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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Debra R. McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CHARLECIA LURRY,

APPELLANT

APPELLATE CASE NO 2025-001606

RECORD ON APPEAL

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¹ This order was refiled but appears to be identical to the Order filed on November 24, 2020. Both orders are dated November 23, 2020.

STATE OF SOUTH CAROLINA)
) IN THE GENERAL SESSIONS COURT
 COUNTY OF LEXINGTON)

The State,)
) TRANSCRIPT OF RECORD
 v.) 2020-GS-3202101
)
 Charlecia T. Lurry,) November 19, 2020
) Lexington, South Carolina
 Defendant.)

B E F O R E:

The HONORABLE WILLIAM P. KEESLEY,
 Circuit Court Judge

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

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Tina M. Steinmetz, Transcriber

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DEFENDANT SWORN IN/
COURT COLLOQUY WITH DEFENDANT

NOVEMBER 19, 2020 - GUILTY PLEA HEARING

1
2 CLERK: Judge, this is Charlecia Lurry. This
3 is an attorney matter.

4 THE COURT: There's the microphone.

5 MS. LURRY: I see it.

6 THE COURT: Okay. You need to place it a
7 little closer. We're making a record.

8 MS. WELLMAN: Your Honor --

9 MS. LURRY: Okay.

10 MS. WELLMAN: -- Your Honor, if I may, Ms. Lurry
11 is -- has been indicted one count of unlawful conduct
12 towards a child. The case has been true billed by the
13 grand jury November 2nd of 2020. She was brought to
14 the courthouse for -- has not -- no attorney
15 appearances last week. I was not there, it was handled
16 by another solicitor. Ms. Lurry, we need to address
17 her counsel issue. We can't move forward with this
18 case and I'm ready to proceed, so if we could address
19 that today?

20 THE COURT: You're Charlecia T. Lurry, ma'am?

21 MS. LURRY: Yeah.

22 THE COURT: I'm sorry, what?

23 MS. LURRY: Charlecia Tia.

24 THE COURT: What's your last name?

25 MS. LURRY: Lurry.

DEFENDANT SWORN IN/
COURT COLLOQUY WITH DEFENDANT

DEFENDANT SWORN IN

1
2 THE COURT: Raise your right hand, please. Do
3 you swear or affirm the statements you make will be
4 the truth, the whole truth, and nothing but the truth,
5 so help you God?

6 MS. LURRY: It is.

7 COURT COLLOQUY WITH DEFENDANT

8 THE COURT: Do you have an attorney, Ms.
9 Lurry?

10 MS. LURRY: I don't need one.

11 THE COURT: What do you mean you don't need
12 one?

13 MS. LURRY: If I'm the one that was there, I
14 don't need an attorney.

15 THE COURT: You have an absolute right to have
16 a lawyer. If you cannot afford one, I'll appoint one
17 for you at no charge. Do you understand?

18 MS. LURRY: I don't need a attorney.

19 THE COURT: Do you understand --

20 MS. LURRY: I'm ready for this case to be get
21 -- over with.

22 THE COURT: -- do you understand --

23 MS. LURRY: Did you check speedy trial?

24 THE COURT: -- did you understand what I
25 said?

COURT COLLOQUY WITH DEFENDANT

1 MS. LURRY: I heard it.

2 THE COURT: Ma'am, speak your answer.

3 MS. LURRY: I heard what you said.

4 THE COURT: Did you understand it? You have
5 a right to have an attorney. If you cannot afford
6 one, I'll appoint one for you at no charge. Do you
7 understand?

8 MS. LURRY: I heard what you said.

9 THE COURT: Did you understand it? You have
10 to speak your answer please. This is a digital
11 recording system and it doesn't take down a head nod,
12 okay?

13 MS. LURRY: So, you need me to say yes or no?
14 Yes.

15 THE COURT: Ms. Lurry, in order for you to
16 represent yourself, I have to go through a hearing --

17 MS. LURRY: I don't live here. I'm [Inaudible
18 -- muffled/muted] driving back and forth here.

19 THE COURT: -- ma'am, this hearing is required
20 anywhere in the United States.

21 MS. LURRY: Well, I got sixteen hours under my
22 belt. I ain't got no sleep, so I'm ready to go. And
23 three other kids waiting on me.

24 THE COURT: I've got things to do myself. So,
25 we can either spend a lot of time on this, or we can

1 do what I've got to do and you can give me your answers
2 and we can go from here.

3 MS. LURRY: I don't need a attorney.

4 THE COURT: Ma'am, I understand what you're
5 saying, but the U.S. Supreme Court requires me to go
6 through and ask you a bunch of questions if you want
7 to represent yourself.

8 MS. LURRY: I'm representing myself.

9 THE COURT: But I have to ask you these
10 questions.

11 MS. LURRY: I'm waiting on you.

12 THE COURT: Ms. Lurry, just bear with me. I
13 have -- this this has updated software and I can't
14 find the script I'm looking for. Alright. There's a
15 case, Ms. Lurry, handed down by the U.S. Supreme Court
16 in Faretta versus California, and it requires me to go
17 through these questions with you. How old are you,
18 ma'am?

19 MS. LURRY: Thirty.

20 THE COURT: And how far did you go in school?

21 MS. LURRY: Eighth grade.

22 THE COURT: What kind of work do you do?

23 MS. LURRY: I'm a single mother.

24 THE COURT: Have you ever been treated for any
25 type of abuse of drugs or for any mental illness?

COURT COLLOQUY WITH DEFENDANT

1 MS. LURRY: No.

2 THE COURT: Do you have any education in the
3 law? Have you ever study in any law?

4 MS. LURRY: Yeah.

5 THE COURT: What do you have?

6 MS. LURRY: All the criminal charges you all
7 prosecute me with.

8 THE COURT: And where did you study those?

9 MS. LURRY: Well, it began in the State of
10 Florida, yeah. In Florida. Quite a -- quite a few
11 states.

12 THE COURT: I mean, how did you study them?
13 Did you go online? Did you go to the law library?
14 What did --

15 MS. LURRY: Walked in.

16 THE COURT: -- walked in where? Walked into
17 the courtroom?

18 MS. LURRY: Pretty much.

19 THE COURT: So, you -- you haven't looked up
20 the statutes?

21 MS. LURRY: Yeah. Since 1860 something, I
22 guess.

23 THE COURT: If I understand you correctly,
24 you're saying that your education in the law is limited
25 to what you observed in the courtroom?

1 MS. LURRY: Mmm hmm. [Affirmative]. Yeah.

2 THE COURT: You have charges in another state?

3 MS. LURRY: In your state, yeah.

4 THE COURT: These charges, any others?

5 MS. LURRY: Uh huh. [Affirmative].

6 THE COURT: What others?

7 MS. LURRY: Is that for today's date?

8 THE COURT: Ma'am, I have to ask you these
9 questions if you want to waive an attorney.

10 MS. LURRY: I don't need no attorney. I don't
11 even know what the charges is to be honest.

12 THE COURT: I don't either, but I can look at
13 the file. Here is your charge of unlawful neglect of
14 a child.

15 MS. LURRY: Okay. A child or an adult?
16 Because I think she's sixteen, running around in your
17 state for the last ninety days by herself, that I ain't
18 seen or talked to. Now, you do the math. And I don't
19 live here.

20 THE COURT: So, do you know what the elements
21 of this charge are?

22 MS. LURRY: No. A runaway child, nothing but
23 assaults for me. I did jail paperwork when I
24 confiscated her, she assaulted me, I go to jail too?
25 I go to jail? I go to jail and she left here on the

COURT COLLOQUY WITH DEFENDANT

1 premises of South -- the State of South Carolina. That
2 she's your all property, that's not mine, at the
3 moment. I don't know where she at. I know where I'm
4 at and my other three kids at. [Inaudible --
5 muffled/muted]. I can do what you all want to do.

6 THE COURT: Ma'am, I'm here to be neutral. I
7 -- I am not the prosecutor. And I am not a defense
8 attorney.

9 MS. LURRY: Okay. Okay.

10 THE COURT: I'm -- I'm here to be neutral. I
11 don't know your daughter.

12 MS. LURRY: Okay.

13 THE COURT: I don't know you. I don't know
14 anything about your case.

15 MS. LURRY: Okay.

16 THE COURT: I'm willing to give you an
17 attorney to help --

18 MS. LURRY: I don't need no attorney. The
19 bottom line, I'm going to keep coming back and forth
20 here to be where she's at and do what -- DCF don't
21 care where she at neither. So, what I -- am I here
22 for?

23 THE COURT: Right now, you're here --

24 MS. LURRY: They don't call me and say
25 anything happened to my child. Ain't no word from you

1 all, that's all I got to say.

2 THE COURT: -- you understand if you represent
3 yourself you're on your own?

4 MS. LURRY: Uh huh. [Affirmative].

5 THE COURT: Say yes or no, please.

6 MS. LURRY: Yes.

7 THE COURT: I cannot tell you, nor can any
8 judge tell you how to try your case or advise you how
9 to try your case, do you understand?

10 MS. LURRY: Okay.

11 THE COURT: Do you understand?

12 MS. LURRY: Okay. Yes.

13 THE COURT: Are you familiar with the South
14 Carolina Rules of Evidence?

15 MS. LURRY: No.

16 THE COURT: Do you understand that those rules
17 govern what can be introduced in the trial and you
18 would be expected to follow them?

19 MS. LURRY: Yeah.

20 THE COURT: Are you familiar with the South
21 Carolina Rules of Criminal Proceedings?

22 MS. LURRY: Uh huh. [Affirmative].

23 THE COURT: You are?

24 MS. LURRY: Yeah.

25 THE COURT: You read those?

COURT COLLOQUY WITH DEFENDANT

1 MS. LURRY: I guess so.

2 THE COURT: When did you read them?

3 MS. LURRY: I'm reading them now and they all
4 over the place.

5 THE COURT: I don't see a book in your hand.

6 MS. LURRY: Oh. Goodness. I got sixteen more
7 hours to drive.

8 THE COURT: Yes, ma'am, and the sooner I can
9 get these answers to the questions, the sooner you'll
10 be on your way.

11 MS. LURRY: I'm extremely tired of the BS.

12 THE COURT: Have you ever made any kind of --
13 filed any kind of motion in court before?

14 MS. LURRY: I guess not.

15 THE COURT: Do you understand in your case,
16 you would have a right to testify or not to testify,
17 but if you choose not to testify, the judge would tell
18 the jury they cannot hold your silence against you?

19 MS. LURRY: Okay. Yeah.

20 THE COURT: Do you -- do you have a prior
21 criminal record?

22 MS. LURRY: Excuse me?

23 THE COURT: Do you have a prior criminal
24 record?

25 MS. LURRY: I have no idea what you guys are

1 accusing me with. I don't -- really don't care.

2 THE COURT: Ma'am, I'm not prosecuting
3 anybody. I --

4 MS. LURRY: I don't know. I under -- yeah, I
5 really don't know.

6 THE COURT: -- does she have a prior criminal
7 record?

8 MS. WELLMAN: Yes, Your Honor.

9 THE COURT: What is it?

10 MS. WELLMAN: Your Honor, in 2003, it looks like
11 in Palm Beach as a -- she was charged with something
12 as a juvenile. Disposition is not listed. That --

13 THE COURT: I don't want a juvenile record.

14 MS. WELLMAN: -- I'm not going into that, Your
15 Honor. And in 2004, a conviction for aggravated
16 battery and to cause bodily harm or disability.
17 There's no disposition therein located or listed in
18 the Rap Sheet.

19 2005 - something to do with child home detention.
20 I can't -- it's not clear. No disposition listed
21 there.

22 There's another child thing, it's without
23 dispositions listed.

24 There's, again, charges for assault --

25 MS. LURRY: Juvenile sounds like -- juvenile

1 charges.

2 THE COURT: Well, so far she hasn't said yet
3 anything about a conviction. The reason I -- I am
4 trying to find out about your record is because one of
5 the Rules of Evidence provides that if somebody takes
6 a stand, and depending upon the offense, whether it
7 involved dishonesty or whether it carried more than a
8 certain penalty, the -- the jury might be able to hear
9 that you have a prior record. That's the only reason
10 I'm asking you that question.

11 MS. LURRY: Okay. So, you double-jeopardy
12 that. Okay.

13 THE COURT: No, it's -- doesn't have anything
14 to do with double-jeopardy.

15 MS. LURRY: It sounds like to me where you're
16 going now.

17 THE COURT: Well, you're wrong.

18 MS. WELLMAN: In 2010, it appears there is a
19 conviction for burglary with assault or battery. Also
20 a conviction for resisting an officer.

21 MS. LURRY: Mmm ... go ahead and tell some more
22 lies. Please come on.

23 THE COURT: Do you understand the concept that
24 I told you a moment ago that if you --

25 MS. LURRY: Do you understand the way I feel?

1 THE COURT: -- I think I'm getting a good
2 picture.

3 MS. LURRY: Okay.

4 THE COURT: And do you understand the way I
5 feel? I'm trying to help you and you are turning away
6 from my --

7 MS. LURRY: And this is not helping me, to be
8 honest.

9 THE COURT: -- well, the only way we can get
10 through with this and you can leave like you seem to
11 want to do is if you will answer my questions.

12 MS. LURRY: I do not want an attorney if
13 that's what you're asking.

14 THE COURT: Ma'am, I've already explained this
15 to you. Let's just go through these questions and
16 then we'll be through with it.

17 MS. WELLMAN: Would you like me to proceed?

18 THE COURT: No. Do you understand the concept
19 that if -- if you take the stand, depending upon what
20 your prior record might be, that you might be able to
21 be asked in front of the jury about your prior record?

