zoom in to create closer views?
A Yes, ma'am.
(WHEREUPON, State's Exhibit No. 22, a video, was played in open court for the jury.)
BY MS. MAYES:
Q And what time is it now?
A 8:55 a.m.
Q At 8:55, where is Minor Child 1--
MS. MAYES: Beg the Court's indulgence.
THE COURT: Counsel.
BY MS. MAYES:
Q At 8:55, where is Minor Child 1 seated in this video?

A She's seated in the chair to the right.
Q And where is Shayna McKnight?
A I don't see her in this frame. Here she comes walking up to Minor Child 1.
Q And does she have physical contact with Minor Child 1 in this video?
A She does. She grabs the child's head and pushes it back into the seat.
Q All right. And that's 8:55. Now, at 9:35, were you able to continue watching video?
A Yes.
Q I'm going to show you what is State's Exhibit No. 24 and ask you whether this covers a 10-minute timeframe between 9:35 and 9:45?
A Yes, this starts at 9:35 a.m. and it runs for ten minutes.
Q You think this is going to be a ten-minute video?
A Yes, ma'am.
Q All right. Take us through what we're observing here during this ten-minute video. I'm going to start with the portion here at 9:35 and ask you where is the Defendant and then where is Minor Child 1?
(WHEREUPON, State's Exhibit No. 24, a video, was played in open court for the jury.)
THE WITNESS: The Defendant is seated in the chair.

A 9:39 a.m.

(WHEREUPON, State's Exhibit No. 24, a video, was continued to be played in open court.)

BY MS. MAYES:

Q What time is on the video now?

A 9:40 a.m.

Q And does the blanket still appear to be over the child's mouth?

A It is.

Q What is the Defendant doing?

A She's doing something on her phone.

(WHEREUPON, State's Exhibit No. 24, a video, was continued to be played in open court.)

BY MS. MAYES:

Q What time is on the video now?

A 9:41.

Q Does the blanket still appear to be in place?

A It is.

(WHEREUPON, State's Exhibit No. 24, a video, was continued to be played in open court.)

BY MS. MAYES:

Q What time is it now?

A 9:43.

Q And what is the Defendant doing at this time?

A She's still doing something on her phone, continuing to

Minor Child 1 is at her feet in a little chair. BY MS. MAYES:

Q So this is Minor Child 1 that we see here?

A Yes, ma'am.

Q And there's a blanket over her?

A Yes.

MS. MAYES: Please continue.

(WHEREUPON, State's Exhibit No. 24, a video, was continued to be played in open court.)

BY MS. MAYES:

Q What just occurred?

A It appears a pacifier was placed in the child's mouth.

MS. MAYES: Please continue.

(WHEREUPON, State's Exhibit No. 24, a video, was continued to be played in open court.)

BY MS. MAYES:

Q What's occurring now?

A She's retrieving a blanket to add over the top of the child, sort of the neck area, side of the face.

Q And based upon your review of the video, where is the blanket placed now?

A It's wrapped around, starting from either side of the head and over the chin area, mouth area.

Q And there's a pacifier in the mouth?

A Yes, ma'am.

Q Is that blanket now placed over the child's airway? Mouth?
A It appears, yes. It starts out over the nose and I think she's manipulating it to pull it down off of the hose.
Q What time is on the video now?
A 9:37 a.m.
Q And based upon your knowledge and observations from this video, does that blanket appear to be over the child's mouth during this period of time?
A It appears to be holding the pacifier in place, yes.
(WHEREUPON, State's Exhibit No. 24, a video, was continued to be played in open court.)
BY MS. MAYES:
Q What is the Defendant doing now?
A She's on her phone.
(WHEREUPON, State's Exhibit No. 24, a video, was continued to be played in open court.)
BY MS. MAYES:
Q What is happening now?
A She's readjusting it. It slid down, so she's pulling it up and over and tucking it behind the child's head.
Q And can you tell us based upon your observations, is it over the mouth and pacifier?
A It is.
Q What time is on the video now?

rock or bounce the child in the bouncy seat.
Q Does it appear that the blanket is still over the child's mouth?
A Yes, it does.
(WHEREUPON, State's Exhibit No. 24, a video, was continued to be played in open court.)
BY MS. MAYES:
Q And what time is on the video now?
A 9:44, almost 9:45.
Q All right. Regarding the time period of 9:45 onward, did you observe the Defendant place the child into a crib?
A I did.
Q And I'm going to ask you whether or not you have the ability, also, to create a slow motion version of that?
A I did.
Q I'm going to show you State's Exhibit No. 51 and State's Exhibit No. 52 and ask if you recognize those?
A Yes, ma'am, these are the videos I created.
Q Then we have State's Exhibit No. 25 already in evidence. That would be in real time?
A That's correct.
Q I'm going to show you that one first. That is State's Exhibit No. 25. And then you said State's Exhibit No. 51 and 52 were created by you?
A Yes, ma'am.

Q Are they a fair and accurate representation of these same events?
A They are, yes, ma'am.
MS. MAYES: State's Exhibit Nos. 51 and 52 for evidence as well.
MR. MARCHANT: Those are what were just shown, right?
MS. MAYES: Oh, State's Exhibit No. 51 and State's Exhibit No. 52 would be -- State's Exhibit No. 51 is 9:45:30 to 9:48:13. State's Exhibit No. 52 is 9:45 slow.
MR. MARCHANT: No objection.
THE COURT: All right. They will be admitted as State's Exhibit Nos. 51 and 52 without objection.
(WHEREUPON, State's Exhibit Nos. 51 and 52 were admitted into evidence.)
BY MS. MAYES:
Q Now, looking at this particular video in real time, what time is overhead there on the time stamp?
A Currently, it's 9:45 and 21 seconds.
MS. MAYES: Please publish.
(WHEREUPON, State's Exhibit No. 25, a video, was played in open court for the jury.)
BY MS. MAYES:
Q Where is the Defendant and where is Minor Child 1?
A Defendant is standing over Minor Child 1 in the bouncy chair. She's now picking the child up.

Q Was she picked up by two arms or one arm?
A I believe that was two. I'd have to see it again.
MS. MAYES: Can you play that again, please?
THE WITNESS: It starts off as one arm, but she's got ahold of both arms as she comes up.
MS. MAYES: Please continue.
(WHEREUPON, State's Exhibit No. 25, a video, was continued to be played in open court.)
BY MS. MAYES:
Q And that's 9:45 that she's placed into the crib?
A Yes, ma'am.
Q That's, again, real time. Were you able, looking here at State's Exhibit No. 51 and State's Exhibit No. 52, to create a slow motion version of that?
A Yes, ma'am. It's zoomed in and slowed down.
MS. MAYES: State's Exhibit No. 52.
(WHEREUPON, State's Exhibit No. 52, a video, was played in open court for the jury.)
BY MS. MAYES:
Q And this is the placing into the crib?
A Yes, ma'am.
Q Now, as she's placed into the crib, where, ultimately, do you see the Defendant's hand?
A She's rotating Minor Child 1 onto her stomach and her hands come down first on the right leg and then onto the left

ankle.

MS. MAYES: State's Exhibit No. 51.

(WHEREUPON, State's Exhibit No. 51, a video, was played in open court for the jury.)

BY MS. MAYES:

Q Again, where are the hands there at the millisecond mark we just passed at 9:45:46?

A Shayna's right hand is on Minor Child 1's left ankle.

Q You said first the right and then the left?

A Yeah, she kind of passes over the right leg and grabs hold of the left ankle.

Q Okay.

(WHEREUPON, State's Exhibit No. 51, a video, is continued to be played in open court.)

BY MS. MAYES:

Q What time are we at when another individual appears to come over to the crib?

A At 9:46, a coworker comes over.

Q All right.

MS. MAYES: Please continue.

(WHEREUPON, State's Exhibit No. 51, a video, is continued to be played in open court.)

BY MS. MAYES:

Q And what is happening now at 9:46:21?

A They seem to be examining Minor Child 1's leg, left leg

specifically.
Q And that's 9:46:22 on the overhead?
A Yes, ma'am.
Q Examining the left leg?
A Yes, ma'am.
MS. MAYES: Please continue.
(WHEREUPON, State's Exhibit No. 51, a video, is continued to be played in open court.)
BY MS. MAYES:
Q And then is she placed back into the crib after they examine the left leg?
A She is.
Q And it's now 9:46:50?
A Yes, ma'am.
Q Now, after this event at 9:46:50 that we just watched, did you have the opportunity to review video from March 11th for the rest of that day until Minor Child 1 was picked up by her mother?
A I did.
Q Did you ever see Minor Child 1 crawl again after that
A event?I did not.
Q Did you ever see her pull up again after that event?
A I did not.
Q Did you ever see her hold onto an object and attempt to take a step to the left or to the right after that event?

A I did not.
Q What did you next see after that event regarding the Defendant, Shayna McKnight?
A She pretty much left the room, walked in and out several times, but remained primarily outside in the lobby area.
Q Okay. We'll talk about that momentarily. I'm going to ask you about this video at 9:47. And this is going to be State's Exhibit No. 26.
(WHEREUPON, State's Exhibit No. 26, a video, was played in open court for the jury.)
BY MS. MAYES:
Q What time are we looking at here now on the date and time stamp?
A 9:47.
Q All right. So 9:47:44, so, roughly, a little over a minute after they were last seen examining Minor Child 1's left leg?
A Yes.
Q Has she now been removed from the crib?
A Yes.
Q By who -- or let me ask you, who's got her now?
A Shayna McKnight.
Q And what does it appear she's doing?
A She's placing the child at the fence line there to what

appears to me to see if the child can bear weight.

MS. MAYES: Please continue.

(WHEREUPON, State's Exhibit No. 26, a video, is continued to be played in open court.)

BY MS. MAYES:

Q Is the child holding onto the gate?

A Yes.

Q Do you ever see her take a step to the left or to the right?

A I do not.

(WHEREUPON, State's Exhibit No. 26, a video, is continued to be played in open court.)

BY MS. MAYES:

Q That was several seconds there at the gate?

A Yes.

Q But, again, did you ever see her crawl after that event?

A I did not.

Q I'm going to ask you about some additional videos. These are State's Exhibit Nos. 30, 31, 32, 33, 34, 35, 36 and 40. And ask you if they bear your initials?

A They do.

Q And are those all videos from the date of March 11th as well?

A Yes, ma'am.

Q And does this, also, include the video camera from the lobby as well as from the crib room?
A Both, yes.
MS. MAYES: Offer into evidence at this time, Your Honor.
MR. MARCHANT: No objection.
THE COURT: All right. They will be admitted as State's Exhibit Nos. 30, 31, 32, 33, 34, 35 and 40.
(WHEREUPON, State's Exhibit Nos. 30, 31, 32, 33, 34, 35, 36 and 40 were admitted into evidence.)
MS. MAYES: Your Honor, if we may have permission to publish?
THE COURT: Yes, ma'am.
BY MS. MAYES:
Q So what time are we at now?
A 10:40 a.m.
Q 10:40 a.m., almost an hour since they were examining the baby's left leg?
A That's correct.
Q And where is Minor Child 1 at now?
A It's hard for me -- I think this is -- she was in the lap of this coworker.
Q Let me ask you whether or not you observed the child on a boppy at any point?
A I did.

MS. MAYES: Please play.

(WHEREUPON, State's Exhibit No. 33, a video, was played in open court for the jury.)

BY MS. MAYES:

Q And by boppy, I'm referencing a pillow?

A Okay, yeah, I see her.

Q Tell us where you were able to observe the victim.

A She's in place on the floor right here.

Q And now, at 10:40, what, if anything, is significant about your observations when -- or about your review of this video?

A I just happened to note that during the whole time she's laying there, she moves her arms occasionally. She moved her right foot just barely. But she's almost completely still the entire time.

Q Do you see her move her right leg, but not her left?

A That is correct.

(WHEREUPON, State's Exhibit No. 33, a video, is continued to be played in open court.)

BY MS. MAYES:

Q And does she appear to lie there in that position?

A She does.