22 MS. LURRY: I really don't care. Is there
23 another court hearing for whatever you need? Is there
24 a speedy trial coming for the next hearing, is that
25 what you're asking? Because I [Inaudible --

COURT COLLOQUY WITH DEFENDANT

1 muffled/muted] --

2 THE COURT: Ma'am, I haven't said a thing
3 about speedy trial. I haven't said anything about
4 another court --

5 MS. LURRY: -- okay, so what are you -- I have
6 -- I don't have nothing to go to court.

7 THE COURT: -- I haven't said anything. I'm
8 trying to get through these questions.

9 MS. LURRY: Oh no, I'm trying to get through
10 it too.

11 THE COURT: Do you understand what I just
12 explained to you?

13 MS. LURRY: I think so. I -- yeah, I do. Mmm
14 hmm. [Affirmative].

15 THE COURT: She doesn't care. Do you
16 understand this -- Ms. Lurry, if you were convicted of
17 this, it carries up to ten years in prison --

18 MS. LURRY: Yeah. Okay.

19 THE COURT: -- it's a felony?

20 MS. LURRY: Yes.

21 THE COURT: And it also carries a possibility
22 of a fine, do you understand?

23 MS. LURRY: Oh, okay. Yes.

24 THE COURT: Ms. Lurry, I strongly urge you to
25 allow me to appoint you an attorney.

1 MS. LURRY: I don't need it.

2 THE COURT: I think it's unwise for you to try
3 to represent yourself. You've indicated you don't know
4 about procedures, you don't know about the rules.

5 MS. LURRY: I don't care, really.

6 THE COURT: And I urge you not to try to
7 represent yourself and let me appoint a lawyer.

8 MS. LURRY: I would love to represent myself.

9 THE COURT: And that's your only decision?

10 MS. LURRY: For once in my life, can I
11 represent myself?

12 THE COURT: If you'll let me finish these last
13 few questions. The decision about representing
14 yourself is your decision, and yours alone?

15 MS. LURRY: Mmm hmm. [Affirmative].

16 THE COURT: Please say yes or no.

17 MS. LURRY: Yes.

18 THE COURT: So, it's entirely voluntary on
19 your part?

20 MS. LURRY: Okay. Yes.

21 THE COURT: So, Ms. Lurry, nobody can force
22 you to have an attorney. You have an absolute right
23 to represent yourself.

24 MS. LURRY: Thank you.

25 THE COURT: There is a process where a

COURT COLLOQUY WITH DEFENDANT

1 standby -- a standby counsel can be appointed. The
2 attorney would sit, generally, behind you in the
3 courtroom and you would have a resource where you could
4 ask that attorney questions if you decided that you
5 wanted to have standby counsel.

6 MS. LURRY: Mmm ...

7 THE COURT: Do you want to have standby
8 counsel?

9 MS. LURRY: No. No, thank you.

10 THE COURT: Alright. I'm just about through.
11 Today you're not -- are you under the influence of any
12 type of medication, any type of drug, alcohol, anything
13 that would affect your thinking adversely?

14 MS. LURRY: No.

15 THE COURT: And you do not suffer from any
16 physical or mental problems that affect your thinking?

17 MS. LURRY: I sure do, but no.

18 THE COURT: You do, but you don't?

19 MS. LURRY: Exactly.

20 THE COURT: Well, that -- that's --

21 MS. LURRY: I wouldn't say I am smart, but no.

22 THE COURT: -- you tell me --

23 MS. LURRY: No.

24 THE COURT: -- you've never been diagnosed
25 with a mental illness?

1 MS. LURRY: No. No.

2 THE COURT: Everything you're telling me is
3 true?

4 MS. LURRY: No. No, no, no. Everything is
5 no.

6 THE COURT: Is everything you're telling me
7 true?

8 MS. LURRY: Yes.

9 THE COURT: Do you all have the address for
10 the defendant?

11 MS. WELLMAN: What?

12 CLERK: Address.

13 MS. WELLMAN: You're Honor, I was asking -- or
14 intended to ask the Court to get a current address for
15 her and have it put on the record.

16 MS. LURRY: 417 Northwest Fourth Ave.

17 MS. WELLMAN: You say Northwest Fourth?

18 MS. LURRY: Fourth Ave.

19 CLERK: And what city?

20 MS. LURRY: Boynton Beach, Florida.

21 CLERK: Can you spell -- can you spell that for
22 me, please?

23 MS. LURRY: Boynton.

24 CLERK: Can you spell it for me, please?

25 MS. LURRY: I don't really know how to spell

PLAINTIFF ADDRESSES THE COURT

1 that right now.

2 CLERK: In Florida?

3 MS. LURRY: Yeah.

4 MS. LURRY: 33435.

5 CLERK: 33435?

6 MS. LURRY: Yeah.

PLAINTIFF ADDRESSES THE COURT

7
8 MS. WELLMAN: Your Honor, the State -- the State
9 is ready to proceed for a trial in this matter and we
10 have a suggested trial date of January 25th, 2021, at
11 9:00 a.m. We've prepared a record of appearance that
12 I have for Ms. Lurry that I would like to give her on
13 the record today. And put Ms. Lurry on notice that
14 the State would try her in her absence should she not
15 appear.

16 MS. LURRY: You mean not appear?

17 THE COURT: She's telling you that if you do
18 not appear, you could be tried in your absence.

19 MS. LURRY: Okay. That's it? [Inaudible --
20 muffled/muted] someplace?

21 MS. WELLMAN: Mmm hmm. [Affirmative].

22 MS. LURRY: That's it?

23 THE COURT: Ms. Lurry, they're saying your
24 trial will be then.

25 MS. LURRY: Alright.

PLAINTIFF ADDRESSES THE COURT

1 THE COURT: You -- I'll do an order that
2 indicates that you've waived your right to counsel and
3 that --

4 MS. LURRY: Yeah.

5 THE COURT: -- and it will be -- a copy of it
6 will be mailed to you after it's filed.

7 MS. LURRY: That address I gave you.

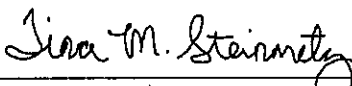
8 **(End of Proceeding)**

CERTIFICATE

I, Tina M. Steinmetz, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in Circuit Court 11 for Lexington County, South Carolina, on the 19th day of November 2020.

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

March 8, 2026



Tina M. Steinmetz, Transcriber

1 State of South Carolina) Court of General Sessions
 2 County of Lexington) Eleventh Judicial Circuit

3
 4 State of South Carolina,) Transcript of Record
 5 vs.) 2020-GS-32-02101
 6 Charlecia T. Lurry,)
 7 Defendant.)

8
 9 April 24, 2025
 Lexington, South
 Carolina.

10 B E F O R E:

11 The Honorable Walton J. McLeod, IV, Judge
 12 The Honorable Jane H. Merrill, Judge (sitting with)

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

14 Whitney K. Y. Taylor, Assistant Solicitor
 15 On behalf of the State/Plaintiff

16 Charlecia T. Lurry, Pro Se Defendant

17
 18 REPORTED BY:
 19 Stacy S. Johnson, RPR
 Circuit Court Reporter

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PAGE

Certificate of Reporter

10

E X H I B I T S

NO EXHIBITS WERE INTRODUCED

1 (The following proceedings were held April 24,
2 2025, beginning at 9:38 AM.)

3 BAILIFF: All rise. Court is now in session.
4 The Honorable Walton McLeod and Jane Merrill
5 presiding.

6 THE CLERK: Charlecia Lurry.

7 Ms. Lurry, could you please raise your right
8 hand?

9 (Whereupon, Charlecia T. Lurry was duly sworn by
10 the Clerk of Court.)

11 THE COURT: Okay. Good morning, Ms. Lurry. Can
12 you hear me okay?

13 THE DEFENDANT: Yes.

14 THE COURT: All right. Solicitor, why are we
15 here today?

16 MS. TAYLOR: Your Honor, before you is Charlecia
17 Lurry. She is charged with one count of unlawful
18 conduct towards a child. This is an old case from
19 2020; however, there was a bench warrant for a missed
20 appearance in 20 -- April 19th of 2021 and it was not
21 served until March 20th of 2025.

22 At the time, she was on the trial roster and
23 Judge Keesley I believe it was granted her the right
24 to represent herself in that trial, so we're only here
25 today to know -- to get the answers to two things;

1 whether she still wants a trial and whether she wants
2 to represent herself.

3 THE COURT: Okay. So, Ms. Lurry, you had a bench
4 warrant from four years ago. I'm just hearing that,
5 so where have you been for the last --

6 THE DEFENDANT: Yeah, she was 16. Now she's 20.
7 She'll be 21.

8 THE COURT: The victim, is that who we're talking
9 about here?

10 MS. TAYLOR: I was saying that the bench warrant,
11 the missed appearance, was from 2021.

12 THE COURT: Okay. So, I mean, she's been gone
13 four years, right?

14 MS. TAYLOR: Correct.

15 THE COURT: Have you still been in the area
16 or moved out of town?

17 THE DEFENDANT: I was already moving out of town
18 when she did what she did.

19 THE COURT: She?

20 THE DEFENDANT: Yes. She told me what she was
21 gonna do and how she was gonna do it, which was a
22 misrepresentation of me.

23 THE COURT: Okay. Okay. So --

24 MS. TAYLOR: I think we're getting into the
25 facts.

1 THE DEFENDANT: Yeah. So she didn't want to come
2 home to the home that I was going to.

3 THE COURT: I still don't know who she is.

4 THE DEFENDANT: My daughter.

5 THE COURT: Daughter. All right. So the State
6 would allege that's the victim in this case, right?

7 THE DEFENDANT: That's how you-all --

8 MS. TAYLOR: Right.

9 THE COURT: Not me.

10 So the charge, unlawful conduct towards a child
11 carries a potential sentence up to 10 years.

12 Apparently you spoke with the Circuit Court four
13 years ago about representing yourself?

14 THE DEFENDANT: Yes.

15 THE COURT: Is that what you want to do or --

16 THE DEFENDANT: Yes.

17 THE COURT: -- would you like to have a --

18 THE DEFENDANT: I would like to represent myself
19 because I've been trying to get representation for
20 over 25 years and I've been misrepresented, so,
21 therefore, I -- I don't know how anybody can walk in
22 my shoes and say it's unlawful conduct.

23 THE COURT: Well, I'm -- I'm not trying to walk
24 in your shoes. I'm just trying to make sure you're
25 not walking alone.

1 THE DEFENDANT: And the paperwork says child
2 neglect of a helpless person, not unlawful conduct.

3 MS. TAYLOR: It's unlawful conduct towards a
4 child. It was true billed before the grand jury in
5 November 2020.

6 THE COURT: So the gist is the case is very old,
7 so --

8 THE DEFENDANT: She was 16. Now she'll be 21.

9 THE COURT: The indictment in this case is very
10 old. It's a 2020 case.

11 THE DEFENDANT: Yes.

12 THE COURT: So it's gonna have to move either by
13 trial or plea in the pretty near future.

14 So I'm not gonna set a date or anything, but for
15 what it's worth I think you'd be -- it would be in
16 your best interest to have an attorney assigned to
17 represent you, to try to help you through the process
18 and --

19 THE DEFENDANT: Nobody has helped me with this
20 child or any children of mine. Actually -- the police
21 just actually killed my baby, so I just came to this
22 county extradited and before it's just been an open
23 case for five years. They have not extradited me. So
24 I just come from Woodstock, Georgia, where I was just
25 pregnant and they killed my baby, so now I'm here with

1 a detainer.

2 THE COURT: Have you had any mental health
3 treatment, Ms. Lurry?

4 THE DEFENDANT: Yes, all my life.

5 THE COURT: All your life?

6 THE DEFENDANT: All my life because of the father
7 of her. Her father.

8 THE COURT: Okay.

9 THE DEFENDANT: So there's been
10 misrepresentation, so now I'm here to represent myself
11 because nobody has been representing me as the parent.

12 THE COURT: Okay. I'm just trying to see if
13 having an attorney assigned to work for you --

14 THE DEFENDANT: No, I would like to represent
15 myself.

16 THE COURT: Okay. So she's already been
17 Faretta'd?

18 MS. TAYLOR: I believe so. It's been so long. I
19 remember it and I believe it was Judge Keesley and I
20 remember there was a long colloquy and questions
21 about, you know, rules of evidence, procedure and
22 things like that.

23 THE COURT: Okay. Well, in the last four years
24 have you done any more studying of the rules of
25 evidence and rules of criminal procedure?

1 THE DEFENDANT: I -- basically because I just was
2 kidnapped from another state from a child to come for
3 a grownup situation that you said is a grownup.

4 THE COURT: I'm not saying anything.

5 THE DEFENDANT: I'm not saying you. The officer
6 who took the initiative to arrest me.

7 THE COURT: Uh-huh.

8 THE DEFENDANT: Yes. Like how are you gonna
9 arrest me, tell me what to do with a child that is
10 actually insubordinate against me.

11 THE COURT: I think a lawyer could help you with
12 that.

13 THE DEFENDANT: No, they have not helped me in
14 16, 17 -- she's 21 now, so how is a 21-year-old gonna
15 sit up here and -- you're gonna represent me for a
16 21-year-old now today when I was 13?

17 THE COURT: I'm just saying -- I'm just saying a
18 lawyer could help you argue your case.

19 THE DEFENDANT: No one can help argue my case.

20 THE COURT: Okay.

21 THE DEFENDANT: No one.

22 THE COURT: All right. So it's good to see you
23 and we'll put you up for trial.

24 THE DEFENDANT: And how long is trial?

25 THE COURT: I can't tell you that. It will go to

1 the chief administrative judge and she can find a
2 trial date for you.

3 MS. TAYLOR: We'll get with the chief
4 administrative judge about the trial date. I
5 anticipate this being a one-day trial.

6 THE COURT: All right. Very well.

7 Thank you. Have a good day.

8 THE DEFENDANT: Case dismissed.

9 (Whereupon, the proceedings were concluded at
10 9:45 AM.)

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C E R T I F I C A T E

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2
3 I, Stacy S. Johnson, Official Court Reporter
4 for the Eleventh Judicial Circuit of the State of
5 South Carolina, do hereby certify that the foregoing
6 is a true, accurate and complete transcript of record
7 of all the proceedings had and the evidence introduced
8 in the hearing of the captioned case in Circuit Court
9 on the 24th day of April, 2025.

10 This transcript may contain quoted material.
11 Such material is reproduced as read by the speaker.

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

14
15 March 23, 2026

16
17 1s/ Stacy S. Johnson
18 STACY S. JOHNSON, RPR
19 CIRCUIT COURT REPORTER
20
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22
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24
25

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
) ELEVENTH JUDICIAL CIRCUIT
COUNTY OF LEXINGTON) 2020-GS-32-02101

STATE OF SOUTH CAROLINA,)
)
 v.)
)
CHARLECIA T. LURRY)
 DEFENDANT.)

JULY 21, 2025

Columbia, South Carolina

TRANSCRIPT OF RECORD

B E F O R E:

The Honorable Christopher D. Taylor, Judge

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

On Behalf of the State: Whitney T. Yongue, Esq.
Assistant Solicitor

On Behalf of the Defendant: Charlecia T. Lurry
Pro Se Defendant

Brandi J. Berry, CVR
Judicial Circuit Court Reporter

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I N D E X

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E X H I B I T S

(There are no exhibits attached)

P R O C E E D I N G S

(MONDAY, JULY 21, 2025; LEXINGTON, SOUTH
CAROLINA IN LEXINGTON COUNTY.)

CHARLECIA T. LURRY,

A witness herein, having been first duly sworn, was
examined and testifies as follows:

THE COURT: All right, Solicitor.

MS. YONGUE: Thank you, Your Honor. Before you
is Ms. Charlecia Lurry. Your Honor, she is charged
with one count of unlawful neglect of a child or
helpless person.

Your Honor, we have an attorney matter on this
case back in April, on April 24th of 2025, at that
hearing, Ms. Lurry said that she intended to represent
herself.

Your Honor, we have trial notice for Ms. Lurry.
We intend on calling this case the term of August the
4th of this year.

Ms. Lurry is detained in the Lexington County
Detention Center. So today, Your Honor, I have a copy
of all of the paper discovery that I'm going to
provide to her, as well -- as inmates are not allowed
to have CDs or anything like that.

So the digital discovery, which is the body cam
and a 911 call, I have available on a laptop that Ms.

1 Lurry can watch while she is here.

2 Your Honor, I also wanted to ask if the Court
3 would be so inclined as to grant her a standby
4 counsel. I do believe, if she intends to represent
5 herself, that could benefit her.

6 THE COURT: All right, just a moment. All right,
7 Ms. Lurry, did you understand everything the Solicitor
8 just told me about your case?

9 THE WITNESS: No, not necessarily.

10 THE COURT: What part did not -- what part didn't
11 you understand?

12 THE WITNESS: That back in 2020, when this
13 originally -- I posted bond and came to court, they
14 said, I need to have a public defender representing if
15 I didn't have the \$40 to pay.

16 And I told her, I'll just represent myself, in
17 terms of, the child being 16, that they said to she
18 can make her own decision.

19 So I didn't have a decision to make. I moved to
20 Florida, where I resided in Florida for a year, never
21 received notice about coming back to court of any sort
22 of thing, and I have smaller children to travel on the
23 road.

24 So I didn't get anything. And I got served this
25 bench warrant incarcerated. I've been incarcerated

1 since last year. This warrant been open for five
2 years. I was in Cherokee County Jail, which I have
3 papers to say that I've been incarcerated since last
4 year.

5 The police assaulted me, causing me to lose my
6 unborn child. I fought trial there, so now I'm here
7 on this. I just got transported from Georgia.

8 THE COURT: All right. Do you intend to
9 represent yourself?

10 THE WITNESS: I intend to represent myself, over
11 a child that I birthed, yes.

12 THE COURT: And this case, is set for trial next
13 month?

14 MS. YONGUE: August 4th, Your Honor.

15 THE WITNESS: It says trial date today the 21st -
16 - I got served.

17 THE COURT: No, your trial is going to be August
18 4th.

19 THE WITNESS: That's what it says today.

20 THE COURT: No, no, this is your hearing. This
21 is about your attorney situation. What we're doing
22 today --

23 THE WITNESS: No. That was in April. This says
24 it's set today -- trial.

25 THE COURT: Well, yeah, I'm letting you know what

1 is today.

2 Today is about your attorney situation. They're
3 just -- what State's doing is asking me to make sure
4 you understand that you intend to represent yourself.

5 THE WITNESS: That's what was stated in April
6 when I came in.

7 THE COURT: That's what we're doing today. We're
8 going to do it again today, because this is the last
9 opportunity for you to make your decision about
10 whether or not you want to represent yourself.

11 THE WITNESS: And I made that clear.

12 THE COURT: All right. Well, let me cover a few
13 things with you. You have an absolute constitutional
14 right to represent yourself --

15 THE WITNESS: Yes.

16 THE COURT: -- no doubt about that. But, there's
17 certain things I got to ask you to make sure you
18 understand what you're doing.

19 THE WITNESS: Yes.

20 THE COURT: Okay. So I'm not -- I'm not going to
21 ask you about your case. I don't want you to tell me
22 about your case, circumstances, or any of that. This
23 is just background information where I can make a
24 decision about whether or not I think you should be
25 able to represent yourself in this particular matter.

1 THE WITNESS: Okay. Well, she's 21 now, so...

2 THE COURT: What is your -- how old are you?

3 THE WITNESS: I'm 35. I'm 35 incarcerated.

4 THE COURT: All right. What's your educational
5 background?

6 THE WITNESS: My educational background is ESC I
7 was born with autism and learning disability.
8 Currently, still, been going through this for 25 plus
9 years of my life -- having to learn to speak for
10 myself, nobody to represent me, no advocates, nothing.

11 That's why I tend to represent myself as now that
12 my child is 21-years-old. And I had to learn to
13 represent myself.

14 THE COURT: All right. Okay, do you -- have you
15 ever been involved in a criminal trial before?

16 THE WITNESS: I just had a criminal trial in
17 Georgia state over an officer that assaulted me. Jay
18 Fulwinder, III, killed my unborn child.

19 THE COURT: All right, what's the -- do you
20 understand the nature of the charges against you and
21 the possible? What's the possible penalty on this,
22 Solicitor?

23 MS. YONGUE: Your Honor, it's a 0 to 10 years.

24 THE COURT: Zero to ten. Do you understand that?

25 THE WITNESS: I understand that.

1 THE COURT: Okay. And she is not -- there is no
2 standby counsel at this point?

3 MS. YONGUE: There is no standby counsel at this
4 point, Your Honor. The reason I'm asking for it today
5 is because I have to discovery and she'll have to
6 review the digital evidence while she's here.

7 THE COURT: Got it. Okay.

8 All right. Have you ever -- other than being in
9 the courtroom now, have you ever been in the courtroom
10 for anything? Have you represented yourself in
11 anything else before -- any other kind of proceeding?

12 THE WITNESS: Yeah, I have five children that
13 I've birthed since 13-years-of-age.

14 THE COURT: Have you been in a courtroom before?

15 THE WITNESS: I've been in the courtroom for
16 Department of Children and Families that bribed the
17 same child in this state, South Carolina --

18 THE COURT: did you represent yourself in that
19 proceeding?

20 THE WITNESS: I represented myself against
21 Phyllis Epps, Wardley Epps, Andre Powell, Otis Brown,
22 yes.

23 THE COURT: All right. Are you familiar with the
24 Rules of Evidence of Criminal Procedure?

25 THE WITNESS: With evidence? Like far as like

1 background?

2 THE COURT: No, the actual courtroom evidence
3 rules that we follow, that these attorneys follow when
4 they present cases to juries. Are you familiar at all
5 with that?

6 THE WITNESS: No, this, this will be my second
7 trial. The rest of the cases, I've been forced to
8 take a plea, threatened to take a plea. I was
9 threatened by an attorney to take a plea in Georgia
10 State,

11 THE COURT: but you hadn't had an attorney in
12 this case, right?

13 THE WITNESS: No.

14 THE COURT: Okay.

15 THE WITNESS: That's why I want to represent
16 myself, because I'm tired of all of that.

17 THE COURT: All right, do you understand about
18 the Rules of Criminal Procedure?

19 THE WITNESS: I don't understand what you're
20 trying to say, criminal procedure. I know she just
21 said zero to 10. That's all I heard.

22 THE COURT: Okay, zero to 10 is the punishment.
23 That's what you could be sentence -- if you get
24 convicted by a jury, you could get up to 10 years in
25 prison it would be up to whichever judge me or whoever

1 else may preside over your case. That's the
2 punishment part. What I'm asking you about is the
3 part that gets to the trial, the Criminal Procedure,
4 Rules of Evidence that these lawyers have to follow in
5 order to present a case to a jury. Do you understand
6 or familiar with Criminal Procedure --

7 THE WITNESS: Like what they need to prove?

8 THE COURT: Not what they need to do, what you'll
9 have to do as your own lawyer. Do you understand
10 those rules?

11 THE WITNESS: Oh, to present --

12 THE COURT: Yeah.

13 THE WITNESS: -- evidence.

14 THE COURT: Right. Even though --

15 THE WITNESS: -- yeah, me myself, that's all...

16 THE COURT: But you understand. You have to
17 follow the same rules that the attorneys have to
18 follow. It's not an opportunity for you to get up and
19 make a speech.

20 THE WITNESS: I would just only have this
21 (indicating), this is it.

22 THE COURT: Yeah, but understand that you have to
23 follow the same Rules of Evidence and the same Rules
24 of Criminal Procedure that the Solicitor has to
25 follow. You understand that?

1 THE WITNESS: Okay. Yes.

2 THE COURT: You understand that?

3 And you are not familiar with it?

4 THE WITNESS: And I'm not familiar with it.

5 THE COURT: Okay. Do you understand the risks of
6 representing yourself, meaning that you are not
7 familiar with the procedures in court, and that you as
8 somebody that's not familiar with that will be
9 defending yourself to a jury against the state, who
10 they are familiar with Rules of Criminal Procedure and
11 Evidence. Do you understand? Do you understand you
12 will be at a distinct disadvantage by coming into this
13 courtroom by yourself against lawyers who are familiar
14 with the same rules that you have to follow. Do you
15 understand that?

16 THE WITNESS: Okay, yeah, I'm already
17 disadvantaged. So yes, I understand.

18 THE COURT: I understand you're frustrated with
19 your case. What I'm asking is, do you understand this
20 position that you would be in by representing
21 yourself?

22 THE WITNESS: Yes.

23 THE COURT: Okay, they're not, not -- their
24 obligation to pull any punches simply because you
25 represent yourself, do you understand that.

1 THE WITNESS: Yes.

2 THE COURT: Solicitor, what -- the discovery?
3 She hasn't seen that yet.

4 MS. YONGUE: She has not, Your Honor.

5 THE COURT: That's the second part. You
6 understand that a lawyer can help you go through that
7 discovery and find out you may have a defense to your
8 case, that somebody who's seasoned meaning, has
9 experience in this courtroom can help you with that if
10 you represent yourself, it's you and that packet of
11 paper, and that's it.

12 THE WITNESS: I understand that I'm going to
13 represent myself.

14 THE COURT: And tell me -- and I think you said
15 it, but I just want to make sure I'm clear. How far
16 did you go in school?

17 THE WITNESS: Ninth grade.

18 THE COURT: How long will this trial take?

19 MS. YONGUE: A day, Your Honor. Maybe two days
20 at most.

21 THE COURT: Who could be -- how do y'all pick
22 standby counsel?

23 MS. YONGUE: It's usually a Public Defender, Your
24 Honor. You got a Ms. Mauldin from the Circuit Public
25 Defender. She would look and see who's available,

1 trial wise, to be standby. We've got one upstairs
2 going now but she us somebody's standby.

3 THE COURT: All right, Ms. Lurry, like I said, I
4 really you may or may not believe what I'm saying, but
5 I do understand and I hear what you're saying about
6 how frustrated you are with a lot of other things that
7 have taken place, but this is a new matter. Okay,
8 this whole new case has nothing really to do with
9 anything that has been your experience with court
10 before.

11 So my concern is about helping -- protecting your
12 rights in this case that's coming to trial in less
13 than three weeks.

14 You have no experience in a courtroom, and this
15 is not slighting you. This is letting you know what
16 you could potentially be facing lawyers on that side
17 of the table and practicing law for 30 years.

18 Okay. That's not to intimidate you. That is to
19 let you know that you really need somebody who has as
20 much experience as they do to help you with this case.
21 That's all this is about, just trying to find somebody
22 to help you present the best case you can to that
23 jury.

24 Okay, so understanding all of that, understanding
25 what my role in this is -- is not trying to knock you

1 down, but just trying to get you to understand what
2 may be in your best interest. Hearing everything that
3 I've told you this far and mentioned to you just for
4 this far. Do you still want to represent yourself?

5 THE WITNESS: I still want to represent myself.

6 THE COURT: All right, okay, well, you do have a
7 right on constitution to represent yourself. I don't
8 think that's a good decision on your part, but if
9 that's what you'd like to do, I am going to appoint
10 stand by counsel for you.

11 You need somebody to help you navigate Criminal
12 Procedure and the Rules of Evidence. This person will
13 not necessarily, they won't be in charge of your case.
14 You will be in charge of your case, okay, but they are
15 there to help you make decisions, strategic decisions,
16 evidentiary decisions, and that kind of thing,
17 potentially if you request their help. In other
18 words, if rules are mentioned, you don't quite
19 understand that your standby counsel can help you
20 figure out what those are.

21 You don't give yourself much of any time to get
22 ready for this case given your background in law or
23 lack of it, in law, you understand that?

24 THE WITNESS: Yes.

25 THE COURT: And you sure you want to represent

1 yourself? You do not want an attorney?

2 THE WITNESS: I am sure I want to represent
3 myself.

4 THE COURT: Okay. You don't want an attorney to
5 look at this, talk to you, maybe delay the case and if
6 necessary, to look into things that may be beneficial
7 for your case. Okay.

8 THE WITNESS: (Nodding head.)

9 THE COURT: Okay. A nodd -- is that "yes" or
10 "no"?

11 THE WITNESS: No.

12 THE COURT: Okay, all right. Well, I find that
13 you've made an intelligent and a knowing waiver of
14 your right to counsel, despite many warnings that I've
15 given you, it seems that you understand the nature and
16 the potential consequences of your decision.

17 And as a backup, I am requesting of having a
18 standby counsel appointed to help you in the case.
19 Again, this is your case. It's not theirs to guide.
20 It's yours. But they would that standby counsel would
21 be there to assist you.

22 You understand that?

23 THE WITNESS: Yes.

24 THE COURT: All right. And as far as I know,
25 states intending to go forward on August the 4th, so

1 there won't be any continuances unless they move
2 forward. Or for some reason you decide to move
3 forward, and the Chief Administrative Judge will have
4 to take that up. You understand that?