Q Now, I'm going to ask you a few questions about in that room, in that crib room. Were you ever able to observe the Defendant and the person identified as the director, Bess

Locklear, in that room?
A I was.
Q So there was videos both of the Defendant and Bess Locklear together?
A Yes, ma'am.
MS. MAYES: And that's going to be State's Exhibit No. 34.
BY MS. MAYES:
Q And what time is noted now on the date and time stamp?
A March 11th, 2022, at 10:10 a.m.
Q So 10:10 a.m., this is going to be, roughly, 24 minutes after they were examining the child's left leg?
A That's correct.
MS. MAYES: Please play.
(WHEREUPON, State's Exhibit No. 34, a video, was played in open court for the jury.)
BY MS. MAYES:
Q If you could, using the laser, show us where Shayna McKnight is located now?
A (Witness indicates.)
Q And the individual, Bess Locklear, where is she located?
A (Witness indicates.)
Q Do they appear to be in a conversation?
A Yes, ma'am.

(WHEREUPON, State's Exhibit No. 34, a video, was continued to be played in open court.)

BY MS. MAYES:

Q What is happening now?

A The Defendant appears to be looking at a phone held by a coworker.

(WHEREUPON, State's Exhibit No. 34, a video, was continued to be played in open court.)

MS. MAYES: Thank you.

BY MS. MAYES:

Q Now, that DVR system, State's Exhibit No. 4, in evidence, does that have the ability to produce recordings that can be viewed remotely?

A Yes, most DVR systems network, we have the ability to sign into them remotely from other devices.

Q Sort of like a Nest cam or a Ring cam that folks may have at home for their own home security?

A That's correct.

Q Which can be viewed on the cell phone?

A Yes.

MS. MAYES: Please continue.

(WHEREUPON, State's Exhibit No. 34, a video, was continued to be played in open court.)

BY MS. MAYES:

Q What is happening now?

A Three of them, Bess, the coworker and Defendant, are kind of huddled over the coworker's phone looking at something on that device.
Q And the time, please?
A It is 10:12 a.m.
Q So, roughly, 26 minutes after they were examining her left leg?
A Yes, ma'am.
(WHEREUPON, State's Exhibit No. 34, a video, was continued to be played in open court.)
BY MS. MAYES:
Q Is that still occurring at this time now at 10:13 a.m.?
A It is.
(WHEREUPON, State's Exhibit No. 34, a video, was continued to be played in open court.)
BY MS. MAYES:
Q And still continuing to review the phone at this time, 10:14?
A That is correct, yes, ma'am.
Q I want to ask you about State's Exhibit No. 12, already in evidence. What is depicted here in State's Exhibit No. 12?
A It's a still frame from the video in the lobby at 10:28 a.m. with Bess Locklear, the Defendant and a coworker.
Q All right. So, again, are these the individuals that

we just observed on the previous video back in the crib room?

A Yes. Shayna is on the right, Bess is on the far left and the coworker in the middle.

Q So it's now what time?

A 10:28 a.m.

Q All right. So just moments after the video that we just saw where they were reviewing the phone in the crib room?

A Yes.

Q Now, tell us whether or not there is any equipment that is observable to you here in State's Exhibit No. 12 that would allow one to review on a larger monitor?

A There is a desktop computer monitor off to the right on the closest end of that island with a keyboard in front of it.

Q And this individual that we see here?

A That's the Defendant.

Q She's now placed on a jacket?

A Yes.

Q And I believe there's some type of fast food item here?

A Yes, ma'am.

Q And this is, again, who?

A That's Bess.

Q Bess Locklear, the director?

A Yes.

MS. MAYES: State's Exhibit No. 33 to publish.

MR. MARCHANT: No objection.

BY MS. MAYES:

Q Were you able to capture video of the entire events that take place in the lobby after they leave the crib room?

A I was.

Q And I believe it's now 10:15?

A It is.

MS. MAYES: I ask you to move forward to around 10:17.

(WHEREUPON, State's Exhibit No. 33, a video, was played in open court for the jury.)

BY MS. MAYES:

Q Now, at 10:17:15, can you tell us who was present in the lobby at this time?

MS. MAYES: You can pause it right there.

THE WITNESS: The far closest right there is Bess Locklear.

BY MS. MAYES:

Q That would be located here?

A Yes, ma'am. And immediately to her left is Shayna McKnight.

Q All right. And then this individual in the blue shirt, I think you've previously identified as a coworker?

A Correct.

Q Now, what does she appear to have in her hand?
A She has a phone and it's in like a landscape orientation.
Q And is that phone within the view of all three individuals?
A It is.
Q Now, did you have an opportunity during your work on this case to identify anything significant about that? I'm going to show you State's Exhibit No. 9, State's Exhibit No. 10 and State's Exhibit No. 11.
A Yes, these are exhibits I created.
Q You created those exhibits?
A Yes.
Q Are they all a fair and accurate representation of this very video that we're looking at right now from the lobby camera?
A Two of them are. The other ones are an exemplar of the crib room during that day.
Q All right. And are all of these from the video recovered by you from March 11th, 2022?
A They are.
MS. MAYES: All for evidence at this time, Your Honor. This will be State's Exhibit No. 9, State's Exhibit No. 10 and State's Exhibit No. 11.
THE COURT: Any objection?

MR. MARCHANT: No objection.

THE COURT: All right. They will be admitted as State's Exhibit Nos. 9, 10 and 11 without objection.

(WHEREUPON, State's Exhibit Nos. 9, 10 and 11 were admitted into evidence.)

BY MS. MAYES:

Q So we're going to switch over from the video now to the photographs that were just admitted in evidence. First, I'm going to show you a video still shot for 10:17 a.m. What can you tell us about this video still shot?

A It shows Shayna, Bess with a coworker at the island in the lobby with the phone.

Q And the date?

A March 11th, 2022.

Q Now, with your background in CSI and your individual evidence review, how do you go about trying to make -- or confirm any additional information from what you're looking at here?

A One of the investigative questions that was posed to me by the investigators was, was there any evidence on the video, if the individuals working at that facility had reviewed any of the video of the day. And this was my attempt to try to isolate that.

Q Okay. Let me show you State's Exhibit Nos. 10 and State's Exhibit No. 11 and ask you what we're looking at in

these documents you created?
A State's Exhibit No. 10 is a cropped, blown up, zoomed-in view, if you would like to say, of this area in State's Exhibit No. 9 we're looking at right here, specifically, the phone in the hands of the coworker.
Q All right. Can we take a look at the document you created from that? What observations did you make regarding this close-up view?
A Well, unlike how they depict on TV, we can't zoom in and enhance a lot of video. So in looking at that, some things stuck out to me as far as the shapes of items that we're seeing on the screen of that phone. And it looked familiar to me as possibly being from the crib room. And I created State's Exhibit No. 11, which is sort of a cropped-in view of what you might see on a phone that equates to the view on the phone in State's Exhibit No. 10.
Q All right. So looking now at State's Exhibit No. 10, where in this photo do you see items that do potentially equate to the crib room?
A It kind of started right here with this sort of square section right here, a white outline that comes down and across and up to the 90 degree and then comes across and makes a 90 back in this direction.
Q Looking here at this portion of the screen?
A Yes, ma'am.

Q All right. And can you show us the next exhibit that you created that corresponds?
A And to me, it correlated very well to this rectangular section here with the white post that comes across, up at 90 degrees and then this fence line that comes back at 90 degrees here. It's a very close approximation of what we're seeing in this view right here.
Q Can we see the other photograph again? So you created this photograph as an example of the crib room?
A Yes. It's just a random still shot from that day of the crib room.
Q That would depict the gate and, potentially, the blanket on the floor and the cribs in the background?
A Yes, ma'am.
Q And, again, whether or not you see any of those items that correlate in State's Exhibit No. 10?
A So in addition to this blurred feature here, in the background, you see a floating line that's divided in the middle, which closely approximates this sloping line of the sill of the window and divided here. And then here is a white splotch on the floor in addition to another little white part back here. And that correlates with the white we see here and here.
Q Okay. And, again, you've already addressed the white gate, also, appears to be present in State's Exhibit No. 10?

A Yes.
Q Based upon your examination and review of this, can you tell us whether or not it's your opinion that the item being viewed here would be video from the crib room?
A It is my opinion that the video depicted on the coworker's cell phone is an image from the closed circuit recording system they have of the crib room, yes.
Q I'm going to show you some additional photos. Again, this is going to be State's Exhibit No. 49 and State's Exhibit No. 48. Are those, also, from the video that we just watched earlier, being video from the lobby camera?
A It is.
Q Are those a fair and accurate representation of the events on March 11th?
A They are.
MS. MAYES: State's Exhibit Nos. 48 and 49 for evidence.
MR. MARCHANT: No objection.
THE COURT: They will be admitted as State's Exhibit Nos. 48 and 49 without objection.
(WHEREUPON, State's Exhibit Nos. 48 and 49 were admitted into evidence.)
BY MS. MAYES:
Q Now, we see a still shot from 10:17. I'm going to ask you about State's Exhibit No. 49 right here. At 10:19, what

appears to be occurring?
A Shayna McKnight is sort of huddled over the left shoulder of a coworker. The coworker is holding a phone in her hand and Shayna is pointing her left hand at something on the screen.
Q And is that the same coworker you had previously identified as viewing a video consistent with the crib room?
A Yes, ma'am.
Q Also, see here at 10:17 a.m.?
A That is correct.
Q And then 10:19, we're looking now at State's Exhibit No. 48, is that a close-up view of what you just described?
A Correct. State's Exhibit No. 48 is just a zoomed-in area of that same image, just to make it a little clearer. You can see the phone in the coworker's hand and Shayna's left hand extended out pointing at the screen.
MS. MAYES: Your Honor, may we approach?
THE COURT: Yes, ma'am.
(WHEREUPON, a bench conference was held in the presence of the jury, but outside the hearing of the jury.)
THE COURT: Ladies and gentlemen, we're going to break for lunch now. I have another matter scheduled that I'm squeezing in. We're going to be back here at 2:30 -- actually, get back about 2:20 and, hopefully, we'll get started back at 2:30.

Remember, don't discuss the case at all. Don't do any research, anything of that nature. We'll see y'all back up here at 2:30.

(WHEREUPON, the jury exits the courtroom.)

THE COURT: We will be in recess until 2:30.

Agent Phipps, you are still under oath. You're still on the stand. Do not discuss your testimony with anyone while we're on the recess.

THE WITNESS: Yes, sir.

THE COURT: Thank you.

MS. MAYES: Your Honor, for the record, we will have lunch and we'll make that available to Agent Phipps.

THE COURT: I know y'all know the rules and I trust y'all to do the right thing.

(WHEREUPON, a lunch break was taken.)

THE COURT: State ready?

MS. MAYES: Yes, Your Honor.

THE COURT: Defense ready?

MR. MARCHANT: We're ready.

THE COURT: All right. Bring in the jury, please, sir.

The court reporter had a question, did the State move in State's Exhibit No. 36.

MS. MAYES: We did, Your Honor, but we will do that again on the record.

(WHEREUPON, the jury enters the courtroom at 2:33 p.m.)

THE COURT: Please be seated.

Ms. Mayes, you may continue your direct examination of Agent Phipps.

MS. MAYES: May it please the Court?

THE COURT: Yes, ma'am.

CONTINUED DIRECT EXAMINATION

BY MS. MAYES:

Q I believe when you were last testifying, we addressed numerous video clips that were created from the recovery of their video on March 11th, 2022. I wanted to ask you specifically about State's Exhibit No. 36. Does this item, also, bear your initials?

A Yes, it does.

Q And is that item, also, a mini clip created from the data recovered on March 11th?

A Yes, ma'am.

Q And then, also, State's Exhibit No. 40, who created this?

A I created this.

Q And State's Exhibit No. 40 depicts what?

A It's video of the lobby area of the incident location on March 3rd of 2022.

Q Again, the date?

A March 11th, 2022.

Q And is what we're looking at there from the lobby the

same camera that State's Exhibit No. 40 depicts?
A It is.
Q Although, State's Exhibit No. 40 depicts activity throughout that day on March 11th?
A Yes. State's Exhibit No. 40 are clips that are compiled just of Shayna McKnight being present in the lobby.
MS. MAYES: That would be State's Exhibit No. 36 and State's Exhibit No. 40 for evidence, Your Honor.
MR. MARCHANT: No objection.
THE COURT: I think State's Exhibit No. 40 was already in. We had a question about State's Exhibit No. 36. It will be admitted without objection.
(WHEREUPON, State's Exhibit No. 36 was admitted into evidence.)
BY MS. MAYES:
Q Now, when we last left before the break, you were addressing this particular portion of the video from the lobby camera area. And there on State's Exhibit No. 9, which is overhead, the time depicted is what in the left-hand corner?
A 10:17 a.m.
Q And then the time depicted on State's Exhibit No. 49 from that same camera in the lobby is what time?
A 10:19.
Q And, again, who was present for the viewing of the

phone?
A Shayna McKnight.
Q And now looking at this State's Exhibit No. 12, already in evidence, what time is depicted?
A 10:28.
Q And can you tell us whether or not the Defendant, Shayna McKnight, still appears to be present?
A She is. She's standing to the right of the picture.
Q Now, you previously testified regarding State's Exhibit No. 10 being a close-up view of that phone and your opinion regarding on the viewing of the crib room. Can you tell us whether or not looking here at this video screen cap from March 11th whether or not when you went back and began your extraction of the phone -- the DVR, I'm sorry. When you went back and began your extraction of this DVR system, you testified that you only had video from March 13th?
A March 13th onward, yes.
Q So March 13th on through the 15th, the day of your examination, but not video from March 11th?
A That is correct.
Q And so when you pulled it up at March 13th at 5:52, what did you see particularly in this area here where the lobby cam is concerned?
A At 5:52, an image comes up on screen. It's an empty lobby. And that's the first video that's recorded on the

system at that time.
Q All right. So the lobby appeared to be empty at 5:52 when you recovered data beginning March 13th at 5:52?
A Correct. It wasn't until we played it forward a little bit further that someone exited from the office. So we knew at that point in time when the video came back up, there was already someone in the building.
Q I'm going to show you State's Exhibit No. 47 and State's Exhibit No. 46.
A Yes.
Q And who created these still shots?
A I did.
Q And what date were these still shots created from?
A Both of them are March 13th, 2022.
Q And March 13th is the date that you first found working there on that DVR?
A It is.
Q And so when you talk about --
MS. MAYES: This would be for evidence, Your Honor, State's Exhibit Nos. 46 and 47.
BY MS. MAYES:
Q Are these a fair and accurate representation from that video dated March 13th?
A They are.
THE COURT: Any objection?

MR. MARCHANT: No objection.

THE COURT: All right. They will be admitted as State's Exhibit Nos. 46 and 47 without objection.

(WHEREUPON, State's Exhibit Nos. 46 and 47 were admitted into evidence.)

BY MS. MAYES:

Q All right. So looking here at State's Exhibit No. 47, again, which camera is this depicting? What's the location there?

A The lobby camera.

Q And is this a door that leads to the outside of Windsor Academy?

A It does.

Q So one would arguably enter or exit through that door?

A That's correct.

Q And what day of the week is depicted from March 13th?

A It's Sunday.

Q So you find the video of them working at 5:52 p.m. on March 13th. And tell us what occurs after you start watching from the 5:52 point on March 13th?

A An individual appears from the far upper left-hand corner, walks out into the center desk area for a minute, is on their phone. They stand there for a period of time. They disappear back into the back. Ultimately, they come out and leave out through that door.

Q Through this door here?
A That is correct.
Q So as you're watching the video, you see someone exit Windsor Academy on a Sunday at 6:13 p.m.
A I do.
Q And what, if any, concerns did you have at that point?
A Well, at that point, we knew that there was probably video prior to that. The allegation was there had been some type of electrical event that had caused that video to disappear. But once we carved for deleted video, we could see that the system was actually running and recording properly until that same individual came into the facility on that Sunday.
Q And would there be a way -- from your knowledge and expertise in this field, would there be a way for someone to manually or intentionally delete video from this DVR system?
A Yes, it's possible to reset the system causing it to lose all the previously recorded video and then start resuming normal recording from that point forward.
Q All right. So once you identified someone exiting at 6:13, were you able then to delete all the preceding video prior to 5:52 p.m. on March 13th?
A (No response.)
Q Were you able to recover it?
A Yes, yes, we recovered the video.

Q And I'm just going to ask you in the most basic terms, remember, I am a layperson, please, in the most basic terms, tell us about your capabilities with software that allowed you, ultimately, to recover that deleted data?

A Most people have probably heard when you delete something on a computer, it truly isn't all gone away unless you go to the extreme of trying to wipe that data off of the hard drive. So most computer systems, they just remove the header of the file letting the system know that that area of the hard drive is available to overwrite.

So in this instance, when the system was reset, it was a three terabyte hard drive, all the data that was there before the reset was still there, but the system just knew that it could overwrite it. So at that point, the software tool we have is able to carve for that data and make it viewable again to us, just like it would have been if you watched it on the DVR system.

Q And so using that technology, were you then able to move backwards in time before 5:52 to potentially capture this person coming into Windsor Academy on that Sunday?

A We did.

Q And is that depicted in State's Exhibit No. 46 that you previously identified and now in evidence?

A Yes, ma'am.

Q So what time are we looking at now? What date and time

are we looking at on this lobby cam?
A March 13th, 2022, at 3:50 in the afternoon.
Q And through your investigative techniques and your knowledge of this case, were you, ultimately, able to identify this individual who was coming in at 3:50 p.m. on Sunday?
A I was.
Q Who was that person?
A Bess Locklear.
Q It would be the Bess Locklear who is the director?
A That is correct.
Q And based upon your review of this video camera once you recovered the deleted data, she is going to enter at 3:50 p.m. and exit at 6:13 p.m.?
A That is correct.
Q And, again, you have indicated you do have a mechanism to validate the time stamp on these videos. Can you tell us whether or not you did that to the best of your ability using the clocks in the room?
A Yes. If you zoom in on the clock, you can see the minute hand was within just a couple of minutes of the reported time on the video.
Q All right. Now, you have indicated that your training and experience, also, includes cell phones?
A Yes, ma'am.

Q How much of your work would you estimate centers around cell phones and extracted data from cell phones?
A It's probably 90 percent.
Q And, specifically, as to the Defendant in this case, Shayna McKnight, are you aware as to whether or not a phone was extracted for Shayna McKnight?
A There was.
Q I'm going to show you what is State's Exhibit No. 7 already in evidence and State's Exhibit No. 6, a call log. Do you, also, use the Cellebrite software which generates these reports?
A I do.
Q As depicted in State's Exhibit No. 6 and State's Exhibit No. 7?
A Yes.
Q And is that the most popular or the most common form of software that you use with the secret service?
A It's one of two. We have another one we use for validation.
Q Are you still using Cellebrite today?
A We are.
Q So looking here at State's Exhibit No. 7, I want to ask you a few questions about it. Do you have a copy of State's Exhibit No. 7 with you, being the device report?
A I do.

Q So looking here, are you able to determine the make and model of this particular phone?
A Yes. About the third line down, it says detected phone model is a Samsung device, which is listed right under here.
Q And what is the phone number affiliated with this particular phone?
A It is (803) 420-3607.
Q And what, if any, hotspot password is affiliated with this phone?
A It's listed near the bottom of that column there, Shayna's Coffee Shop.
Q Now, are there are, also -- is there, also, user information affiliated with cell phones that potentially go to user or ownership?
A Usually, phones will report all the platforms that you have logged into, social media or otherwise.
Q And what, if any, e-mail account is affiliated with this phone?
A Shayshaymcknight1985@gmail.com. There's another variation --
MR. MARCHANT: Your Honor, I'd like to pause for just a second and have a quick discussion at the bench.
THE COURT: Okay.
(WHEREUPON, a bench conference was held in the presence of the jury, but outside the hearing of the jury.)

MS. MAYES: Beg the Court's indulgence.

THE COURT: Yes, ma'am.

(Pause.)

MS. MAYES: Permission to approach, Your Honor?

THE COURT: Yes, ma'am.

(WHEREUPON, a bench conference was held in the presence of the jury, but outside the hearing of the jury.)

BY MS. MAYES:

Q So as to this particular exhibit, State's Exhibit No. 7, was there data affiliated with this phone with the last name McKnight?

A There was.

Q And the name Shay or Shay-Shay?

A Correct.

Q Now, also, with a phone extraction, do you have the ability to recover things like phone contacts and phone call logs, like ingoing and outgoing calls?

A We do.

Q Do you have a copy of State's Exhibit No. 6 with you, being a call log?

A I do, yes, ma'am.

Q Can you tell us whether or not State's Exhibit No. 6 is from that same device that was just noted on the device extraction report?

A It is the same Galaxy Note 8 cell phone.

Q Now, looking here at this particular call log, is there information regarding incoming and outgoing calls for the date of Sunday, March 13th?
A Yes.
Q In looking here at the call log -- first of all, let me ask you about the time conversation. How does the Cellebrite software properly convert to Eastern Standard Time, such as here in South Carolina?
A It's, of course, based on a calendar depending on the date of daylight savings when it goes into that, whether to apply an offset.
Q Okay. And can you tell us the minus four, does that confirm that this has, in fact, been converted to Eastern Standard Time for March 13th of 2022?
A It does. Most cell phones record time in ETC time, which is universal time. And then depending on what time zone you're physically in, it will apply the proper offset for the location you're in.
Q Okay. So looking here at these photos, it appears that the arrival time is going to be 3:50 of the individual that you identified as Bess Locklear. 3:50 p.m. And then you identified the time of departure for that same individual, being Bess Locklear, at 6:13 p.m.
Can you tell us whether or not looking at the phone extraction for Shayna McKnight, did she have calls in her

call log for the time period around March 13th, 2022?
A Yes, she did.
Q Specifically looking at the phone log for 12:46 p.m. on the date of March 13th, 2022, can you tell us whether or not she had any incoming calls?
A Yes. There's an incoming call from someone identified as Bess in her contact list.
Q All right. So Bess here. And what phone number do you have affiliated with the person in the contacts as Bess?
A (803) 605-5777.
Q And what can you tell us about the time that call is received and the duration of that call?
A Time received is 12:46 p.m. and the call last for 17 minutes and three seconds.
Q And does it tell you whether or not the call was answered or not answered?
A It does. It says answered.
Q So an answered call for 17 minutes at 12:46 p.m.?
A That's correct.
Q Now, is that the only call that day with Bess or were there others?
A There were others.
Q Looking here at what is noted as column five, what, if any, action is seen?
A That's another incoming phone call from Bess at 5:38

p.m. The call last for five minutes, 40 seconds.
Q And one more time, if you could clarify the time that that call is received by the phone of Shayna McKnight?
A 4:38 p.m.
Q 4:38 p.m. And the duration of that call?
A It is five minutes, 40 seconds.
Q Now, if that call is received at 4:38, would that be during the time period that Bess Locklear, according to your video surveillance, is actually on the premises of Windsor Academy?
A It would be, yes.
Q And what is in column four?
A Another incoming call from Bess.
Q And what time is that call received?
A At 5:03 p.m.
Q And what's the duration?
A One minute, 29 seconds.
Q And does it indicate it was answered or not answered?
A It was answered.
Q And, again, that call being at 5:03 p.m., can you tell us whether that's within the period of time that Bess Locklear was still on the premises of Windsor Academy?
A She was.
Q And what do you see in column two?
A It's another incoming phone call from Bess at 6:21 p.m.