5 THE WITNESS: Yes.

6 THE COURT: Okay, all right.

7 MS. YONGUE: Thank you, Your Honor.

8 THE COURT: All right, thank you.

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--- END OF TRANSCRIPT OF RECORD ---

CERTIFICATE

I, THE UNDERSIGNED BRANDI J. BERRY, CERTIFIED COURT REPORTER FOR THE ELEVENTH JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF ALL THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE HEARING OF THE CAPTIONED CAUSE, RELATIVE TO APPEAL, IN THE CIRCUIT COURT FOR LEXINGTON COUNTY, SOUTH CAROLINA, ON THE 21ST DAY OF JULY, 2025.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL, NOR INTEREST IN ANY PARTY HERETO.

/S/Brandi J. Berry, CVR

COLUMBIA, SOUTH CAROLINA

MARCH 28th, 2026

1 State of South Carolina) Court of General Sessions
 2 County of Lexington) Eleventh Judicial Circuit

3
 4 State of South Carolina,) Transcript of Record
 5 vs.) 2020-GS-32-02101
 6 Charlecia Lurry,)
 7 Defendant.)

8

9

August 4, 2025
 Lexington, South Carolina

10

11 B E F O R E:

12 The Honorable Debra R. McCaslin, Judge; and a Jury

13

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

14

Christy M. Oler, Assistant Solicitor
 15 Bruce H. Norton, II, Assistant Solicitor
 On behalf of the State of South Carolina

16

17 Charlecia Lurry, Pro Se Defendant

18

David M. Mauldin, Esquire
 Paige L. Christopher, Esquire
 19 Standby Counsel for the Defendant

20

21

Stacy S. Johnson, RPR
 Circuit Court Reporter

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14	S-12	Photograph	41	70
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1 THE COURT: All right. Ladies and gentlemen,
2 we're about to begin the trial of the State of South
3 Carolina versus -- I want to make sure I pronounce
4 your name right.

5 Is it Char-la-see?

6 MS. LURRY: Charlecia.

7 THE COURT: Char-le-sia?

8 MS. LURRY: Charlecia.

9 THE COURT: Charlecia. Charlecia Lurry.

10 Let me ask the State if you would please call
11 your case.

12 MS. OLER: Yes, Your Honor. The.

13 State of South Carolina versus Charlecia Lurry.
14 Indictment No. 2020-GS-32-02101. An indictment for
15 unlawful conduct towards a child.

16 Your Honor, the indictment alleges that on or
17 about September 3rd of 2020, here in Lexington County,
18 that Ms. Lurry, while having charge or custody or
19 being the parent or guardian or being responsible for
20 the welfare of a minor child, D.D. , did
21 unlawfully place the child at unreasonable risk of
22 harm affecting the child's life, physical or mental
23 health or safety. It is alleged that she punched and
24 choked her child, Your Honor, inflicting injury.

25 THE COURT: Okay. Let me ask you, Ms. Lurry, are

1 you ready for trial?

2 MS. LURRY: Yes.

3 THE COURT: And how do you plead? Guilty or not
4 guilty?

5 MS. LURRY: Not guilty.

6 THE COURT: Thank you.

7 All right. Let me -- before I ask anymore
8 questions, let me get the solicitor's office to please
9 introduce themselves and anyone else assisting in the
10 prosecution of this case.

11 MS. OLER: Good morning. My name is Christy
12 Oler. I'm an assistant solicitor here in Lexington
13 County.

14 MR. NORTON: Good morning. I'm Bruce Norton.
15 I'm also an assistant solicitor and we prosecute
16 criminal cases in the Eleventh Judicial Circuit;
17 that is, Lexington, Edgefield, McCormick and Saluda
18 counties.

19 MS. OLER: We are joined in the courtroom by
20 Taylor Gillette. She's the paralegal working on this
21 case. And also by Jeffrey Thrun. He's a former
22 Lexington County deputy.

23 THE COURT: Thank you.

24 All right. Ms. Lurry, I need to get you to
25 introduce yourself to the jury and anyone else helping

1 you in this case.

2 MS. LURRY: Over twenty-five years of my life,
3 no.

4 THE COURT: Would you like to introduce yourself
5 to the jury panel?

6 MS. LURRY: Not necessarily.

7 But, hi, my name is Charlecia Lurry. I am not
8 from South Carolina. I'm originally from West Palm
9 Beach, Florida. I'm a single mother and I raised five
10 kids on my own. I struggled with school learning. I
11 work from time to time and depending on doing the case
12 get my kids back after incorrectly accusing me of
13 child neglect.

14 THE COURT: All right. Thank you, Ms. Lurry.

15 MS. LURRY: Thank you.

16 THE COURT: All right. Let me ask the jury
17 panel. The attorneys just introduced themselves to
18 you along with the defendant in this case. She
19 introduced herself.

20 Let me ask the jury panel has any member been
21 represented by any of the attorneys involved in this
22 case? If so, please stand.

23 MS. OLER: Your Honor, could we -- because of
24 he's standby counsel, could we introduce Mr. Mauldin?

25 THE COURT: Sure.

1 Mr. Mauldin, would you please stand.

2 Mr. Mauldin is standby counsel for Ms. Lurry.

3 Mr. Mauldin, if you would please introduce
4 yourself to the jury panel.

5 MR. MAULDIN: Hi, I'm David Mauldin, standby
6 counsel. Ms. Lurry is representing herself. I'm like
7 a law book or something in case she needs it. She is
8 representing herself.

9 This is Paige Christopher. She is another
10 attorney with my office.

11 THE COURT: Thank you, Mr. Mauldin.

12 So let me ask again, has the jury panel ever been
13 represented by any of the attorneys involved in this
14 case? If so, please stand.

15 Is any member of the jury panel related by blood
16 or marriage, know personally or have any religious,
17 political, social or business association with any of
18 the attorneys involved in this case or their law
19 firms? If so, please stand.

20 Is any member of the jury panel related by blood
21 or marriage, know personally or have any religious,
22 political, social or business association with the
23 defendant, Charlecia Lurry. If so, please stand.

24 Is any member of the jury panel employed by or
25 related by blood or marriage to or a friend or

1 acquaintance of a member of any law enforcement
2 agency. That includes the attorney general's office,
3 the solicitor's office or any prosecuting attorney's
4 office? If so, please stand.

5 (Potential jurors stand.)

6 THE COURT: Yes, sir. Your juror number?

7 POTENTIAL JUROR: 186.

8 THE COURT: Juror No. 186. Can you tell me,
9 Mr. Lawler, who do you know in law enforcement?

10 POTENTIAL JUROR: My brother-in-law's the chief
11 of Pinehurst, North Carolina, and then my sister is
12 an assistant U.S. attorney.

13 THE COURT: Okay. And let me ask you,
14 Mr. Lawler, if you were selected as a juror in this
15 case could you be fair and impartial to both the State
16 and the defendant?

17 POTENTIAL JUROR: I believe so.

18 THE COURT: Not good enough for me. I'm gonna
19 have to excuse you.

20 Thank you.

21 Yes, sir. Your juror number?

22 POTENTIAL JUROR: 250.

23 THE COURT: Mr. Pruett. I know that you work at
24 the City of Cayce.

25 POTENTIAL JUROR: I'm retired. Yes, ma'am.

1 THE COURT: Right. Who do you know in law
2 enforcement?

3 POTENTIAL JUROR: Well, my best friend's an
4 investigator for Cayce and my second best friend is
5 a retired police chief from Cayce.

6 THE COURT: Of Cayce?

7 POTENTIAL JUROR: Yes, ma'am.

8 THE COURT: Okay. This is not a Cayce police
9 department case, is it?

10 MS. OLER: No, Your Honor.

11 THE COURT: Okay. Let me ask you, Mr. Pruett, if
12 you were selected as a juror in this case could you be
13 fair and impartial to both the State and the defense?

14 POTENTIAL JUROR: Yes, ma'am.

15 THE COURT: I'm keeping you.

16 Yes, sir. Your juror number?

17 POTENTIAL JUROR: No. 15.

18 THE COURT: Juror No. 15. Mr. Berry, who do
19 you know in law enforcement?

20 POTENTIAL JUROR: My brother-in-law is a
21 Lexington County deputy.

22 THE COURT: Who's your brother-in-law?

23 POTENTIAL JUROR: David Hellman.

24 THE COURT: All right. If you were selected as
25 a juror in this case, could you be fair and impartial

1 to both the State and the defense?

2 POTENTIAL JUROR: Yes, ma'am.

3 THE COURT: I'm keeping you.

4 Yes, ma'am, your juror number?

5 POTENTIAL JUROR: 90.

6 THE COURT: Juror No. 90. Ms. Drafts, who do
7 you know in law enforcement?

8 POTENTIAL JUROR: My husband is a retired police
9 officer for the City of Columbia.

10 THE COURT: For the City of Columbia?

11 POTENTIAL JUROR: (Nods head.)

12 THE COURT: Ms. Drafts, if you were selected as a
13 juror in this case, could you be fair and impartial to
14 both the State and the defense?

15 POTENTIAL JUROR: Yes, ma'am.

16 THE COURT: I'm keeping you.

17 Yes, sir, your jury number?

18 POTENTIAL JUROR: 198.

19 THE COURT: Juror No. 198. Mr. Manna, who do
20 you know in law enforcement?

21 POTENTIAL JUROR: My father's retired Federal
22 Bureau of Investigation, FBI.

23 THE COURT: If you were selected as a juror in
24 this case, could you be fair and impartial to both
25 the State and the defense?

1 POTENTIAL JUROR: Yes, ma'am.

2 THE COURT: Thank you.

3 Yes, ma'am, your juror number?

4 POTENTIAL JUROR: 154.

5 THE COURT: Juror No. 154. Ms. Hinson, who do
6 you know in law enforcement?

7 POTENTIAL JUROR: My husband's a retired homicide
8 investigator with Richland County.

9 THE COURT: If you were selected as a juror in
10 this case, could you be fair and impartial to both the
11 State and the defense?

12 POTENTIAL JUROR: Yes, ma'am.

13 THE COURT: Thank you.

14 Yes, sir, back in the back.

15 POTENTIAL JUROR: 330.

16 THE COURT: Juror No. 330. Mr. Werner.

17 POTENTIAL JUROR: Yes, ma'am. My brother's a
18 deputy sheriff for Richland County.

19 THE COURT: And, Mr. Werner, if you were selected
20 as a juror, could you be fair and impartial to both
21 the State and the defense?

22 POTENTIAL JUROR: Yes, ma'am.

23 THE COURT: Thank you. I'm keeping you.

24 Yes, ma'am, juror number?

25 POTENTIAL JUROR: 200.

1 THE COURT: Juror No. 200, who do you know in law
2 enforcement?

3 POTENTIAL JUROR: My husband's uncle is the chief
4 of police in Swansea.

5 THE COURT: Swansea's not involved in this case,
6 are they?

7 MS. OLER: No, ma'am.

8 THE COURT: If you were selected as a juror in
9 this case, could you be fair and impartial to both the
10 State and the defense?

11 POTENTIAL JUROR: I believe so.

12 THE COURT: Not good enough for me. I believe so
13 is not good enough. You can be excused.

14 POTENTIAL JUROR: Okay.

15 THE COURT: Yes, sir. Your juror number?

16 POTENTIAL JUROR: 219.

17 THE COURT: Juror No. 219. Mr. Mitchell, who do
18 you know in law enforcement?

19 POTENTIAL JUROR: I have a retired cousin who was
20 a former magistrate judge and then retired, but was
21 also with Lexington County. Charlie Jones.

22 THE COURT: Okay. And whose in law enforcement
23 that you know?

24 POTENTIAL JUROR: Him, Charlie Jones.

25 THE COURT: Okay. There's not anybody involved

1 in this case by that name, is there?

2 MS. OLER: No, ma'am.

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

6 POTENTIAL JUROR: I don't --

7 THE COURT: You know, you can be excused.

8 You know what, this is what we're gonna do.
9 Those that I'm excusing, I'm gonna sit you in the back
10 row and we're gonna pick you for the civil -- we'll
11 put you in the civil pool.

12 POTENTIAL JUROR: That will be fine.

13 THE COURT: Okay. Go to the back row.

14 All right. Yes, sir, your juror number?

15 POTENTIAL JUROR: 192.

16 THE COURT: Juror No. 192. Mr. Lynn, who do you
17 know in law enforcement?

18 POTENTIAL JUROR: I've done work with the Office
19 of Inspector General, Social Security Administration,
20 three special agents, as well as the State Law
21 Enforcement Division, two agents there, with our
22 Cooperative Disability Investigations Unit.

23 THE COURT: Okay. That was a mouthful, but I
24 got it.

25 Let me ask you then, Mr. Lynn, if you were

1 selected as a juror in this case could you be fair
2 and impartial to both the State and the defense?

3 POTENTIAL JUROR: I don't believe I could, ma'am.

4 THE COURT: Not good enough for me. I'm gonna
5 let you join the back row and we'll put you on the
6 civil.

7 Yes, sir, your juror number?

8 POTENTIAL JUROR: 50.

9 THE COURT: Juror No. 50. Mr. Cheek, who do you
10 know in law enforcement?

11 POTENTIAL JUROR: I work for the Federal Bureau
12 of Prisons.

13 THE COURT: That's right. The psychologist.
14 See, I'll get to know all of you from this.
15 And who do you know in law enforcement?

16 POTENTIAL JUROR: I'm just referring to myself.

17 THE COURT: Just you.

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

21 POTENTIAL JUROR: Yes, ma'am.

22 THE COURT: Thank you. I'm keeping you.
23 Anybody else?

24 All right. The following is a list of possible
25 witnesses in the case. J.S. Thrun or Thrune? What is

1 it?

2 MS. OLER: Jeffrey Thrun.

3 THE COURT: Thrun. T-H-R-U-N.

4 Is that you over there?

5 INVESTIGATOR THRUN: Yes, ma'am.

6 THE COURT: That's him. Stand up so everybody

7 can see you.