Q And what is the duration of that call?
A It's just 24 seconds.
Q And does it indicate answered or not answered?
A It indicates answered.
Q And at 6:21 p.m., how close in time is that to when Bess Locklear had exited Windsor Academy?
A Just shortly thereafter.
Q And then, finally, what is the last call from that day?
A Another incoming call from Bess at 7:01 p.m.
Q 7:01 p.m. What is the duration of this phone call?
A That call last for 25 minutes and 28 seconds.
Q 25 minutes with the contact known as Bess?
A Yes, ma'am.
MS. MAYES: Beg the Court's indulgence.
(Pause.)
BY MS. MAYES:
Q Finally, I'm going to show you three photographs and ask you whether or not you recognize these?
A I do recognize them.
Q Are all of these photos a fair and accurate reflection or depiction of the video you recovered from March 11th, 2022?
A They are.
Q There at Windsor Academy?
A Yes, ma'am.

MS. MAYES: All for evidence at this time, Your Honor, State's Exhibit Nos. 54, 53 and 59.

MR. MARCHANT: No objection.

THE COURT: All right. Photos will be admitted as State's Exhibit Nos. 53, 54 and 59 without objection.

(WHEREUPON, State's Exhibit Nos. 53, 54 and 59 were admitted into evidence.)

MS. MAYES: And, finally, Your Honor, we did have one duplicate number, State's Exhibit No. 47 was a duplicate number. We are going to renumber State's Exhibit No. 47 being -- State's Exhibit No. 47, Your Honor, was the video of someone exiting Windsor Academy on 3/13/2022. So we will leave that as State's Exhibit No. 47. There was another State's Exhibit No. 47, which was a photo of Minor Child 1 and we ask the Court's permission to renumber that as State's Exhibit No. 55.

THE COURT: Any objection?

MR. MARCHANT: No objection.

THE COURT: All right. It will be noted that the photograph will be renumbered as State's Exhibit No. 55.

(WHEREUPON, State's Exhibit No. 55 was admitted into evidence.)

MS. MAYES: Nothing further of Agent Phipps at this time.

THE COURT: Mr. Marchant, do you still need a couple of

minutes before you get into cross or are you ready to go?

MR. MARCHANT: I do need a few minutes to see if the video is going to work.

THE COURT: Okay.

Ladies and gentlemen, we're going to take a ten-minute break for technology reasons. We'll be back with you as soon as we can. Don't discuss the case.

(WHEREUPON, the jury exits the courtroom at 3:02 p.m.)

THE COURT: We'll be at ease for about ten minutes.

(WHEREUPON, a short break was taken.)

THE COURT: Let's bring the jury back in, please, sir.

(WHEREUPON, the jury enters the courtroom at 3:15 p.m.)

THE COURT: Please be seated.

MR. MARCHANT: May it please the Court?

THE COURT: Yes, sir.

CROSS-EXAMINATION

BY MR. MARCHANT:

Q Mr. Phipps, right?

A Yes, sir.

Q Is that Agent, Investigator?

A Investigator or Analyst.

Q And you had testified earlier you're an expert on video extraction and investigation, you do that?

A Yes, sir, I've had training in both video extraction as well as traditional digital forensics.

Q And you were hired by the solicitor's office to do an investigation on this; is that correct?
A No, sir. At the time this case came about, I was working at the Lexington County Sheriff's Department.
Q Okay.
A And I was a full time forensic examiner. I did the digital forensics for the Lexington County Sheriff's Department.
Q Thank you for that clarification. So you were on the job at Lexington County Sheriff's Department?
A Yes, sir.
Q But your expertise is not only the extraction, but the investigation as well?
A The examination of video evidence, yes, sir.
Q So when you do your investigation -- actually, when you did this investigation, you have 100 percent latitude to look at anything you want to look at, right? On the video?
A We're constrained by the search warrant itself usually.
Q Well, the search warrant allowed you to look at all the videos from the DVR from --
A Yes, sir.
Q From the daycare, correct?
A Yes, sir.
Q The solicitor's office didn't dictate to you what you could view and what you couldn't view, did they?

A They did not.
Q 100 percent of your expertise, looking at the videos and then you were going to make your recommendations or your opinions based on that, correct?
A Right, based upon what was articulated in the affidavit of the search warrants as far as what was being focused on, yes, sir.
Q I mean, we did spend quite some time today about the video being destroyed and those sorts of things. You never found any evidence that showed that my client, Ms. McKnight, had anything to do with how that video operates or whether or not she had access? There was no evidence of that, was it?
A No, sir.
Q And Bess -- your testimony today appeared that Bess was the one -- she was the manager or the facility leader; is that correct?
A I'm not sure her exact position, just that she is the one you can view taken there.
Q I just want to make it clear that that had more to do with Bess than anything, correct?
A The deletion, yes, sir.
Q So there were a lot of videos that you downloaded for the jury to see today. I think it was somewhere between 16 and 20. I can't remember exactly how many, but there were a

lot?
A Yes, several hours of video from that morning.
Q And before I get into the specifics, that was -- the actual download that you did, that was quite a bit of videos, correct?
A All the video that was recoverable from that day, yes, sir.
Q I think you testified around three terabytes or something around that?
A Yes. We imaged the entire drive, which was a three terabyte drive, yes, sir.
Q So how far back did that go?
A I don't have any notes. I mean, it went back several days beyond what we were looking at right here.
Q The videos seem to be concentrating between 8:19 a.m., maybe a little earlier than that, but early in the morning going all the way through until afternoon, at least, after 12 o'clock; is that correct?
A Yes, sir.
Q Pretty thorough through that timeline, isn't it?
A Yes, sir.
Q You were showing videos and you were doing them in little groups of maybe three or four minutes here, three -- I think the longest one you did was, like, ten minutes; is that correct?

A I'm not sure. But yes, sir, we try to edit them down to a manageable length.
Q Is there any particular reason why there was no video shown between -- let's see, I know you did the video after Shayna put Minor Child 1 in the crib?
A Yes, sir.
Q That was, I think, around 9:45ish. Does that sound right?
A 9:45, yes, sir.
Q Yeah, because I've got them here in my notes, 8:19, 8:32, 8:35, 8:55, does that sound right? So far, so good?
A Yes, sir.
Q Then I think you did one from 9:30, did another one at right around 10:00ish, then another around 10:40. You did 10:10 and 10:40. You did a lot, but there seemed to be a gap in the videos. And I didn't see anything between --
MR. MARCHANT: Beg your indulgence, Your Honor.
BY MR. MARCHANT:
Q All right. 9:47ish, I think, is when you showed Minor Child 1 up on the gate?
A Okay.
Q Is that right?
A I'll take your word for it.
Q Sounds like it, right?
A Yes, sir.

Q According to my notes, that's about the time?
A Yes, sir.
Q Then it appears you jump to about just after ten o'clock. So what about the time between 9:57 and ten o'clock? Is there any reason why there was no videos concerning that time? Does that recall your memory?
A My recollection is we created clips for exhibits for pertinent times that the prosecutor wanted to display. And I believe there was a disk that would include all the continuous video through the entire day -- or morning of that day that was entered into evidence for reference purposes.
Q Would you -- based on your experience as an investigator, would you believe that if -- if the child, Minor Child 1, was handled by anybody else between 9:47 and ten o'clock, wouldn't you think that would be significant to take a look at?
A I personally watched continuously the entire video for that time period, yes, sir. But we didn't feel, I guess, subjecting the entire court to a continuous multi-hour block of video.
Q Yet, you were pretty thorough, though, between everything else between those two times?
A Because the videos --
MR. MARCHANT: May I approach, Your Honor?

THE WITNESS: Because there was things occurring during those times that were significant.

BY MR. MARCHANT:

Q I have a couple of pictures to show you. Now, the date in the corner says 3/11/2022?

A Yes, sir.

Q Does that look familiar?

A Yes, sir.

Q I don't know what the time stamp is, probably 10:01 or 10:02?

A 10:01, yes, sir.

Q And then at the bottom, I can't remember if that has -- I mean, that looks -- does that look like -- do you recognize that as coming from your video?

A Yes, sir.

Q Now, you know the prosecution gave us discovery and we took a look at that. So is that an accurate description of a screen shot taken from the video that you provided and you testified earlier today -- of the video you testified earlier today?

A Yes, it appears accurate, yes, sir.

MR. MARCHANT: Your Honor, I would like to enter into evidence Defendant's Exhibit No. 1.

MS. MAYES: No objection.

THE COURT: It will be admitted as Defendant's Exhibit

No. 1 without objection.

(WHEREUPON, Defendant's Exhibit No. 1 was admitted into evidence.)

MR. MARCHANT: Any objection to me publishing this?

MS. MAYES: No.

BY MR. MARCHANT:

Q So what's the time on there? 10:01?

A Yes, sir.

Q That you're aware of, you have not testified today about any photo evidence or any videos between 9:47 and ten o'clock, correct, or 10:05?

A I'll take your word for it, yes, sir.

Q And so do you see Minor Child 1 in this photo? Would she happen to be right in front of that bouncy seat to the left?There's two children right there in the middle. Do you recognize her?

A I can't quite make it out.

Q You can come down if the Judge will allow it.

THE COURT: Certainly.

THE WITNESS: It appears to be her. You're speaking of this child right here?

BY MR. MARCHANT:

Q That's correct.

A Yes, sir.

Q So you have positively identified her on the photo

here. Now, is --

MS. MAYES: I'm sorry, I have an objection at this point. It's not clear which child is being referred to.

MR. MARCHANT: I'm sorry. Let's use the pointer.

MS. MAYES: If you could do that, please.

THE WITNESS: You're saying that that's her?

BY MR. MARCHANT:

Q No, sir, to the left. Right here.

A Right there, uh-huh. It appears -- again, it's much easier to identify someone when you're watching the video than from a still, but that appears to be the shirt she was wearing, that's correct.

Q I have some videos we can show, but I just want to make sure we -- so this -- so according to your investigation, this was after Ms. McKnight put her in the crib?

A Yes, sir.

Q So somebody took her out and put her on the floor?

A Yes, sir.

Q But she's by herself?

A Yes, sir.

Q Can you identify the other two coworkers here? Based on you looking at the video, can you identify these two?

A I just know Shayna and Bess at the bottom. I don't know the other coworker's name.

Q So the lady in the blue, you don't recognize that lady?

A I recognize her from all my viewing of the video. I don't know her by name.
Q All right. Thank you. But she's been in lots of videos in the room and -- I'm sorry, she's been in the videos in the room, correct?
A Yes.
Q You don't recall her name, but she has probably been in the room the entire time just about, correct?
A She is there quite frequently, yes, sir.
Q Do you recall -- when you were doing the investigation, do you recall if anyone changed Minor Child 1's diaper after Ms. McKnight put her in the crib?
A There was a diaper change, yes, sir.
Q What do you remember about that?
A Nothing really.
Q So I think you testified earlier that there was some concern that there could have been a possible injury at around 9:45 dealing with placing the child in the crib?
A Yes, sir.
Q I think you, also, testified and showed some pictures of a lady identified as Donna coming over to and looking at the child; is that correct?
A Right. There was two coworkers that, ultimately, came over and inspected the child's leg.
Q During this time, did you see any of the other

coworkers -- they didn't appear to be concerned about anything? They didn't jump up and run out of the room or -- none of the other workers did anything at that point, correct?

A They were taking note of it, as in looking in that direction, but no, sir.

Q Nothing further than that?

A No, sir.

Q The baby went back in the crib -- I think at one point, you testified and I think you showed some photos of Shayna putting the baby up on the gate?

A Yes, sir.

Q And then back into the crib. None of the other two employees in the room did anything to stop her or grab the baby or do anything else, correct?

A No, sir.

Q I want to show you another photo and see if you recognize it. Again, this has got the date stamped up at the top. Do you recognize it? Do you recognize that is part of your video?

A Yes, sir.

Q And it is a true representation of a still shot of a video that you provided this court through the DVR; is that correct?

A Yes, sir.

MR. MARCHANT: Can I publish, Your Honor?
MS. MAYES: If I can see the photo.
MR. MARCHANT: Oh, I'm sorry.
MS. MAYES: No objection.
THE COURT: Are you admitting it into evidence or just publishing it?
MS. MAYES: I would object unless it's in evidence.
MR. MARCHANT: I'll move it into evidence.
THE COURT: All right. It will be admitted as Defendant's Exhibit No. 2.
(WHEREUPON, Defendant's Exhibit No. 2 was admitted into evidence.)
BY MR. MARCHANT:
Q Now, you testified earlier that you remember the baby changing. This is a still photo. I have a video and I'll show you in a few minutes. But doesn't it -- you're, basically, testifying you had no concerns, but she's changing the baby's diaper and she's pulling on the leg there -- not leg, but it looks like she's pulling on the pants; is that correct?
A Yes.
Q You don't have any expertise in diaper changing?
A Not at all, sir.
Q But that didn't give you any alarms that if the daycare worker had any suspicion at all that if the leg was hurt,

there wouldn't be any extra caution there?
A I don't know if she's taking extra precaution. I don't know what a normal diaper change would look like.
Q Showing you another photo. Do you recognize that? Date stamp at the top? The room?
A Yes, sir, I do.
Q It's a screen shot. Is that an accurate depiction of the screen shot of the video that you supplied this court from the DVD from the Windsor Academy?
A Yes, sir.
MR. MARCHANT: I'd like to introduce this into evidence as Defendant's Exhibit No. 3, I believe.
MS. MAYES: No objection.
THE COURT: It will be admitted as Defendant's Exhibit No. 3 without objection.
(WHEREUPON, Defendant's Exhibit No. 3 was admitted into evidence.)
BY MR. MARCHANT:
Q Investigator, right?
A Yes, sir.
Q Investigator Phipps, do you see the child's foot up against that railing of the -- or I don't know what you would call it, but the outside part of the changing table? Do you see that?
A I see the toes. I can't tell if it's in contact with

anything other than the side of the worker there.
Q Do you want to come down and take a closer look?
(Witness steps off the witness stand.)
A Yes, sir, it's touching the little divider in between the two changing tables.
Q Now, I'm not going to ask you any medical questions. We'll save that for a witness that is a doctor. But my question to you is, is that we were -- you were very thorough from, like, eight o'clock in the morning until after 12 o'clock and then all of a sudden, there's a gap in your testimony between 9:45 and, like, 10:05.
A Okay.
Q So you had no concerns whatsoever when you saw a child that allegedly had an injury from the crib, placing the child in the crib, you didn't have any concerns when you saw this video?
A I did not.
Q So when you were doing your investigation, did you alert the solicitor's office about this video -- about the video between that period of time?
A All the video was reviewed by all the parties I'm aware of, the case agent, the solicitor and myself.
Q So you were tasked to extract the video and you did a great job of that. You extracted the video?
A Yes, sir.

Q And you were, also, tasked with helping with the investigation of what caused the ten-month-old's, Minor Child 1, leg to be hurt; is that correct? Ultimately, was broken. Weren't you tasked to help with that?
A My focus is the initial recovery of the video and then the production of any exhibits for courtroom purposes.
Q Well, you testified earlier that you had some opinions that I -- you know, I didn't object to, but you had some opinions on different things in those videos, correct?
A Specifically, the deletion --
Q Deletion --
A -- the viewing --
Q I think you testified earlier -- I think you were asked if Ms. McKnight picked the child up by one arm. And I think you said two when you came back down, correct? Remember that?
A It looked like initially reaching in with -- both hands went in. It looked like initially only one was making contact, but then, ultimately, two hands were on each arm -- hand was on each arm, yes, sir.
Q And, again, I just want to make sure we're clear. The prosecution put in a picture in evidence, I don't even know what number it is. Do you have a copy of the -- but you remember an exhibit going in that showed --
A Specifically one arm?

Q One arm.
A When Minor Child 1 was picked up and pulled across the carpet.
Q I don't recall seeing that. When she was getting out of the baby chair, you don't remember that?
A Which one now, sir?
Q We'll come back to that in just a second. You have testified about different aspects of the pictures, right?
A Yes, sir.
Q You testified that absolutely her foot is touching that?
A From that angle, it does appear that the side of her foot is touching the wood divider of the changing tables, yes, sir.
Q I have another photo I'd like to show you and see if you recognize it.
A There's a slight difference, I guess, between the two?
Q I'm sorry. Yes, it appears so.
A Again, I can't see the time stamp, but I guess it could have been a second or two of the previous photo. Two seconds difference, yes, sir.
Q Changing babies is a fast job, right?
A Yes, sir.
MR. MARCHANT: I'd like to enter this as Defendant's Exhibit No. 4.

MS. MAYES: No objection.

THE COURT: All right. The photo will be admitted as Defendant's Exhibit No. 4 without objection.

(WHEREUPON, Defendant's Exhibit No. 4 was admitted into evidence.)

MR. MARCHANT: May I publish?

THE COURT: Yes, sir.

BY MR. MARCHANT:

Q Again, another photo where you see the foot jammed up against the wood?

A I see the foot touching the wood, yes, sir.

Q Again, that didn't cause you any concern?

A No, sir, not when I viewed the video in its entirety.

Q I'll show you another photo. You recognize that photo? It's a screen shot of a -- is it a screen shot of a video -- or a representation of a screen shot of a video that you retrieved from the DVR from Windsor Academy?

A It is, yes, sir.

MR. MARCHANT: Permission to publish?

MS. MAYES: No objection.

THE COURT: Are you moving it into evidence?

MR. MARCHANT: Yes, sir. Exhibit No. 5, Defendant's Exhibit No. 5.

THE COURT: It will be admitted as Defendant's Exhibit No. 5 without objection.

(WHEREUPON, Defendant's Exhibit No. 5 was admitted into evidence.)

BY MR. MARCHANT:

Q Now, you weren't sure who the lady is in blue. I think her name is Krystal Taylor, but it doesn't matter at this point. Do you recognize the other lady?

A There's only two women that I'm really familiar with. The other's, I'm not.

Q Okay. Did they look familiar as people being in all the videos in the room?

A Oh, yes, sir.

Q So you can assume they were in there working?

A Yes.

Q They worked for Windsor?

A Correct.

Q Worked with Shayna?

A Yes, sir.

Q So when you were doing your investigation -- so this is right after, it appears, right after the baby change?

A Yes, sir.

Q Based on the time stamp. So now, we've moved from 10:05 from 10:02?

A Yes, sir.

Q So you agree that's close in time to changing the diaper?

A It is.
Q And so, as an investigator and in reviewing all this video, you didn't see anything odd about this picture?
A No, sir.
Q I mean, it's a video. This is just a screen shot. Looks like to me she's doing this (indicating). You don't see that?
A I mean, I see a finger up, but I have no idea what the context is unless I see the video.
Q So you don't think that's a shhh?
A I have no idea. It's a moment in time, sir, so I'd have to see the video to know what the context is.
MS. MAYES: State's Exhibit No. 27 would be the video.
MR. MARCHANT: How long is the video in State's Exhibit No. 27? When does it start?
I would like to show a video of right around that time. I'm going to try to show a video. Your Honor, I beg your patience here. I think I know how to do this.
BY MR. MARCHANT:
Q I'm going to start playing the video, but before I do that, I want to ask you a couple of questions about this video. This is a clip of a time period around the time of the pictures that I showed you earlier that you recognized. I just want to ask you again do you recognize the beginning of this video?

A I do, yes, sir.
Q Does it look like an accurate representation of the toddler room at Windsor Academy?
A Yes, sir.
Q Spliced probably, most likely, right, it is -- it's from your video that you retrieved from Windsor Academy, correct?
A Yes, sir.
MR. MARCHANT: I would like to play this with no objection.
BY MR. MARCHANT:
Q Now, the time stamp on that is 10:02, correct?
A Yes, sir.
(WHEREUPON, video was played in open court for the jury.)
BY MR. MARCHANT:
Q Now, this is the beginning of the video on the changing table that you had no concerns about, correct?
A Yes, sir.
Q Now, this is at 50 percent speed, okay?
A Okay.
Q Do you recognize the two people at the top right-hand corner?
A No, sir.
Q They haven't been in any other videos, have they?

A No, sir.

(WHEREUPON, video is continued to be played in open court.)

BY MR. MARCHANT:

Q So that looks like close in time to the still that you've already seen, correct?

A Yes, sir.

Q You can see the foot? There we go, right there. You testified earlier that it was up against the wood?

A Yes, sir, appeared to be touching, yes, sir.

(WHEREUPON, video is continued to be played in open court.)

BY MR. MARCHANT:

Q Did you just see the lady in blue pull the pants off of that child and watch the leg drop to the changing table?

A Yes, sir, I saw that.

Q That didn't give you any concern as far as an injury concern to the ten-month-old child who may have a hurt left leg? That is the left leg, correct?

A It gave me no concern that that was the original cause. It may have caused more injury, but not injury to the child's leg, no, sir.

Q But you didn't feel like you needed to put it in the video or give it to the solicitor's office at that point?

A It was given to the solicitor's office.

Q There's been -- I think there's been some testimony about the child being in pain. Do you remember that?
A If it was, I wasn't present for it.
Q Did you -- do you recall if there was any video of Minor Child 1 prior to this where she was crying? Do you recall any of that? There's no video of her crying until this time, right?
A I can't say that I recall any.
Q Does she appear to be crying now?
A I can't see that from here. The tools that I use in my lab allow me a much better view to zoom in to make these determinations.
(WHEREUPON, video was continued to be played in open court.)
BY MR. MARCHANT:
Q You don't recall seeing another daycare worker other than Shayna McKnight, you don't recall her putting the leg in like multiple times trying to get the pants back on?
A Do I recall it? Not specifically, no, sir.
Q But you do see it on the video now?
A Yes, sir.
Q And I know you're not a physician, but that didn't give you -- again, we're doing an investigation on a child that has a broken tibia. That didn't give you any concern that this could have -- I'm not asking you to give me an answer

on whether or not this caused it or not, but it, obviously, could have made it worse. You testified to that earlier?
A I would think so. If the child is already injured at this point, any manipulation will likely make it worse.
Q So she never -- but you did notify the solicitor's office of this issue?
A Yes, I think all the parties involved have watched all the videos from that morning.
Q Now, I want to go back to some earlier testimony that you gave concerning Shayna putting Minor Child 1 into the crib. You testified that she did use two hands, not one, correct?A I mean, yes, there was a hand. It wasn't viewable. I'm saying the left hand was supporting the child in some way, the upper body, and then the right hand was supporting the leg.
Q And you didn't -- you didn't have any testimony concerning any forceful -- I think you -- actually, I think your words were she placed Minor Child 1 in the crib, right?
A Yeah, I didn't see her drop her or anything.
Q You did see her holding the baby with one arm holding kind of the torso area and then at the end -- I think at the end, you testified that she had the leg at that point?
A Correct. Yes, sir.
Q I don't remember you testifying that she twisted it. I think you just said -- and then -- well, go ahead and answer

that question?
A I don't know if she twisted. I don't know what the motion was --
Q You studied that video a lot, didn't you?
A Everyone in the courtroom saw the video. You can't tell if a twisting motion was applied or not from the video.
Q After the -- let me rephrase that. So your testimony earlier was that you didn't think anything of it. But, obviously, we know this right now from your testimony today that the leg was touching -- I mean, the foot was touching?
A Yes, sir.
Q And it's possible there could be some additional injuries? You're not a doctor, but just as your investigative knowledge -- you've seen all kind of crime scenes before?
A Yes, sir.
Q So it's logical that could happen? Plausible that could happen --
MS. MAYES: I object to speculation by this witness as to a medical injury.
MR. MARCHANT: Your Honor, he is a crime scene investigator. He -- he -- I'm not asking him to give them a medical determination, but based on his experience and as an expert witness, he should have an idea of whether he can say yes or no to that question.

THE COURT: I'll let him answer it if he can.

THE WITNESS: I saw nothing in the video that gave me concern, no, sir.

MR. MARCHANT: No further questions.

Thank you for your time and your patience.

THE COURT: Anything on redirect?

MS. MAYES: Yes, Your Honor.