8 All right. I pronounced his name wrong.

9 You can sit down.

10 All right. Then we got D.D.

11 MS. OLER: Yes, ma'am.

12 THE COURT: Alayia Lurry.

13 MS. OLER: Yes, ma'am.

14 THE COURT: Hymin --

15 MS. OLER: Jamilah, I believe.

16 THE COURT: Jamilah. I'm gonna spell that last

17 name for you. J-A-M-I-L-A-H of the Lexington County

18 DSS. Natasha -- is it De-roches?

19 MR. NORTON: Desrochers, Your Honor.

20 THE COURT: Desrochers, from the Department of

21 Social Services. Benjamin Vollmer from the Lexington

22 County EMS. Daniel Smith from the Lexington County

23 EMS. And Robert Gladden from the Lexington County

24 EMS.

25 Those are the witnesses.

1 What I'm asking is, is there any member of
2 the jury panel related by blood or marriage, know
3 personally or have any religious, political, social
4 or business association with any of the witnesses in
5 this case? If so, please stand.

6 MS. OLER: Your Honor, if I may, I believe also
7 we have the custodian of records for Lexington County
8 Communications on there and that will be Angie Gunter.

9 THE COURT: Okay. Well, you-all had that, but no
10 name.

11 MS. OLER: Yes, ma'am.

12 THE COURT: Okay. How about -- I'm gonna add an
13 Angie Gunter. She works at -- she's the custodian of
14 records at the Lexington County Communications.

15 Let me ask the jurors, anybody know any of the
16 witnesses involved in this case? If so, please stand.

17 Has any member of the jury panel or a family
18 member or close friend ever been the victim of,
19 investigated for, or charged with an offense involving
20 unlawful conduct towards a child, child abuse or
21 assault and battery? If so, please stand.

22 (Potential jurors stand.)

23 POTENTIAL JUROR: Your Honor --

24 THE COURT: Wait, wait, wait. I'm gonna ask you
25 to come up and speak with me in private.

1 Your juror number?

2 POTENTIAL JUROR: 55. An employee. I worked at
3 Lexington DSS.

4 THE COURT: I'm -- I'm just telling you I'm gonna
5 ask you to come up and speak with me in private, okay?

6 POTENTIAL JUROR: Yes, ma'am.

7 THE COURT: You can come up now.

8 And your juror number?

9 POTENTIAL JUROR: 28.

10 THE COURT: 28.

11 (The following proceedings were held out of the
12 hearing of the jury panel.)

13 POTENTIAL JUROR: I think I heard your question
14 right, Your Honor, but my wife, she was raped when
15 she was five, and the guy just got out of prison last
16 year.

17 THE COURT: All right.

18 Okay. Well, let me ask you this. If you
19 were selected as a juror, could you be fair and
20 impartial --

21 POTENTIAL JUROR: Yes.

22 THE COURT: -- to both the State and the defense?

23 POTENTIAL JUROR: Uh-huh.

24 THE COURT: All right. I'm keeping you. Thank
25 you.

1 BAILIFF: 55.

2 THE COURT: Yes, ma'am.

3 POTENTIAL JUROR: I worked right out of graduate
4 school for Lexington County DSS as a child intake
5 protective services worker and also was a mandated
6 reporter when I worked in the school system.

7 THE COURT: Okay. Well, let me ask you this.
8 If you were selected as a juror could you be fair and
9 impartial to both the State and the defense?

10 POTENTIAL JUROR: I'm gonna have a hard time.

11 THE COURT: All right. Then I'm gonna -- I'm
12 gonna put you on the back row and save you for the
13 civil, okay?

14 POTENTIAL JUROR: Okay.

15 THE COURT: Thank you.

16 BAILIFF: 63.

17 THE COURT: No. 55's going to the back row.
18 Yes, ma'am.

19 POTENTIAL JUROR: My husband's ex-wife who was
20 convicted of abusing my stepson.

21 THE COURT: All right. Well, let me ask you if
22 you were selected --

23 POTENTIAL JUROR: No.

24 THE COURT: Yeah, I'm gonna put you on the back
25 row and save you for the civil trial.

1 Thank you.

2 (The following proceedings were held in open
3 court.)

4 THE COURT: All right. The next question.

5 Has anyone had any kind of experience with any
6 law enforcement agency that might affect your ability
7 to be fair and impartial? If so, please stand.

8 Has anybody learned anything about this case in
9 the news media or in the community that would prohibit
10 you from being fair and impartial in this case? If
11 so, please stand.

12 Is there any member of the jury panel who is a
13 member or contributor to any group which has it
14 primary concern the promotion of law enforcement or
15 victims rights? These groups would include, but not
16 certainly not limited to, MADD, SADD or CAV, Citizens
17 Against Violent Crime.

18 Has any member of the jury panel formed or
19 expressed an opinion about any issue or matter
20 involved in this case? If so, please stand.

21 Is any member of the jury panel aware of any
22 bias or prejudice toward either the State or the
23 defendant in this case? If so, please stand.

24 Does any member of the jury panel have any
25 religious or moral beliefs which would prevent them

1 from passing judgment on another person as a member
2 of the jury? If so, please stand.

3 Does any member of the jury panel know of any
4 reason whatsoever why he or she should not serve as
5 a juror in this case with particular emphasis being
6 placed on your ability to be fair and impartial to
7 both the State and the defendant? If so, please
8 stand.

9 Does any member of the jury panel have any
10 religious or moral beliefs regarding corporal
11 punishment of a child which would prevent them from
12 applying the law in this case? If so, please stand.

13 Does the State have any additional questions
14 they'd like to have asked?

15 MS. OLER: No, Your Honor.

16 THE COURT: Does the defendant have any
17 additional questions you would like to have asked?

18 MS. LURRY: No.

19 THE COURT: Thank you.

20 All right. Let's pick a jury.

21 Now let me tell you what's gonna happen. We're
22 gonna select this jury. They're gonna call your juror
23 number, so everybody make sure you've got your juror
24 number and you know what your juror number is. What's
25 gonna happen you're gonna -- do you want to show them?

1 When they call your number, you're gonna come
2 through the doors, these little swinging doors, come
3 up to the podium, turn around and face the doors, and
4 then you're gonna hear present, what you're gonna
5 listen to, excuse. When you hear seat the juror, that
6 means you're coming over here. So bring everything
7 you've got with you. Don't leave anything on the
8 bench because you're gonna be staying with us.

9 Now let me tell all of you-all this because I
10 tell everybody this. I don't want anybody getting
11 upset if they don't get picked. I tell every panel
12 that, but I've had it happen. I have really had it
13 happen. So just think this way. You've got two more
14 chances after this one, two more juries, which is
15 really unheard of for Lexington, but I think we can
16 do it.

17 THE COURT: All right. We're five and five.

18 THE CLERK: Yes, ma'am. Do you want an
19 alternate?

20 THE COURT: Yes, I'm gonna take one alternate.
21 One alternate.

22 All right. Let's go ahead.

23 THE CLERK: Juror No. 167.

24 (Whereupon, Juror No. 167, a white male, was
25 called forward.)

1 THE COURT: What say you for the State?

2 MS. OLER: Please seat Mr. Jacobs.

3 THE CLERK: And defense?

4 MS. LURRY: (Unintelligible.)

5 THE COURT REPORTER: I'm sorry?

6 THE COURT: You've got to speak up so we can

7 hear.

8 MS. LURRY: Yes.

9 THE CLERK: Please take a seat in the jury box.

10 Juror No. 45.

11 (Whereupon, Juror No. 45, a white male, was

12 called forward.)

13 THE CLERK: What say you for the State?

14 MS. OLER: Please excuse the juror.

15 THE CLERK: Please return to your seat.

16 Juror No. 108.

17 (Whereupon, Juror No. 108, a white female, was

18 called forward.)

19 THE CLERK: What say you for the State?

20 MS. OLER: Please present Ms. Flanagan.

21 THE CLERK: And defense?

22 MS. LURRY: No.

23 THE CLERK: Please return to your seat.

24 Juror No. 38.

25 (Whereupon, Juror No. 38, a white male, was

1 called forward.)

2 THE CLERK: What say you for the State?

3 MS. OLER: Please excuse the juror.

4 THE CLERK: Please return to your seat.

5 Juror No. 101.

6 (Whereupon, Juror No. 101, a white male, was

7 called forward.)

8 THE CLERK: What say you for the State?

9 MS. OLER: Please present Mr. Farley.

10 THE CLERK: And defense?

11 MS. LURRY: No.

12 THE CLERK: Did you say no?

13 MS. LURRY: No.

14 THE CLERK: Okay. Please return to your seat.

15 THE COURT: Hang on just one second.

16 Can I see the lawyers and Ms. Lurry for just a
17 second? And Mr. Mauldin.

18 (Proceedings held at the bench; not reported.)

19 THE COURT: All right. The clerk can go ahead.

20 THE CLERK: Yes, ma'am.

21 Juror No. 241.

22 (Whereupon, Juror No. 241, a white female, was

23 called forward.)

24 THE CLERK: What say you for the State?

25 MS. OLER: Please present Ms. Patterson.

1 THE CLERK: And defense?

2 MS. LURRY: Yes.

3 THE CLERK: Please take a seat in the jury box.

4 Juror No. 225.

5 (Whereupon, Juror No. 225, a white male, was
6 called forward.)

7 THE CLERK: What say you for the State?

8 MS. OLER: Please present Mr. Murphy.

9 THE CLERK: And defense?

10 MS. LURRY: Yes.

11 THE CLERK: Please take a seat in the jury box.

12 Juror No. 90.

13 (Whereupon, Juror No. 90, a white female, was
14 called forward.)

15 THE CLERK: What say you for the State?

16 MS. OLER: Please present Ms. Drafts.

17 THE CLERK: And defense?

18 MS. LURRY: No.

19 THE CLERK: Please return to your seat.

20 THE CLERK: Juror No. 300.

21 (Whereupon, Juror No. 300, a white male, was
22 called forward.)

23 THE CLERK: What say you for the State?

24 MS. OLER: Please present Mr. Smith.

25 THE CLERK: And defense?

1 MS. LURRY: No.

2 THE CLERK: Okay. Please return to your seat.

3 Ms. Lurry, you have one strike left.

4 THE CLERK: Juror No. 127.

5 (Whereupon, Juror No. 127, a black male, was
6 called forward.)

7 THE CLERK: What say you for the State?

8 MS. OLER: Please present Mr. Gilliard.

9 THE CLERK: And defense?

10 MS. LURRY: No.

11 THE CLERK: Okay. Please return to your seat.
12 Juror No. 130.

13 (Whereupon, Juror No. 130, a black male, was
14 called forward.)

15 THE CLERK: What say you for the State?

16 MS. OLER: Please present Mr. Golson.

17 MS. LURRY: Yes.

18 THE CLERK: Please take a seat in the jury box.
19 Juror No. 205.

20 (Whereupon, Juror No. 205, a black female, was
21 called forward.)

22 THE CLERK: What say you for the State?

23 MS. OLER: Please present Ms. McIntosh.

24 MS. LURRY: Yes.

25 THE CLERK: Please take a seat in the jury box.

1 Juror No. 260.

2 (Whereupon, Juror No. 260, a white female, was
3 called forward.)

4 THE CLERK: What say you for the State?

5 MS. OLER: Please present the juror.

6 MS. LURRY: Yes.

7 THE CLERK: Please take a seat in the jury box.

8 Juror No. 14.

9 (Whereupon, Juror No. 14, a white male, was
10 called forward.)

11 THE CLERK: What say you for the State?

12 MS. OLER: Please present Mr. Bentley.

13 MS. LURRY: Yes.

14 THE CLERK: Please take a seat in the jury box.

15 Juror No. 70.

16 (Whereupon, Juror No. 70, a white male, was
17 called forward.)

18 THE CLERK: What say you for the State?

19 MS. OLER: Please present Mr. Curey.

20 THE CLERK: And defense?

21 MS. LURRY: Yes.

22 THE CLERK: Please take a seat in the jury box.

23 Juror No. 318.

24 (Whereupon, Juror No. 318, a white male, was
25 called forward.)

1 THE CLERK: What say you for the State?

2 MS. OLER: Please present Mr. Tubbs.

3 THE CLERK: And defense?

4 MS. LURRY: Yes.

5 THE CLERK: Please take a seat in the jury box.

6 Juror No. 50.

7 (Whereupon, Juror No. 50, a white male, was
8 called forward.)

9 THE CLERK: What say you for the State?

10 MS. OLER: Please present Mr. Cheek.

11 THE CLERK: And defense?

12 MS. LURRY: Yes.

13 THE CLERK: Please take a seat in the jury box.

14 Juror No. 67.

15 (Whereupon, Juror No. 67, a white female, was
16 called forward.)

17 THE CLERK: What say you for the State?

18 MS. OLER: Please excuse the juror.

19 THE CLERK: Please return to your seat.

20 Juror No. 333.

21 (Whereupon, Juror No. 333, a white male, was
22 called forward.)

23 THE CLERK: What say you for the State?

24 MS. OLER: Please present Mr. Whitehead.

25 THE CLERK: And defense?

1 MS. LURRY: Yes.

2 THE CLERK: Juror No. 154.

3 (Whereupon, Juror No. 154, a white female, was
4 called forward.)

5 THE CLERK: What say you for the State?

6 MS. OLER: Please excuse the juror.

7 THE CLERK: Please return to your seat.

8 Juror No. 205. I'm sorry. 204.

9 THE COURT: 204.

10 (Whereupon, Juror No. 204, a white male, was
11 called forward.)

12 THE CLERK: What say you for the State?

13 MS. OLER: Please excuse Mr. McGuire.

14 THE CLERK: Please return to your seat.

15 Juror No. 198.

16 (Whereupon, Juror No. 198, a white male, was
17 called forward.)

18 THE CLERK: What say you for the State?

19 MR. NORTON: Nothing for cause.

20 THE CLERK: From defense?

21 MS. OLER: Your Honor, she is out of strikes.

22 THE COURT: If you're out of strikes, he comes
23 on the jury.

24 THE CLERK: Please take a seat in the jury box.

25 Now for our alternate, Juror No. 199.

1 (Whereupon, Juror No. 199, a white male, was
2 called forward.)

3 THE CLERK: What say you for the State?

4 MS. OLER: Present Mr. Marsh.

5 THE CLERK: And defense?

6 MS. LURRY: No.

7 THE CLERK: Please return to your seat.

8 Juror No. 173.

9 (Whereupon, Juror No. 173, an Asian female, was
10 called forward.)

11 THE CLERK: What say you for the State?

12 MS. OLER: Please present Ms. Kaku.

13 THE CLERK: And defense?

14 MS. LURRY: Yes.

15 THE CLERK: All right. Please take a seat in
16 the jury box.

17 THE COURT: All right. Can I see the lawyers
18 and Ms. Lurry, please.

19 MR. MAULDIN: Your Honor, we'll approach.

20 THE COURT: Okay.

21 (Proceedings held at the bench.)