REDIRECT EXAMINATION

BY MS. MAYES:

Q So first, let's take a look at some of these photographs on the overhead. We've got a diaper change occurring at two minutes after 10:00. Now, as part of your testimony earlier, were all of the videos related to that morning while Minor Child 1 was there offered pursuant to the full video clip, which is State's Exhibit No. 35? Was there a full video clip that included what we just saw there, the diaper change?

A There was, yes.

Q So there is video already in evidence from the time arrives Minor Child 1 in that crib room until she leaves with her mother at approximately 1:06?

A That is correct.

Q All of that is accounted for in State's Exhibit No. 35?

A Yes, ma'am.

Q Now, in addition to the full video clip, which is in

evidence, there is a specific video clip related to that diaper change that we just saw there. I believe that is going to be State's Exhibit No. 27 occurring at 10:02 p.m. And that is a diaper change by this individual here?

A Yes, ma'am.

Q At any point in time, were you ever concerned about any act of aggression by any of these other workers in this facility?

A I was not.

Q Including this diaper change that occurred at 10:02?

A That is correct.

Q Now, this diaper change at 10:02 would be approximately how long after you had previously identified the video at 9:46 a.m. where the Defendant is examining the victim's left leg at the crib?

A We're talking 15 minutes.

Q So this is going to be about 15 minutes after that event that occurred that we saw earlier where she is examining the victim's leg, left leg specifically?

A Yes.

Q From that point on, where the Defendant, Shayna McKnight, is examining the victim's left leg, do you ever see Minor Child 1 crawl or move around mobile?

A I do not.

Q And specifically regarding this photo that the Defense

put in evidence from 10:01, would there be video from this timeframe as well?

A Yes, ma'am.

Q On that full video clip that we spoke about earlier, being State's Exhibit No. 345?

A That's correct.

MS. MAYES: I'd like to publish at this time.

BY MS. MAYES:

Q So looking here at the Defense Exhibit No. 1, the time on that is 10:01. We're going to go to 10:01 on this video. So looking up here at the time stamp, what time is it now, if you can tell from there, Agent Phipps?

A It looks like ten o'clock.

Q Okay. So 10:00 a.m. So that's going to be roughly 14 minutes after the Defendant was seen examining the victim's left leg?

A Yes.

Q And is there another daycare worker there holding Minor Child 1 at this time?

A It is.

(WHEREUPON, State's Exhibit No. 35, a video, was published in open court for the jury.)

BY MS. MAYES:

Q And where is the Defendant?

A Closest to the screen there.

Q And what is happening now at 10:01?
A I don't know what she's got in her hands.
Q Okay. And she is seated stationary?
A Yes.
Q Does she appear to be attempting to crawl?
A No.
Q Or scoot around?
A She does not.
Q And the left leg, do you see the left leg moving at all?
A I do not.
Q And now she's picked up from underneath the underarms?
A Correct.
Q And is being rocked?
A Yes.
Q And is this the diaper change you were just questioned about earlier?
A It is.
(WHEREUPON, State's Exhibit No. 35, a video, was continued to be played in open court.)
BY MS. MAYES:
Q And the left leg, do you ever see the victim on her own lift her left leg?
A I did not.
Q Did you have any concerns about any acts of aggression

during that diaper change?
A I did not.
(WHEREUPON, State's Exhibit No. 35, a video, was continued to be played in open court.)
BY MS. MAYES:
Q Now, is this the same woman that you had seen in the video earlier at 9:46 examining that child's left leg?
A It is.
Q And the Defendant is located here?
A She is.
MS. MAYES: And now as to State's Exhibit No. 25.
BY MS. MAYES:
Q What time is it up here, Investigator Phipps, in the left-hand corner?
A I'm having difficulty seeing. I'll have to come down.
Q 9:45?
A Yes, I see that.
(WHEREUPON, State's Exhibit No. 25, a video, was played in open court for the jury.)
BY MS. MAYES:
Q Now, the worker with the short hair, who does she appear to be engaged in conversation with?
A Shayna.
(WHEREUPON, State's Exhibit No. 25, a video, was continued to be played in open court.)

BY MS. MAYES:

Q What is happening now? I know you have a closer-up view of that video?

A Shayna is holding the child and they're looking at the child's left leg.

Q Now, just to clarify a few more things, I think one of the questions that the Defense posed to you at the outset of your testimony was whether or not you had been hired by the solicitor's office. Are you hired by any party in this case?

A In my job duties, I'm never hired by anybody.

Q Okay. In 2022 at the time you examined this item of evidence, you were employed by whom?

A Lexington County Sheriff's Department.

Q As a forensic digital evidence examiner?

A Yes, ma'am.

Q And, also, as part of the task force?

A That is correct.

Q And have you been paid by the solicitor's office or anyone else for testimony today?

A I have not.

Q This is your job?

A It is.

Q And all of the video clips that you've been questioned about today, were all of them made available to both the

State and the Defense in this case?
A They were.
Q And is that routine in all of your extractions?
A It is.
Q To make full videos available to both parties?
A Yes, ma'am.
MS. MAYES: Thank you. Nothing further.
THE COURT: Anything on recross?
MR. MARCHANT: Just real quickly, Your Honor.

RECROSS-EXAMINATION

BY MR. MARCHANT:
Q Based on your investigation of the video, you didn't see a forced flip or an aggressive move by Shayna McKnight putting the child in the crib, did you?
A I saw actions that I would deem aggressive --
Q I asked you about a forced flip --
MS. MAYES: If he may answer, Your Honor.
THE COURT: You may answer.
THE WITNESS: If you'll restate the question, please.
BY MR. MARCHANT:
Q Did you see a forced flip of the child?
A No, sir, I did not see that.
Q Did you see any force put on that child to put her in that crib? Force?
A No, sir.

MR. MARCHANT: No further questions.

MS. MAYES: The State calls Dr. Elizabeth Renwick.

THE COURT: You may step down, Mr. Phipps.

MR. MARCHANT: Your Honor, while we're waiting on the witness, the video was Defendant's Exhibit No. 6; is that correct?

THE COURT: I don't have where you admitted it into evidence.

THE CLERK: Raise your right hand please and place you left hand on the Bible, please.

ELIZABETH RENWICK, M.D.,

after being duly sworn, testified as follows:

THE CLERK: Please take a seat in the witness stand. State your full name and spell your last for the record.

THE WITNESS: My name is Elizabeth Renwick, R-E-N-W-I-CK.

DIRECT EXAMINATION

BY MS. MAYES:

Q Good afternoon. Tell us a little bit about yourself. Where are you currently employed?

A I work at Lexington Medical Center, Saluda Pointe Urgent Care.

Q All right. And tell us about your educational background and training.

A I went to medical school at the University of South

Carolina and I did residency at the Medical College of Georgia.

Q Okay.

MS. MAYES: And, Your Honor, may I approach the witness?

THE COURT: Yes, ma'am.

MS. MAYES: I'm just going to adjust this microphone a little bit closer.

BY MS. MAYES:

Q Now, Dr. Renwick, you said you went to medical school at the University of South Carolina?

A Correct.

Q What year did you graduate medical school?

A 2005.

Q And you indicated your residency. Where did you complete your residency?

A Medical College of Georgia in Augusta, Georgia.

Q Okay. Once you complete your residency, how do you go about specializing in a specific field of medicine?

A When you're in your last year of medical school, you declare which speciality you'd like to go into, so your residency is your specialty training.

Q Okay. And what form or area of specialty did you choose?

A Emergency medicine.

Q Now, what is emergency medicine?
A It is all things emergent and life threatening and those things that are less serious, lacerations and orthopedic injuries and, you know, psychological issues, mental health issues. So it really encompasses a little bit of everything.
Q Okay. We're all familiar with the show ER, but, for example, an emergency position, do you work primarily in urgent care or emergency room?
A Either one. When I finished residency in 2008, I started working at the ER at Lexington Medical Center and I worked there for about 12 years and transitioned to urgent care where I've been for four years.
Q So 12 years in the emergency room here in Lexington County?
A Correct.
Q Over the course of that time, have you had an opportunity to see just about every type of injury?
A Just about.
Q Gunshot wounds?
A Yes.
Q Broken limbs?
A Yes.
Q Other major injuries?
A Yes.

Q That require emergency intervention?
A Correct.
Q What can you tell us about the general age range of patients that you treat there in the emergency room?
A We treat anything from mothers that are pregnant, so we have prenatal fetuses. Sometimes we deliver babies. We take care of children and teenagers and adults and the older population.
Q And in which field of medicine do you hold your certification or your Board certification?
A Emergency medicine.
Q And you've done that, I believe you said, throughout your career with approximately 11 to 12 years in the Lexington County Emergency Room and the last four years you said here at an urgent care center?
A That's right.
Q And where is that urgent care center located?
A Saluda Pointe is I-26 and 378.
Q As a result of your Board certification and your years of experience, do you have a specific experience in identifying broken legs, fractures, things of that nature?
A Definitely.
Q Does that include examination or review of x-rays or CT scans?
A Yes, it does.

Q And, ultimately, making treatment decisions related to diagnosis as part of your job?
A It is.
Q And you've done that throughout your career?
A Correct.
MS. MAYES: Your Honor, at this time, the State offers Dr. Elizabeth Renwick as an expert in the field of emergency medicine.
MR. MARCHANT: No objection, Your Honor.
THE COURT: I find expert testimony is necessary to assist the jury in resolving certain factual questions. Dr. Renwick is qualified in the area of emergency medicine and the testimony and methodology behind her testimony is reliable.
Ladies and gentlemen, the same rules apply. She's an expert as some of the others have been qualified. Just give her testimony whatever weight you see fit during your deliberations.
Go ahead, Ms. Mayes.
MS. MAYES: Yes, Your Honor.
BY MS. MAYES:
Q Now, Dr. Renwick, as part of your job responsibilities at the urgent care center, were you working there on March 11th, 2022?
A I was.

Q And tell us a little bit about that urgent care center you were working at, Saluda Pointe, back on March 11th, 2022. What type of injuries do you see there?
A We see sprained ankles and broken wrists and broken hands and chest pain, abdominal pain, headaches, migraines, lacerations, all types of injuries and illnesses.
Q Did you have an opportunity to treat an infant by the name of Minor Child 1 on that date?
A I did.
Q Do you have with you your records related to Minor Child 1's treatment?
A I do.
Q So I want to ask you a few questions about that.
A Okay.
Q What time did Minor Child 1 arrive there in your urgent care center?
A The triage note is dated 3:47 p.m.
Q I'm going to show you a document and ask you whether or not you recognize it?
A Okay. Yes, I do recognize that.
Q And do you have a copy of this document?
A Possibly. Yes.
Q From Lexington Medical Center?
A It's from Lexington, yes.
Q And does it have any information related to the time of

admission?
A It says 1333, so that 1:33 p.m.
Q So 1333, that would be military time?
A Correct.
Q And that would translate to standard time as 1:33 p.m.?
A It does.
Q Would that be the time of admission there at your facility?
A Yes.
Q And you're a part of Lexington Medical Center?
A Yes.
Q So what do you recall about Minor Child 1 first arriving at 1:33 p.m. and any observations you made during her treatment and care?
A So the mother had received -- I'm reading my notes here -- a call from daycare that the patient wasn't crawling without a reported injury. They said it happened after she was taken out of the crib --
MR. MARCHANT: Objection, hearsay, Your Honor. She can't testify to what the mother told her in the medical records.
MS. MAYES: I can rephrase that, Your Honor.
THE COURT: Okay, do that.
BY MS. MAYES:
Q As part of the history -- without repeating what anyone

else said to you, as part of the history, do you try and determine if the injury is acute or would have occurred that day?

A Yes.

Q And is that part of what you were looking into?

A Yes.

Q And as a result, what did you do next?

A I ordered an x-ray.

Q I'm going to show you State's Exhibit No. 41 and State's Exhibit No. 40 and ask you whether or not as part of your treatment and care of Minor Child 1, you had a chance to review her x-rays in this case?

A I did.

Q And, ultimately, did you make a diagnosis, Doctor?

A Yes.

Q What was your diagnosis for Minor Child 1?