22 THE COURT: All right. Let me hear from you.

23 MS. LURRY: His father's retired FBI and I just
24 feel like he can't be --

25 MR. MAULDIN: She said that his father is retired

1 FBI and she doesn't believe that he can be fair and
2 impartial.

3 THE COURT: Let me hear from.

4 MR. NORTON: He said he could be fair and
5 impartial. There's no legal -- that's not a legal
6 justification. If he's indicated he can be fair
7 and impartial, he has a right to serve on the jury.

8 THE COURT: I don't know. Would you like for
9 me to question him as to whether he can be fair and
10 impartial?

11 MS. LURRY: Sure.

12 THE COURT: Okay. I will. We'll do that.

13 (The following proceedings were held in open
14 court.)

15 THE COURT: All right. Let me ask Juror
16 No. 198 --

17 JUROR NO. 198: Yes, ma'am.

18 THE COURT: No, 198.

19 JUROR NO. 198: That's me.

20 THE COURT: Number 198?

21 JUROR NO. 198: Yes.

22 THE COURT: You-all have got the wrong number.

23 Where do you work?

24 JUROR NO. 198: I work at MUSC and PRISMA Health.

25 THE COURT: All right. And let me ask you, was

1 there a reference to law enforcement that you stood
2 up on?

3 JUROR NO. 198: My father's retired FBI.

4 THE COURT: Retired FBI.

5 So let me ask you -- I think I already asked
6 you, but I want to make sure that I did.

7 If selected on this jury, and the jury hasn't
8 been sworn yet, can you be fair and impartial to both
9 the State and the defense?

10 POTENTIAL JUROR: Yes, ma'am.

11 THE COURT: Okay. Thank you.

12 For the record, I'm keeping you.

13 Now let me tell this jury, I'm gonna take this
14 jury -- if you will take them back to the jury room,
15 I'm gonna pick another jury, and we'll be back and
16 get you in just a few minutes.

17 Would you make them comfortable until I can give
18 them further instructions because we're gonna start
19 today, okay?

20 I'll bring you back in in just a moment.

21 Thank you.

22 (Whereupon, the jury retires to the jury room
23 at 11:32 AM.)

24 (Back on the record at 12:37 PM.)

25 THE COURT: All right. I'm bringing the other

1 jury. Let me ask the lawyers before I bring them in,
2 would you-all like for me to give them a long lunch
3 and we'll start at two or --

4 MR. NORTON: That's fine, Judge. I don't have an
5 objection to starting at two.

6 THE COURT: Any objection, Ms. Lurry, if we start
7 the trial at 2:00?

8 MS. LURRY: No objection.

9 THE COURT: All right. You need to stand up.

10 MS. LURRY: No.

11 THE COURT: Okay.

12 All right. Then I'm gonna bring them in. I'm
13 gonna tell them to go to lunch and we'll start
14 promptly at two and we'll go on. That's what we'll
15 do.

16 Okay. Let's bring them in.

17 Anybody object if I read my general charge to
18 them and let them go at one?

19 MR. NORTON: No, Your Honor.

20 THE COURT: Any objection, Ms. Lurry, if I go
21 ahead and bring them in? And I'll read my general
22 charge to them and then let them to go to lunch.

23 MS. LURRY: Can I be excused to use the restroom?

24 THE COURT: Well, don't bring that jury in. Tell
25 them to stop and hold up.

1 (Pause in proceedings.)

2 (Whereupon, the jury returns to the courtroom
3 at 12:41 PM.)

4 THE COURT: All right. I apologize, but we got
5 our juries picked and we're gonna start this case.

6 Let me get the clerk to swear the jury in,
7 please.

8 THE CLERK: If you-all would please stand and
9 raise your right hand.

10 (Whereupon, the jury was sworn by the Clerk of
11 Court.)

12 THE CLERK: Thank you.

13 THE COURT: Mr. Jacobs?

14 JUROR NO. 167: Yes, ma'am.

15 THE COURT: Would you do me the honor of being
16 the foreman of this jury?

17 FOREPERSON: Yes, ma'am, I would.

18 THE COURT: Thank you.

19 All right. Then, Mr. Foreman and ladies and
20 gentlemen of the jury, let me kind of give you a
21 scheduling. I'm gonna give you what I call my opening
22 charge, I do it for every juror, then we're gonna
23 break for lunch and then come back and then we will
24 begin this case, okay, and continue on. So, again, I
25 think that it will be a short case.

1 All right. So before we begin the actual trial
2 of this case, I thought it might be helpful if I
3 explained to you basically how a trial proceeds.

4 First, the State will make an opening statement.
5 An opening statement is not evidence. It is simply an
6 outline to help you understand what that party expects
7 the evidence will show. The defendant may, if she
8 wishes, permit -- present an opening statement, but
9 she does not have to for reasons that I will explain.

10 Following the opening statements, you will hear
11 testimony and evidence in the case. This will consist
12 of testimony from the State's witnesses as well as
13 any physical exhibits which will be introduced into
14 evidence. And following the completion of the
15 testimony, the attorneys will, again, have the
16 opportunity to make what is called a closing statement
17 or a summarization of the case from their respective
18 points of view. Again, these arguments are not
19 evidence.

20 Following the closing statements by the
21 attorneys, I will instruct you on the law as it
22 pertains to the issues that have arisen during this
23 trial. When I have completed my instructions to you,
24 you will then be permitted to begin your deliberations
25 in order to reach a verdict.

1 I want to take a few minutes to tell you
2 something about your duty as jurors and to give you
3 some instructions. At the end of the trial, I will
4 give you more detailed instructions and those
5 instructions will control your deliberations.

6 It will be your duty to decide from the evidence
7 what the facts are and you alone are the judges of the
8 facts. You will hear the evidence, decide what the
9 facts are and then apply those facts to the law which
10 I will give to you. That is how you will reach your
11 verdict. In doing so, you must follow the law whether
12 you agree with it or not.

13 The evidence will consist of the testimony of
14 witnesses, documents and other things received into
15 evidence as exhibits, and any facts on which the
16 lawyers agree or which I may instruct you to accept.
17 You should not take anything I may say or do during
18 the trial as indicating what I think of the evidence
19 or what your verdict should be.

20 This is a criminal case brought by the State of
21 South Carolina. The State charges the defendant with
22 unlawful conduct towards a child. The charge against
23 the defendant is contained in the indictment. The
24 indictment is not evidence of anything. It is simply
25 the description of the charge made by the State

1 against the defendant.

2 The defendant has pled not guilty to the charge
3 and is presumed innocent unless and until proven
4 guilty beyond a reasonable doubt. Proven beyond a
5 reasonable doubt is proof that leaves you firmly
6 convinced of the defendant's guilt. A defendant has
7 the right not to testify and never has to prove her
8 innocence or present any evidence. The burden of
9 proof is always upon the State of South Carolina.

10 The following things are not evidence and you
11 should not consider them as evidence in deciding the
12 facts of this case. Statements and arguments of the
13 attorneys; not evidence. Questions and objections
14 made by the attorneys; not evidence. And testimony
15 that instruct you to disregard.

16 Evidence may be direct or circumstantial. Direct
17 evidence is testimony by a witness about what that
18 witness personally saw, heard or did. Circumstantial
19 evidence is indirect evidence; that is, proof of one
20 or more facts from which one can find another fact.
21 You are to consider both direct and circumstantial
22 evidence. The law permits you to give equal weight to
23 both, but it is for you to decide how much weight to
24 give any evidence.

25 There are rules of evidence which control what

1 can be received into evidence. When a lawyer asks a
2 question or offers an exhibit into evidence and a
3 lawyer on the other side thinks that it's not
4 permitted by the rules, that lawyer may object. If I
5 overrule the objection, the question may be answered
6 or the exhibit may be received. If I sustain the
7 objection, the question cannot be answered and the
8 exhibit cannot be received. Whenever I sustain an
9 objection to a question or deny a motion to admit an
10 exhibit into evidence, you must ignore the question or
11 the existence of the exhibit and you must not guess
12 what the answer would have been or what the exhibit
13 would have shown.

14 Sometimes it may be necessary for me to ask that
15 you leave the courtroom while I discuss with the
16 attorneys legal questions that come up during the
17 trial. If this occurs, you should not speculate about
18 our discussions or the reason that you were asked to
19 leave the courtroom. This is simply a procedure that
20 the law requires when certain legal issues arise.

21 There also may be occasions where I ask the
22 attorneys to approach the bench so I can discuss a
23 legal issue with them in private. I will do this as
24 often as possible so you will not be required to leave
25 the courtroom.

1 Again, if I ask the attorneys to step up to the
2 bench or if I ask you leave the courtroom, please
3 don't think that anybody is trying to hide anything
4 from you or keep any evidence from you. This is
5 simply a procedure used by all lawyers and by all
6 courts to determine and decide legal questions.

7 In deciding the facts of this case, you may have
8 to decide which witness to believe and which witnesses
9 not to believe. You may believe everything a witness
10 says, only part of it or none of it.

11 In deciding what to believe, you may consider a
12 number were factors, including the following. The
13 witness's ability to see, hear or know the things
14 testified to, the quality of the witness's memory, the
15 witness's manner when testifying, whether the witness
16 has an interest in the outcome of the case or any
17 motive, bias or prejudice, whether the witness was
18 contradicted by anything the witness said or wrote
19 before the trial or by other evidence, how reasonable
20 was the witness's testimony when considered in the
21 light of other evidence which you believe.

22 Until I advise you to begin your deliberations,
23 you must not discuss this case with anyone, including
24 your fellow jurors, friends, family members or anyone
25 involved in this case. This includes discussions face

1 to face, those by telephone, e-mail, text, blogs,
2 Twitter, Facebook, Linked-in, Google or any other
3 method of communication.

4 You may not use a computer, a cell phone or other
5 electronic device with communication capabilities at
6 any time while in this courtroom or during your
7 deliberations. You may use these devices during your
8 breaks; however, you may not at any time use these
9 devices to get or send information about this case.
10 This includes information about a party, a witness, an
11 attorney, a court officer, news accounts about the
12 case, research on any topics raised or any topics you
13 think would be helpful in deciding the case, or any
14 testimony presented by any witness.

15 During the trial do not read, listen to or watch
16 any news reports about this case. This includes
17 anything that may be in the newspapers or on the
18 internet, radio or television. You must not consider
19 anything you may have read or heard about the case
20 outside of this courtroom whether before or during the
21 trial. After the case is submitted to you, you must
22 discuss it only in the jury room with your fellow
23 jurors.

24 The attorneys and the parties in this case have
25 been instructed not to talk to you at all. So if you

1 see them in the elevator and they turn around and run,
2 that's exactly what they're supposed to do. They're
3 not allowed to talk to you. That is by my order.
4 They're not rude, they're not being unfriendly. It is
5 my order.

6 It is important that you keep an open mind and
7 not decide any issue in this case until all of the
8 evidence has been presented, the parties have made
9 their closing arguments and I have instructed you on
10 the law in this case.

11 It is your sole responsibility to determine the
12 guilt or innocence of the defendant and your verdict
13 must be based solely on the evidence as it is
14 presented to you in this trial and on the law as I
15 instruct during and at the close of the trial.

16 Mr. Foreman, it's gonna be your added duty to
17 preside in the jury room and be the spokesperson here
18 in court. It will also be your duty to write the
19 verdict, but I will instruct you on that later.

20 In order to preserve everyone's rights, I will
21 give the parties an opportunity to object to anything
22 I have said.

23 Any exceptions by the State?

24 MS. OLER: Nothing from the State, Your Honor.

25 THE COURT: Any by the defendant?

1 MS. LURRY: No objections.

2 THE COURT: Thank you.

3 All right. I'm gonna let you break for lunch.
4 I want you back in the courtroom and we'll start this
5 trial at 2:00. Remember, no talking about this case
6 at all. You're gonna hear that from me a hundred
7 times. Do not talk about this case.

8 Enjoy your lunch. Be back in the jury room. We
9 will start promptly at two. If one's late, we are all
10 late, okay?

11 Thank you.

12 (Whereupon, the jury was excused for lunch at
13 12:56 PM.)

14 THE COURT: All right. We're gonna be in recess
15 until two unless there's anything from the State.

16 MS. OLER: Nothing from the State.

17 THE COURT: Anything from the defense?

18 MS. LURRY: No.

19 THE COURT: Okay.

20 All right. We'll start promptly at 2:00.

21 (Whereupon, a luncheon recess was taken at
22 12:56 PM.)

23 (Back on the record at 2:02 PM.)

24 (State's Exhibit No. 1 through 10 were marked
25 for identification.)

1 THE COURT: All right. Is the State ready?

2 MR. NORTON: Your Honor, the State is ready.

3 THE COURT: And, Ms. Lurry, are you ready?

4 MS. LURRY: Yes.

5 All right. We're gonna do opening arguments.

6 Have we got all the jurors?

7 BAILIFF: Yes, ma'am.

8 (Whereupon, the jury returns to the courtroom at
9 2:04 PM.)

10 THE COURT: All right. Mr. Foreman, is the jury
11 ready?

12 FOREPERSON: Yes, ma'am.

13 THE COURT: All right. Please be seated.

14 We'll now begin with opening statements.

15 I call on the State.

16 MR. NORTON: Thank you, Your Honor. May it
17 please the Court?

18 THE COURT: Yes, sir, Mr. Norton.

19 MR. NORTON: Good afternoon. So you've already
20 heard that the defendant, Charlecia Lurry, is charged
21 with unlawful conduct towards a child. This trial is
22 going to be about why. You're gonna hear that on
23 September 3rd of 2020 Lexington County Communications
24 received a 9-1-1 call from the defendant, Charlecia
25 Lurry. We expect you'll hear that 9-1-1 call and

1 you'll hear how she told the 9-1-1 operator that she
2 was to go about -- she was about to go beat someone's
3 ass. You're gonna learn the person she was referring
4 to was her 16-year-old daughter D.D. .

5 We expect you'll hear about exactly what happened
6 and about how law enforcement, who arrived on-scene,
7 found her doing just that. Choking, beating,
8 assaulting her 16-year-old daughter on a sidewalk. We
9 expect you'll not only hear about that, but see it for
10 yourselves.