A Displaced spiral fracture of the shaft of the left tibia.

Q I'm going to write that down. Displaced spiral fracture. And what was the next part?

A Of the shaft of the left tibia.

Q Of the shaft of the left tibia. And are those x-rays a fair and accurate depiction of Minor Child 1's injury?

A Yes.

MS. MAYES: State's Exhibit No. 41 and 40 for evidence

at this time, Your Honor.

THE COURT: Any objection, Mr. Marchant?

MR. MARCHANT: I'd like to see those.

(Defense attorney reviews exhibits.)

MR. MARCHANT: No objection.

THE COURT: Admitted as State's Exhibit Nos. 40 and 41 without objection.

MS. MAYES: And, Your Honor, as to State's Exhibit No. 40, I'm told I need to renumber that as State's Exhibit No. 63.

THE COURT: All right. So noted. It will be State's Exhibit No. 63 at this point.

(WHEREUPON, State's Exhibit Nos. 41 and 63 was admitted into evidence.)

BY MS. MAYES:

Q Looking here at State's Exhibit No. 41, I'm going to ask you if you can show us where you note that displaced spiral fracture of the left tibia?

A Here, coming from left to right and down. And then, also, here.

Q Okay. And now, looking at State's Exhibit No. 63, is this the same patient, being Minor Child 1, at a different angle?

A Yes.

Q Now, Doctor, what can you tell us about the term spiral fracture in the field of medicine? What causes a spiral

fracture in a child this age?
A A twisting, a rotational force.
Q And for a child who is not yet walking and just crawling, what, if anything, is the significance about a diagnosis of a spiral fracture in a child that age?
A It is a diagnostic for child abuse.
Q The amount of force that it would take or rotational twisting that it would take to cause that type of break, do you consider that in the medical field to be child abuse?
A Yes.
Q Now, you've had an opportunity in this case to review numerous videos of Minor Child 1 there at the daycare?
A I did.
Q As well as photographs that were taken there in the emergency room. After she saw you, I believe she was transferred to another location?
A That is correct.
Q So once you made this diagnosis of the spiral fracture, how did you treat it there at your urgent care center?
A We applied a splint to the lower leg to stabilize the fracture.
Q I'm going to show you State's Exhibit No. 55. Would this be the splint that was placed on her prior to her transfer?
A Yes.

Q And why did she need to go to Prisma Children's Hospital?
A When there is suspicion of child abuse, we transfer to a pediatric specialist because it can be significant for other injuries than the one you're looking at.
Q And then in addition to the splint that was put on there at Lexington Medical Center, are you familiar with Minor Child 1 we're seeing here on March 16th with a different kind of cast?
A Yes.
Q What is the purpose of this type of cast?
A It is a nonwalking cast, so it will keep her leg in the correct position.
Q When you say nonwalking cast, what do you mean by that?
A That cast is not designed to be able to put weight on their foot.
Q And does it go up above the knee level?
A It does.
Q And in Minor Child 1's case, was she in this cast for a protracted amount of time? A matter of weeks?
MR. MARCHANT: Objection, Your Honor. I believe this was only the initial treatment.
MS. MAYES: Your Honor, she is familiar with her treatment and I can lay that foundation.
THE COURT: She's familiar with her treatment. Experts

can rely on things beyond their immediate knowledge.
BY MS. MAYES:
Q Dr. Renwick, have you had an opportunity to review Minor Child 1's medical records, not only your medical records from Lexington Urgent Care, but, also, her followup treatment at Prisma Children's Hospital?
A I did.
Q And do you have all those records with you today?
A I do.
Q Have you had an opportunity to review them?
A I have.
Q So the nonwalking cast that we see here, is that on only for a matter of hours or is it more protractive than that?
A It's on for weeks.
Q And why is it needed for weeks?
A It takes weeks for a bone to heal.
Q And during that time, do you expect a child to crawl normally?
A No.
Q Or learn to take steps?
A No.
Q Learn to walk?
A No.
Q Now, I'm going to show you some additional photographs

that are State's Exhibit No. 43 and State's Exhibit No. 44 and give you a chance to look at them up close. Our first being State's Exhibit No. 43.

A Yes.

Q And State's Exhibit No. 44?

A Yes.

Q And you indicated that you had an opportunity to review various videotapes in your review of this case?

A I have.

Q And did that include videotapes of Minor Child 1 earlier on the morning of March 11th crawling?

A Yes.

Q Following her arrival in the timeframe of 7:45 through 9:45 a.m., did she appear to be able to crawl normally?

A Yes.

Q And pull up?

A Yes.

Q I want to start by showing you a video from -- this is going to be State's Exhibit No. 19. And State's Exhibit No. 17.

MS. MAYES: First, State's Exhibit No. 17.

(WHEREUPON, State's Exhibit No. 17, a video, was played in open court for the jury.)

BY MS. MAYES:

Q What, if anything, are you observing about Minor Child 1

Garcia at 8:07 a.m.?
A She is standing and weightbearing, cruising, which is kind of a pre-walking practice, where you're kind of grabbing and moving your legs, but still relying on something for balance.
Q What, if anything, is significant about her ability to bear weight in relation to the injury that you identified later that afternoon?
A She was not able to bear weight when I saw her in the urgent care.
Q So based upon your expertise in this field, does it appear to you that Minor Child 1 is injured at this point?
A She does not appear injured.
Q And this is 8:07 a.m.
MS. MAYES: Now, State's 19.
(WHEREUPON, State's Exhibit No. 19, a video, was played in open court for the jury.)
BY MS. MAYES:
Q What, if anything, do you observe about Minor Child 1 in State's Exhibit No. 19?
A She is crawling, kind of sitting up on her knees kneeling, waving her arms around.
Q Would you expect this type of behavior if she had been injured with that spiral fracture at this point?
A I would not.

Q It's now 8:31. Next, I want to ask you about State's Exhibit No. 20 in the timeframe of 8:32 a.m.

(WHEREUPON, State's Exhibit No. 20, a video, was played in open court for the jury.)

BY MS. MAYES:

Q Looking here at this video, State's Exhibit No. 20, it's 8:32 a.m., what, if any, concerns do you have about this video?

A This is not an appropriate way to lift a child.

Q And why is that?

A It's excessive force on the upper extremities.

Q What, if any, type of injury may result from this type of lifting?

A The most common injury would radial head subluxation. It's called a nurse maid's elbow. It's from a sudden pulling of the arm.

Q All right. So looking at this, does it appear that at some point, Minor Child 1's feet had left the floor?

A Yes.

Q And where is the weight being born from the body?

A On the left leg.

Q And where the left arm is noted, what, if anything, is -- what can you tell us about the child being lifted by the arm as opposed to the torso?

A It could cause bruising, it could cause a strain or an

Q And at what age can an infant be swaddled from a medical perspective?
A Before two months.
Q And why is it before two months?
A Around two months, they start to learn to turn over, so you wouldn't want them to suffocate.
Q So up until two months, a child developmentally can't roll over yet?
A Correct.
Q So swaddling up until two months may be safe?
A It is, yes.
Q But after two months, what happens developmentally with a child that would make swaddling unsafe?
A They become more mobile and they will flip over from their back to their stomach. So their arms wouldn't be free to kind of push away from any type of thing, so it's a risk for suffocation and sudden infant death syndrome.
(WHEREUPON, State's Exhibit No. 24, a video, was played in open court for the jury.)
BY MS. MAYES:
Q Now, at 9:35 a.m., does this appear to be safe caregiving?
A No.
Q And why or why not?
A There's too much bouncing of the head. Infants have

injury.
Q I'm going to show you an exhibit, which is State's Exhibit No. 39, and ask you whether or not you recognize this exhibit?
A I do.
Q All right. And can you tell us whether or not you're familiar with this exhibit in preparation for your testimony?
A I am.
Q And, in fact, who chose this exhibit for your testimony?
A I did.
Q And why is that?
A It shows the appropriate way to lift an infant.
MS. MAYES: State's 39.
MR. MARCHANT: No objection.
THE COURT: It will be admitted as State's Exhibit No. 39 without objection.
(WHEREUPON, State's Exhibit No. 39 was admitted into evidence.)
BY MS. MAYES:
Q Looking here at State's Exhibit No. 39, what can you tell us about the appropriate way to lift a child as opposed to lifting a child from the floor by one arm?
A You lift a child by appropriately supporting the torso.

For children six months or older, so children that can support the weight of their own head, you lift them up underneath their underarms, holding their torso stabilized. At the same time, the lifter is exhibiting some good appropriate posture, so straight back, bent legs is safe for both parties.

Q Next, I want to ask you about a video at 8:55 a.m.

MS. MAYES: This is going to be State's Exhibit No. 21 and State's Exhibit No. 22.

(WHEREUPON, State's Exhibit No. 21, a video, was played in open court for the jury.)

BY MS. MAYES:

Q What, if any, concerns do you have watching this video?

A Just that the children were picked up by their wrists or forearm. Just the forceful shoving of the head there.

MS. MAYES: State's Exhibit No. 22.

(WHEREUPON, State's Exhibit No. 22, a video, was played in open court for the jury.)

BY MS. MAYES:

Q State's Exhibit No. 22, now, at 8:55 a.m.?

A Forceful pushing of the head.

Q Now, as to State's Exhibit No. 24, I want to first ask you what is meant by the term swaddling?

A Swaddling is when you wrap a blanket tightly around an infant so to keep their arms in control, in one place.

large heads and weak necks, so too much bouncing can cause shaken baby syndrome, which is bruising and swelling and nerve damage to the brain.

(WHEREUPON, State's Exhibit No. 24, a video, was continued to be played in open court.)

THE WITNESS: Forceful twisting of the legs underneath the child, kind of like a forced Indian style.

(WHEREUPON, State's Exhibit No. 24, a video, was continued to be played in open court.)

THE WITNESS: Here, we're looking at a blanket being placed over the baby's mouth and, potentially, the nose while the pacifier is in the mouth. So, you know, again, just limiting possibility for air entry.

BY MS. MAYES:

Q When you say air entry, how important is it for infants to have a clear airway?

A I mean, the ABC's, airway, breathing, circulation is always 101.

Q And if a pacifier is in place and the airway is impaired, how may that present a risk to an infant?

A It could lead to suffocation from lack of oxygen.

Q What is meant by the term aspiration?

A Aspiration is when you inhale liquid or food or saliva into your lungs. So if this child were to spit up or vomit in these moments, aspiration would be a risk.

(WHEREUPON, State's Exhibit No. 24, a video, was continued to be played in open court.)

BY MS. MAYES:

Q Does it appear that the blanket is covering the mouth?

A It does.

MS. MAYES: We're going to move forward to 9:39.

(WHEREUPON, State's Exhibit No. 24, a video, was continued to be played in open court.)

BY MS. MAYES:

Q What are you observing now at 9:39:02?

A So the pacifier is replaced in the mouth. The face swaddle is replaced and aggressive bouncing.

Q You used the term face swaddle. Is swaddling of the face recognized as medically safe?

A No, ma'am.

(WHEREUPON, State's Exhibit No. 24, a video, was continued to be played in open court.)

BY MS. MAYES:

Q What we're seeing here at 9:39:22, can you tell us whether or not this would present a risk of aspiration?

A Yes.

Q If Minor Child 1 were to spit up or vomit at this point, what risks are posed?

A If there was liquid, vomit, saliva down the trachea into the lungs, then pneumonia, lack of oxygen, suffocation

would be the worst.
Q Now, I want to ask you about 9:45. I'm going to ask you about State's Exhibit No. 36.
(WHEREUPON, State's Exhibit No. 36, a video, was played in open court for the jury.)
BY MS. MAYES:
Q Now, at 9:45 a.m., what, if any, concerns do you have at 9:45:40 a.m.?
A It seems like a very hard grip on just one extremity lifting her up off of the floor and then pulling overly forceful.
Q And what about now?
A Still, just lifting from the ends of the arms and not from under the arms.
(WHEREUPON, State's Exhibit No. 36, a video, was continued to be played in open court.)
BY MS. MAYES:
Q Now, at 9:45:46, what, if anything, do you observe?
A The full body weight is being lowered by the ankles.
Q Why, if at all, does this pose a risk for the child's full body weight to be born by the legs?
A Risk for injuries and fractures.
MS. MAYES: Please continue.
(WHEREUPON, State's Exhibit No. 36, a video, was continued to be played in open court.)

BY MS. MAYES:

Q And you had an opportunity to review this video?

A Yes.

Q Which one of Minor Child 1's legs does the Defendant appear to be examining at this time?

A The left leg.

MS. MAYES: Please continue.

(WHEREUPON, Court's Exhibit No. 36, a video, was continued to be played in open court.)

BY MS. MAYES:

Q Okay. So in addition to these videos where you have talked about your observations, did you have an opportunity to review additional video after she had been placed in the crib?

A Yes.

Q Did it appear from any of the videos that you viewed that Minor Child 1 ever crawled normally again?

A She did not.

Q What you described earlier as cruising, where she may hold onto an object, but then want to move and take a few steps while holding that object, did you ever see her appear to do that?

A She did not do that.

Q Tell us, Doctor, what are the onset of symptoms that occur after that spiral fracture that you diagnosed?

A Once a bone is broken, there is an immediate inflammatory response. The body recognizes an injury. It sends cells there to help mend the repair process. So there would be bleeding at the fracture site. There would be white blood cells and just an influx of things that are there to help repair the bone.

Q Does swelling occur?

A Definitely.

Q I'm going to show you a video, which is State's Exhibit No. 26. In State's Exhibit No. 26, we're going to take a look at Minor Child 1 at around 9:47, so just about one minute or so after the video you just saw of the Defendant examining her left leg.

A Okay.

Q Now, you're familiar with this video where the Defendant places Minor Child 1 at the little white gate?

A Yes.

MS. MAYES: Please play.

(WHEREUPON, State's Exhibit No. 26, a video, was played in open court for the jury.)

BY MS. MAYES:

Q It's 9:47:44.

A She doesn't seem to want to move.

Q So from 9:47:44 to 9:47:54, that ten-second period, did you ever see her cruise as you had seen her doing before?

A No.
Q Or appear to take a step or bend down or start to crawl?
A No.
Q Now, I want to ask you about a diaper change that occurs after all of this. Did you have an opportunity to review that diaper change?
A Yes.
MS. MAYES: That is going to be State's Exhibit No. 27 at 10:02 a.m.
BY MS. MAYES:
Q Looking here at this video, 10:02 a.m., roughly, about 16 minutes after those series of videos we watched just a few minutes ago.
(WHEREUPON, State's Exhibit No. 27, a video, was played in open court for the jury.)
BY MS. MAYES:
Q So going back to where we saw the examination of Minor Child 1's leg at 9:46 and then her being placed at the white gate, do you have an opinion as to whether she had already been injured or not yet injured?
A When she stood up at the gate the second time?
Q When -- once she -- yes, once she stood up at the gate that we just saw at 9:47, which was one minute after this event where they examined her leg?

A She appeared to be injured at that time.
Q So your opinion based upon your knowledge of this injury is that she was already injured when she was at the white gate at 9:47?
A Yes.
Q So this being 10:02, in your opinion, has she already been injured?
A Yes.
MS. MAYES: Please continue.
(WHEREUPON, State's Exhibit No. 27, a video, was continued to be played in open court.)
THE WITNESS: Also, they seem to be aware of it because she lifted up her right leg only.
BY MS. MAYES:
Q Do you see any form of aggression about this diaper change?
A I do not.
Q Do you see anything about this diaper change that would explain Minor Child 1's spiral fracture?
A No.
Q Having previously observed this, Doctor, is there anything here that you think would be the rotational twisting force that would cause Minor Child 1's spiral fracture?
A I do not.
(WHEREUPON, State's Exhibit No. 27, a video, was

continued to be played in open court.)
BY MS. MAYES:
Q What did you observe there?
A The leg kind of fell off to the side.
Q And what, if anything, does that indicate to you?
A That it was already injured. She seems to be crying as well.
Q Now, in addition to watching these videos, and you've indicated you never saw Minor Child 1 crawl after that event at 9:46 where they examined her leg?
A That's right.
Q Did you see her on a boppy pillow?
A Yes.
Q What, if anything, were your observations about her being placed on a boppy pillow after 9:46 a.m.?
A She was incredibly still. Her left leg does not move.
Q When you say incredibly still, why, if at all, is that significant for a ten-month-old?
A A ten-month-old is rarely still.
MS. MAYES: We're going to take a look at State's Exhibit No. 35. State's Exhibit No. 35 from around 10:30 a.m. on.
(WHEREUPON, State's Exhibit No. 35, a video, was played in open court for the jury.)
BY MS. MAYES:

Q Is this Minor Child 1 here being
A held?Yes.
(WHEREUPON, State's Exhibit No. 35, a video, was continued to be played in open court.)
BY MS. MAYES:
Q And what is happening now at 10:31?
A She is being laid on a boppy pillow on the floor.
(WHEREUPON, State's Exhibit No. 35, a video, was continued to be played in open court.)
BY MS. MAYES:
Q And are there times here while she remains on this boppy pillow that you see her lift her right leg?
A Yes.
Q And her arms?
A Yes.
Q But what about the left leg?
A She doesn't lift it.
Q And from 10:31 on until 12:06 p.m., did she appear to remain in this stationary position?
A Yes.
MS. MAYES: Now, can you jump ahead to 12:05, 12:06.
(WHEREUPON, State's Exhibit No. 35, a video, was continued to be played in open court.)
BY MS. MAYES:
Q Looking here at 12:02 p.m., where is Minor Child 1?

A Still on the floor, same position.
Q Here on this boppy pillow?
A Yes. Looks like kind of off to the side.
Q And having been there since approximately 10:31 and remaining stationary, does it appear that that's well over an hour?
A Yes.
Q Again, is that usual or unusual for a ten-month-old?
A Unusual. You can see all the other children are active.
(WHEREUPON, State's Exhibit No. 35, a video, was continued to be played in open court.)
BY MS. MAYES:
Q And that's Minor Child 1 there still remaining stationary?
A Yes.
Q Now, you spoke about swaddling. Did you have an opportunity to review another video of another child in this case?
A I did see that.
(WHEREUPON, State's Exhibit No. 35, a video, was continued to be played in open court.)
BY MS. MAYES:
Q At 9:33, I'm going to ask you about what we're observing here. This is Minor Child 1 here at 9:33 a.m.?
A Yes.

(WHEREUPON, State's Exhibit No. 35, a video, was continued to be played in open court.)

THE WITNESS: Okay, there's a blanket being placed on the floor. There's a child in the far right crib being pulled up by one arm. Looks like swaddle is being placed.

BY MS. MAYES:

Q Is that what's occurring here?

A Yes. And a child being placed face down in the crib.

Q All right. This child, who is swaddled, you indicated is being placed face down in the crib. Why does that pose a risk to any infant?

A Children less than 12 months are to be placed on their back to go to sleep.

Q And would this child who's been swaddled and placed on his stomach be able to lift up if he needed to receive air?

A No.

Q Would he be able to roll over if he needed to receive air?

A No, the arms are pinned.

MS. MAYES: Please play.

(WHEREUPON, State's Exhibit No. 35, a video, was continued to be played in open court.)

BY MS. MAYES:

Q What did you observe happening with his feet?

A Seems like another blanket was placed and tucked around

the feet.
Q Would that, also, impair his ability to lift up or roll over?
A Yes.
Q Can you tell us based upon your observations of this video, does that appear to be unsafe sleep?
A Absolutely.
Q Does it pose a risk to this child, Minor Child 2?
A Yes.
Q Now, finally, I want to ask you about these bruises that were photographed on Minor Child 1. All from her hospital visit March 11th and now at Prisma, looking here at this particular photograph and the bruise noted here, does that appear to be a location that a child would ordinarily get a bruise just from crawling?
A No.
Q And where you talked about earlier folding Minor Child 1's legs, forced Indian style I believe was your testimony, what, if any, risk may that pose?
A Well, a twisting of the bone and then a soft tissue injury to include contusions or bruises.
Q I'm going to show you State's 59 and 53, I believe both in evidence. I'm going to give you a chance to look at them up close first. State's Exhibit No. 44, State's Exhibit No. 59 and State's Exhibit No. 53. Looking here at State's

Exhibit No. 53, having seen the video, what, if any, concerns did you have about that form of lifting?

A Again, that's a tight grip on the right forearm and wrist that's used to support all the body weight.

Q Is that safe or unsafe for an infant?

A Unsafe.

Q And now, State's Exhibit No. 59?

A Yes.

Q Having a look at the location of the Defendant's grip of the child, of Minor Child 1 here in State's Exhibit No. 59, and, also, State's Exhibit No. 53, which arm is that?

A Right arm.

Q Now, looking at State's Exhibit No. 44?

A Right arm.

Q Do you have an opinion to a reasonable degree of medical certainty as to whether this type of lifting that you've described as forceful could result in the bruise depicted here in State's Exhibit No. 44?

A Certainly.

MS. MAYES: Beg the Court's indulgence.

(Pause.)

BY MS. MAYES:

Q Now, I'm going to show you State's Exhibit No. 54. Does this depict the same child that was swaddled earlier?

A Yes.

Q Did you, also, observe him being lifted out of the crib prior to being placed in a swaddle?
A Yes.
Q And what observations did you make about the way he was lifted?
A He was lifted by one arm.
Q Again, is that safe or unsafe from a medical perspective?
A Unsafe.
Q State's Exhibit No. 54, I believe, in evidence. Is this the child you just referenced?
A It is.
Q Can you tell us to a reasonable degree of medical certainty whether or not this is an appropriate degree of force for a child?
A It's too much force.
Q And as for that spiral fracture sustained by Minor Child 1, can you tell us to a reasonable degree of medical certainty as to whether or not that is diagnostic of child physical abuse?
A In a child that is not yet walking, this type of fracture is certainly caused by child abuse, a pulling and a twisting.
MS. MAYES: Thank you, Doctor. Nothing further.
THE COURT: Counsel, y'all approach, please.

(WHEREUPON, a bench conference was held in the presence of the jury, but outside the hearing of the jury.)

THE COURT: Ladies and gentlemen, we're going to take a short break and then try to finish up this witness because she, obviously, has other professional obligations. We will take a quick ten-minute break, we've been going about two hours, and then come back out and, hopefully, get her finished up.

(WHEREUPON, the jury exits the courtroom at 5:20 p.m.)

THE COURT: We'll be at ease.

Doctor, you are still on the stand. Do not discuss your testimony with anyone.

(WHEREUPON, a short break was taken.)

THE COURT: Mr. Marchant, are you ready?

MR. MARCHANT: Yes, I'm ready.

THE COURT: Go ahead and get the jury, please, sir.

(WHEREUPON, the jury enters the courtroom at 5:36 p.m.)

THE COURT: Mr. Marchant, cross-examination.

MR. MARCHANT: May it please the Court?

THE COURT: Yes, sir.

CROSS-EXAMINATION

BY MR. MARCHANT:

Q Dr. Renwick, I'm Larry Marchant. I'm counsel for the Defendant.

A Hello.

Q Hello. Thank you for being here today. I wanted to follow back up on a couple of items with you if I could.
A Sure.
Q So just for clarification, you were the attending physician at the Lexington Urgent Care, right?
A Yes.
Q And so you testified on what you saw as the attending physician at Lexington Urgent Care?
A I did.
Q The testimony that you gave concerning the Prisma and the followup was as a result of you being an expert witness; is that correct?
A Yes.
Q So you were asked by the prosecution to be an expert witness on this case?
A Yes.
Q Just curious, are they paying you for your time to be here today?
A We haven't discussed that.
Q Do you anticipate being paid?
A I don't really have any idea.
Q But you're testifying as an expert on anything not relating to Lexington Urgent Care, correct?
A That's right.
Q All right. I wanted to get that straight in my mind