11 She's charged with unlawful conduct towards a
12 child. Let's talk a little bit about what that means.
13 The judge is going to instruct you on what the law is
14 and only Her Honor can tell you what the law is, but
15 for right now unlawful conduct towards a child, any
16 act that places a child at an unreasonable risk of
17 harm effecting a physical or mental health or safety.
18 Or doing any act or causing an act to be done
19 unlawfully or maliciously that causes bodily harm to
20 the child such that the life or health of the child is
21 in danger or likely to be in danger. Or willfully
22 abandoning your children. Any of those is unlawful
23 conduct towards a child.

24 Now in this case she's specifically charged with
25 an assault that you'll hear about at 2 AM on

1 September 3, 2020. You're gonna hear from multiple
2 witnesses in this trial. We expect you'll hear from
3 the 9-1-1 custodian, from Deputy Thrun with the
4 Lexington County Sheriff's Department, who responded
5 to the scene, from witnesses from DSS, and emergency
6 medical technicians who responded to that scene that
7 night about what they saw and what they observed and
8 what they documented.

9 Now we don't expect in this trial you're going
10 to hear from D.D. , but let's be clear, your job as
11 a jury is to weigh the evidence presented to you and
12 what that evidence proves. A victim of a crime is not
13 required to testify for a defendant to be convicted.
14 The question before you is what does the evidence
15 before you prove. You're gonna hear what happened and
16 see what happened for yourselves.

17 You're gonna hear about the injuries D.D.
18 suffered, scratches and scrapes, injuries to her
19 neck, hair ripped from her head. You're gonna hear
20 and see it for yourselves. You're gonna hear from
21 DSS personnel and what the defendant said to them
22 after this happened.

23 The evidence you'll hear and see in this trial
24 will leave you firmly convinced that Charlecia Lurry
25 is guilty of unlawful conduct towards a child. That

1 is the question. That is proof beyond a reasonable
2 doubt. Are you firmly convinced the evidence proves
3 the defendant is guilty?

4 At the end of this trial, Ms. Oler is gonna
5 get up and talk to you again. She'll go over the
6 evidence, go over the law, and when you return to
7 that jury room to deliberate your verdict you will
8 have all of the evidence you need to find the
9 defendant, Charlecia Lurry, is guilty of unlawful
10 conduct towards a child.

11 Thank you.

12 THE COURT: Thank you, Mr. Norton.

13 Ms. Lurry, I'll be happy to hear from you if
14 you'd like to give an opening.

15 MS. LURRY: Okay.

16 First of all, I want to start by saying I placed
17 bail on this case of \$5,000 and I received a bench
18 warrant, incarcerated -- I've been incarcerated since
19 last year in November unlawfully --

20 MS. OLER: Objection, Your Honor.

21 THE COURT: Okay. When there's an objection, you
22 need to stop.

23 You-all approach the bench, please.

24 (Proceedings held at the bench; not reported.)

25 THE COURT: All right.

Angela Gunter - Direct by Ms. Oler

1 calls for Lexington County. We dispatch for EMS, fire,
2 police, the coroner's office, public works. Pretty much
3 most of Lexington County except for Cayce police and
4 Batesburg police.

5 Q. How does the Lexington County Communications keep a
6 record for the calls received?

7 A. We record -- all of our calls are recorded when they
8 come in and they are recorded through the CAD computer
9 system and our phone call request.

10 Q. Are they audio recorded?

11 A. Yes, ma'am. All calls and by CAD.

12 Q. When a 9-1-1 call comes in, who answers the call at
13 Lexington County 9-1-1?

14 A. We have our dispatchers and our call-takers both could
15 possibly answer.

16 Q. Do dispatchers have a way of documenting the time and
17 information that comes in for each call?

18 A. Yes. Whenever the call comes in, we generate a call
19 for service within our CAD and it automatically has your
20 time and your date of when the call is started, yes.

21 Q. Does that include information that comes in from law
22 enforcement who responds to the scene?

23 A. Yes, ma'am.

24 Q. In this particular case, can you tell us if a 9-1-1
25 call was received by Lexington County Communications?

1 A. Yes, ma'am, it was.

2 Q. What is the time and date associated with the phone
3 call received for this case?

4 A. 9-3 of 2020 at 2:05.

5 Q. And who was the caller listed as?

6 A. Charlecia Lurry.

7 Q. Generally, what was the nature of the call received?

8 A. As far as what was it was entered in by was a larceny.

9 Q. Okay. Did the caller state what their purpose in
10 calling was?

11 A. Hold on one second for me.

12 Q. Yes, ma'am.

13 A. Yes, she did.

14 Q. Okay. And what was the caller's purpose?

15 A. Basically that the daughter of the caller had
16 ransacked the room, stole some property and she was going
17 to -- I don't know how -- do you want me to say it?

18 Q. You can just say it as received?

19 A. Okay. So the caller's statements is what I'm gonna
20 read, and it is, daughter ransacked my room, stole my birth
21 certificate and my money -- my money orders and I'm going
22 to F up the bitch.

23 Q. And what was the street address to which law
24 enforcement actually responded to?

25 A. [REDACTED] Bush River Road.

1 Q. Is that address in Lexington County?

2 A. Yes, ma'am.

3 Q. Can you tell us what area of Lexington County that
4 address is?

5 A. It's gonna be your north region Irmo area.

6 Q. Was an audio recording of this call captured?

7 A. Yes, ma'am.

8 Q. Was it preserved as part of the record for that call?

9 A. It was, yes.

10 Q. Are those audio recordings normally maintained in the
11 normal course of business for Lexington County
12 Communications Center?

13 A. Yes, ma'am.

14 Q. And as the director or deputy director --

15 A. Yes, ma'am.

16 Q. -- are these recordings maintained and kept under your
17 control?

18 A. They are, yes.

19 Q. Okay. I'm gonna show you -- one second please.

20 MS. OLER: I beg the Court's indulgence.

21 THE COURT: Take your time.

22 BY MS. OLER:

23 Q. I'm going to show you what's previously marked as
24 State's Exhibit 10.

25 MS. OLER: Your Honor, may I approach the

1 witness?

2 THE COURT: You may.

3 BY MS. OLER:

4 Q. Ms. Gunter, can you tell us, do you recognize this?

5 A. Yes, ma'am, I do.

6 Q. And what is this?

7 A. That is the recording of the call for service.

8 Q. And how do you know that's what it is?

9 A. When I listened to it, I initialled and dated it.

10 Q. So have you had an opportunity to listen to it before
11 today?

12 A. Yes.

13 Q. And is it a fair and accurate depiction of the
14 call received by Lexington County Communications on
15 September 3rd of 2020?

16 A. Yes, ma'am.

17 MS. OLER: Your Honor, I move to enter State's 10
18 into evidence.

19 THE COURT: Any objection, Ms. Lurry?

20 MS. LURRY: No.

21 THE COURT: Without objection it's entered.

22 (State's Exhibit No. 10, a 9-1-1 call, was
23 admitted into evidence.)

24 MS. OLER: Permission to publish, Your Honor?

25 THE COURT: Yes, ma'am. Go ahead.

1 (State's Exhibit No. 10 playing.)

2 BY MS. OLER:

3 Q. Ms. Gunter, was that a fair and accurate depiction of
4 the 9-1-1 call received on September 3rd of 2020?

5 A. Yes, ma'am.

6 Q. What is the purpose of the 9-1-1 system?

7 A. Well, for one, we need to figure out who we need to
8 send help to or where and for what, the resources that
9 they might need, police, fire, EMS, and we send them to
10 the right place.

11 Q. Is it normally used to report crimes which the caller
12 is about to commit?

13 A. Not typically.

14 Q. In this case, what did the caller state they were
15 going to do?

16 A. She was saying that she was going to F up a bitch.

17 MS. OLER: Thank you, Ms. Gunter. Please answer
18 any questions the defense may have.

19 THE WITNESS: Thank you.

20 THE COURT: Ms. Lurry, would you like to ask the
21 witness any questions? You can cross-examine her.

22 MS. LURRY: This is five ago. She's 21.

23 THE COURT: Would you like to cross-examine this
24 witness on the stand?

25 MS. LURRY: Yes.

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CROSS-EXAMINATION

BY MS. LURRY:

Q. According to your 9-1-1 call, I called --

THE COURT: You need to stand up and -- and --

BY MS. LURRY:

Q. I called the day before the officer came out to locate the 13-year-old by herself to give her the phone to talk to me and she said mom, I want to stay here until you get here because D.D. had jumped on her, forced her to eat her pocketbook and left her crying.

MS. OLER: Your Honor, objection.

THE COURT: And what's the objection?

MS. OLER: All of that would be hearsay.

MS. LURRY: So, therefore, they're not here, I don't want to be here.

THE COURT: All right. I think the question was -- Ms. Lurry, I want to make sure I understand your question to the witness before I rule. You wanted to know if she heard the conversation?

MS. LURRY: The 13-year-old?

THE COURT: Is that what you were asking her?

MS. LURRY: No, I just wanted to know did the officer that located her the night before I came and located her at [REDACTED] Fair Forest, not the -- not the Bush River address.

1 THE COURT: Well, this is just the 9-1-1
2 operator. Do you got any questions for her?

3 MS. LURRY: Well, they don't even -- they don't
4 even have the first initial 9-1-1 call because that's
5 not the first initial 9-1-1 call.

6 THE WITNESS: I have it for Lexington County, not
7 Richland County.

8 THE COURT: Would you like to cross-examine and
9 ask her about that?

10 MS. LURRY: Yeah, that's what I was just asking.

11 THE COURT: Well, you need to stand up and for
12 the record ask her your question, please.

13 BY MS. LURRY:

14 Q. I'm gonna -- I've got to ask you again about the
15 9-1-1 call, the first initial call, to locate that
16 13-year-old, being that the sibling of mine that brought
17 her back -- the 16-year-old back to the apartment to take
18 things out of the apartment when I told her no and she was
19 not to enter back into the apartment because she choose to
20 leave her until I got there, which in reality she the one
21 told me that she wanted to stay. She didn't want to go
22 house-hunting --

23 THE COURT: Well --

24 Q. -- so I didn't want to argue or fight with her.

25 THE COURT: -- Ms. Lurry -- Ms. Lurry, it's like

1 you're testifying. You need to ask her a question
2 that she can answer you.

3 Q. So I need to know is that the 9-1-1 -- that's the
4 only 9-1-1 call you got?

5 A. For Lexington County, correct. Yes.

6 Q. I called you from Richland though.

7 A. Did you speak to Richland County dispatch, not
8 Lexington?

9 Q. I don't know. When she asked me what county am I in,
10 I said I don't know what county.

11 A. Okay.

12 Q. I called you from actually Richland County. I did
13 not call you from Lexington. I did not pick up a phone
14 at --

15 A. What was the address that was in reference to, the
16 first --

17 Q. The address? My address at that time was [REDACTED] Fair
18 Forrest.

19 A. That's Richland County.

20 Q. Yeah.

21 A. You probably spoke to Richland County. I'm with
22 Lexington. I don't have any other calls.

23 Q. Each call that's -- I guess that's what it was. It
24 was a -- it wasn't even Lexington County. Irmo is where
25 she lived, the --

Angela Gunter - Redirect by Ms. Oler

1 THE COURT: She's -- she's answered your question
2 now. She's told you she only has the Lexington, not
3 the Richland, okay?

4 MS. LURRY: Well, then that's cross-examining.

5 BY MS. LURRY:

6 Q. Because I made two attempts on calling 9-1-1 each
7 time so you only have partial information?

8 A. I only have Lexington County's information. I don't
9 work for Richland. I don't have any of their --

10 Q. But I never called Lexington County police department.

11 A. The address that you were speaking to, it went to
12 Lexington County because we answered it.

13 Q. The address that I was speaking to when she asked
14 you -- you heard what she said, she said how long would it
15 take me to get to --

16 A. Yes, ma'am.

17 Q. -- Lexington County and I said five minutes. I was
18 in Richland.

19 A. Your phone went to us in Lexington because that's how
20 we answered it.

21 MS. LURRY: I object.

22 THE COURT: Okay. Any redirect?

23 MS. OLER: Briefly, Your Honor.

24 REDIRECT EXAMINATION

25 BY MS. OLER:

1 Q. Ms. Gunter, in the call that we just heard, which was
2 -- I understood you to say the only call that Lexington
3 County took for this case, correct?

4 A. That I'm -- yes, ma'am.

5 Q. Okay. Where did the caller state that she -- she
6 called -- so your testimony was that the purpose of 9-1-1
7 is to figure out what the emergency is and to get the
8 right emergency response unit there; is that fair?

9 A. To the correct location, yes, ma'am.

10 Q. Okay. And what location did the caller of this call
11 say the emergency was going to be at?

12 A. The Bush River Road call. The [REDACTED] Bush River Road.

13 Q. And that address is in Lexington County?

14 A. Correct.

15 Q. And did the caller in the call say anything to you
16 about their location or where they had been?

17 A. Their was some confusion at the beginning with the
18 Fair Forrest and that was a Richland County call, which
19 we don't work with any of that, we only handle Lexington
20 County, and that was the confusion of why she was
21 transferred over during the call was to Richland County
22 until we made sure it was Lexington at Bush River.

23 Q. Okay. And during this call that we just heard, did
24 the caller say anything to you about they had been out
25 of state?

Jeffrey Thrun - Direct by Ms. Oler

1 A. Something about a house and looking for a house out
2 of state, yes, ma'am.

3 MS. OLER: Thank you, Ms. Gunter.

4 THE WITNESS: You're welcome.

5 THE COURT: Ms. Lurry, anything else of this
6 witness before I excuse her?

7 MS. LURRY: No.

8 THE COURT: You can be excused. Thank you for
9 coming.

10 (Witness excused.)

11 THE COURT: The State can call their next
12 witness.

13 MS. OLER: The State will call Jeffrey Thrun.

14 (Whereupon, Jeffrey Thrun was duly sworn by the
15 Clerk of Court.)

16 THE CLERK: Thank you. Please take a seat on the
17 witness stand. State your full name and spell your
18 last for the record.

19 THE WITNESS: My name is Jeffrey Thrun.

20 J-E-F-F-R-E-Y. T-H-R-U-N.

21 JEFFREY THRUN,

22 having been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MS. OLER:

25 Q. Good afternoon, Mr. Thrun. Can you introduce yourself

1 and tell us where you currently work?

2 A. Sure. My name is Jeff. I work for Palmetto Propane
3 now. I provide propane. I got out of law enforcement.

4 Q. And how long have you been doing that?

5 A. I've been doing that now for about six months.

6 Q. Okay. And in thinking back to September 3rd of 2020,
7 where were you working at that time?

8 A. I was a deputy with the Lexington County Sheriff's
9 Department.

10 Q. In September of 2020, what was your title?

11 A. Deputy.

12 Q. On September 3, 2020, did you have occasion to respond
13 to [REDACTED] Bush River Road?

14 A. Yes, I did.

15 Q. Is that address in Lexington County?

16 A. It is.

17 Q. Under what circumstances did you respond to [REDACTED] Bush
18 River?

19 A. It came in as a larceny.

20 Q. And was that your response -- was your response there
21 based on any 9-1-1 call that had been received?

22 A. Yes, it's either a 9-1-1 call or it could be they
23 called the seven digit number.

24 Q. Okay. And what, if anything, can you tell us that
25 you observed when you responded to that address?

1 A. I pulled up in my Tahoe, I was writing down some
2 information off the computer because it was a larceny --
3 well, it originally came in as, so I was taking notes in
4 my notepad. And I stepped out of my Tahoe. As I began
5 to walk up to the apartment, a younger and older black
6 female, they came pouring out of the door at which time
7 the older black female, who's the defendant, got on top
8 of her child and started striking her in the chest and
9 began to strangle her.

10 Q. Okay. And was that encounter captured on your
11 department-issued body-worn camera?

12 A. It was.

13 THE COURT REPORTER: I'm sorry, did someone say
14 something?

15 MS. LURRY: That's a different timing.

16 THE COURT: Okay. You can't talk and -- I'm
17 gonna give you a chance to cross-examine as soon as
18 the State finishes asking her questions, okay?

19 MS. LURRY: Okay.

20 THE COURT: Go ahead. I'm sorry, Ms. Oler.

21 BY MS. OLER:

22 Q. I'm gonna show you what's previously been marked as
23 State's Exhibit 1.

24 A. Okay.

25 Q. Do you recognize this?

1 A. Yes, that is a copy of my body-worn camera.

2 Q. And how do you know that's what this is?

3 A. I signed it and dated it.

4 Q. So have you had an opportunity to review this before
5 today?

6 A. I did.

7 Q. And is it a fair and accurate depiction of your
8 body-worn camera that captured the encounter we're here
9 today for on September 3rd of 2020?

10 A. Yes, it is.

11 MS. OLER: Your Honor, I move to enter State's
12 Exhibit 1 into evidence.

13 THE COURT: Any objection?

14 Did you show it to her? Does she know what it
15 is?

16 MS. LURRY: Is this the person that arrested me?

17 THE COURT: Ma'am?

18 MS. LURRY: (Unintelligible.)

19 THE COURT: Do you have an objection to it? She
20 wants to introduce it into evidence.

21 MS. LURRY: Is that the same officer that
22 arrested me? Upon -- upon the situation, it was one
23 officer that -- only one officer that pulled up and
24 that's not him.

25 THE COURT: All right. Why don't you-all come to

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1 the bench and let me talk to both of you, please.

2 (Proceedings held at the bench; not reported.)

3 THE COURT: Let me ask the jury to go to their
4 jury room just for a moment, please.

5 Thank you.

6 (Whereupon, the jury retires to the jury room at
7 2:41 PM.)

8 THE COURT: All right. Ms. Lurry, let me explain
9 this to you. Your Faretta warnings were read to you I
10 believe by another judge. It was not me. You chose
11 to represent yourself, and that is fine, but please do
12 not make a mistake of thinking that you're gonna run
13 this courtroom or you're gonna start using curse words
14 in front of me because that is not happening.

15 Do you understand me?

16 MS. LURRY: I do.

17 THE COURT: And if you can't behave, I will
18 remove you from this courtroom.

19 MS. LURRY: Okay.

20 THE COURT: Now we are working -- there's nobody
21 upset here, there's nobody mad, but you're not gonna
22 sit there and say what you just said.

23 Now you are held to all the rules of court just
24 like any other lawyer and that judge told you that at
25 Faretta. You have not one, but two standby counsel,

1 who's probably practiced law more than you are old.
2 If you would like them to help, they are here to help
3 you. You can cross-examine these witnesses when it's
4 your turn. You do not yell out in the middle of the
5 State's direct examination.

6 Do you understand?

7 MS. LURRY: I do.

8 THE COURT: You're -- I will give you fair
9 opportunity to ask this officer any questions you
10 want, but we are not using curse words in this
11 courtroom. We're not mumbling under our breath at
12 the defense table. That is not how we conduct
13 ourselves and I'm not gonna allow you to disrupt
14 this courtroom.

15 Do you understand?

16 MS. LURRY: I understand.

17 THE COURT: All right. So we're trying to get
18 through this.

19 Now the question is, she wants to have this CD,
20 it's a body cam, she wants to put it into evidence.
21 I want to know if you have an objection to it, and if
22 you do, I want to know what your objection is. This
23 is a legal matter. This isn't I don't think it's
24 fair, I don't know this cop. This is a legal matter,
25 okay?

1 MS. LURRY: (Nods head.)

2 THE COURT: So if you've got an objection to it,
3 I'll be more than happy to hear from you.

4 MS. LURRY: Well, I don't believe that this is
5 the officer. I don't believe that.

6 THE COURT: Well, she's gonna lay a foundation
7 and that's what the law requires her to do, to lay a
8 foundation that he made this videotape, okay?

9 MS. LURRY: Okay.

10 THE COURT: And then I would just assume she's
11 gonna play it, then if you have any questions either
12 to him or about this video, you're more than happy to
13 question him, okay? We'd love for you to do that.

14 MS. LURRY: Okay.

15 THE COURT: That's how it works.

16 All right. Let's bring the jury back in.

17 (Whereupon, the jury return to the courtroom at
18 2:47 PM.)

19 THE COURT: All right. Mr. Foreman, the jury
20 ready?

21 FOREPERSON: Yes, ma'am.

22 THE COURT: All right. Please be seated.

23 Continue on, Ms. Oler, please.

24 MS. OLER: Thank you, Your Honor.

25 BY MS. OLER:

1 Q. Deputy Thrun, you testified that -- in September of
2 2020, can you tell us again what your title was?

3 A. Yes, I was a road deputy.

4 Q. And who were you a road deputy with in September 3rd
5 of 2020?

6 A. Lexington County Sheriff's Department.

7 Q. And on September 3rd of 2020 did you have occasion
8 to respond to [REDACTED] Bush River Road?

9 A. Yes.

10 Q. And was that in response to a call received by
11 Lexington County Communications?

12 A. It was.

13 Q. And initially were you the only responding unit to
14 that call at [REDACTED] Bush River Road?

15 A. Yes, because it came in as a larceny.

16 Q. Okay. And I showed you before we broke this CD, you
17 recognized it as -- let's just go through it again. What
18 is this?

19 A. That's my body-worn camera footage.

20 Q. And how do you know that's what it is?

21 A. I watched the video and then I signed and dated it.

22 Q. And you just testified that you were the only unit
23 that initially responded to [REDACTED] Bush River?

24 A. That's correct.

25 Q. On September 3rd of 2020?

1 A. Yes.

2 Q. And this is a copy of your body cam from that
3 incident, correct?

4 A. It is.

5 MS. OLER: Your Honor, I move to enter this into
6 evidence.

7 THE COURT: Any objection, Ms. Lurry?

8 (Discussion with standby counsel.)

9 THE COURT: Any objection?

10 MS. LURRY: No.

11 THE COURT: No? Was that a no?

12 MS. LURRY: (Nods head.)

13 THE COURT: All right. It's admitted.

14 (State's Exhibit No. 1, Thrun Body-worn Camera
15 footage, was admitted into evidence.)

16 MS. OLER: Permission to publish, Your Honor?

17 THE COURT: Yes, please.

18 (State's Exhibit No. 1 playing.)

19 BY MS. OLER:

20 Q. Deputy Thrun, I'm gonna stop right here. Can you
21 tell us a little bit about what's happening as you're
22 walking up on this scene?

23 A. Yeah, they were -- they came crashing out the door.

24 I seen her grab her by the hair, she threw her to the
25 ground, immediately climbed on top of her and started

1 striking her in the chest and then she began to strangle
2 her with both of her hands.

3 Q. Okay. And can you tell us what we're looking at in
4 this?

5 A. That's the large section of hair that she yanked out
6 of her head.

7 Q. And just to be clear, when you say that she yanked
8 out of her head, who are you referring to?

9 A. The defendant.

10 (State's Exhibit No. 1 playing.)

11 Q. All right. Officer Thrun, let's back up a little
12 bit. So when you arrive on-scene, tell us again what you
13 observed as you walked up.

14 A. They came crashing out of the apartment door. She
15 yanked out -- she had her by the hair, threw her to the
16 ground. She got on top of her, started punching her, and
17 then began to strangle her.

18 Q. Okay. And what, if anything, did you observe about
19 the victim?

20 A. She had multiple abrasions to her hands and knees,
21 she had red marks all over her neck, and she had a small
22 cut from a fingernail across the middle of her airway.

23 Q. And when you began to give your instruction, was the
24 offender initially compliant with your instruction?

25 A. No.

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1 Q. Did you have to deploy one of your weapons?

2 A. We call it a show force. Yes, I had to deploy my
3 TASER.

4 Q. Okay. Did you have to actually use the TASER?

5 A. No.

6 Q. Was Ms. Lurry under arrest at that time?

7 A. No, she was just being detained.

8 Q. Okay. Is it standard procedure for you to detain
9 someone if there's an active assault in progress?

10 A. Yes.

11 Q. Is that what you did in this case?

12 A. Yes, I figured her to be the primary aggressor.

13 Q. Approximately what time did you respond to this call
14 on September 3rd of 2020?

15 A. I responded at 2:05.

16 Q. How long had you been working on your shift on
17 September 3rd by that time?

18 A. We start at 5:45 in the evening and we go to 5:45 in
19 the AM. I was working for a while.

20 Q. Had you responded to any calls prior to this?

21 A. Yes.

22 Q. Mr. Thrun, were you intoxicated at the time of this
23 encounter?

24 A. No, I was not.

25 Q. In your experience as a law enforcement officer, is

1 it common for people being arrested to make those kinds
2 of allegations?

3 A. It is.

4 Q. Once you had detained Ms. Lurry in your patrol
5 vehicle, what, if anything, did you do next?

6 A. I went back and conducted my investigation.

7 Q. Were you able to determine the identity of the victim
8 in this case?

9 A. I did.

10 Q. And who was that?

11 A. D.D. D.D. .

12 Q. Were you able to determine how old D.D. was
13 at the time?

14 A. Yeah, she was 16.

15 Q. Did you observe any injuries to Ms. Davis?

16 A. Yes. She had abrasions to her hands, abrasions to
17 her knees and she had the cut and red marks across her
18 neck.

19 Q. I'm gonna show you what has previously been marked
20 as State's Exhibit 3, 4, 5, 6, 7, 11 and 12.

21 A. Okay.

22 MS. OLER: May I approach the witness, Your
23 Honor?

24 THE COURT: You may.

25 BY MS. OLER:

1 Q. Officer Thrun, can you identify these?

2 A. I sure can. This is the victim. I took photographs
3 while I was doing my investigation. It was kind of --
4 it was dark out, so you can't really see the red marks,
5 but you can see the cut on her neck from a fingernail,
6 and then she's got the abrasion to her knee. And you
7 can see where her hair was pulled out. And you can see
8 a little bit of the cut in this one and the abrasions on
9 her hands. And this is just an overall photo of her.
10 And then this is a still frame from my body cam as I was
11 walking up. On the ground is the victim, on top of her
12 is the defendant and then the aunt is standing next to
13 her trying to break them up. And then this is also a
14 still shot of the large section of hair that was found
15 laying on the ground.

16 Q. And you took these photos?

17 A. I did.

18 Q. Are they a fair and accurate depiction of the victim
19 and the scene on September 3rd of 2020?

20 A. They are.

21 MS. OLER: Your Honor, I move to enter State's 3,
22 4, 5, 6, 7, 11, and 12 into evidence.

23 THE COURT: Any objection, Ms. Lurry.

24 MS. LURRY: He didn't take any pictures of me.

25 THE COURT: Okay. I'm gonna allow them in.

1 (State's Exhibit No. 3, 4, 5, 6, 7, 11 and 12,
2 photographs, were admitted into evidence.)

3 THE COURT: Go ahead.

4 MS. OLER: Permission to publish, Your Honor.

5 THE COURT: You may.

6 BY MS. OLER:

7 Q. Mr. Mr. Thrun, we're gonna start with State's 3.

8 A. Yes.

9 Q. Can you tell us what we're seeing in this photo,
10 please?

11 A. That's the victim and you can see the nail cut right
12 in the middle of her neck.

13 Q. You're referring to this?

14 A. Yes.

15 Q. Thank you. And State's 4, can you tell us what we're
16 looking at here?

17 A. That's her knee with the abrasions on it from hitting
18 the concrete.

19 Q. And State's 5?

20 A. That's a side view of her neck. It doesn't really
21 pick up the swelling, but her neck was swollen and she
22 had the cut.

23 Q. Okay. And what, if anything, are we seeing as far
24 as her head goes in this one?

25 A. And that's showing that's where her hair was ripped

1 out.

2 Q. And State's 6?

3 A. That's her hand from being thrown on the ground.
4 Abrasions.

5 Q. Deputy Thrun, what are we seeing in State's 7?

6 A. That's just an overall photograph of the victim.

7 Q. And State's 11, what are we looking at?

8 A. That is a still picture from my body cam with the
9 victim being on the ground, the defendant being on top
10 of her strangling her and the aunt --

11 MS. LURRY: I was standing up.

12 A. -- was trying to separate them.

13 Q. And in State's 12, what are we looking at?

14 A. That's a still photo from my body cam and a large
15 section of hair that was on the sidewalk.

16 MS. OLER: I beg the Court's indulgence.

17 THE COURT: Take your time.

18 BY MS. OLER:

19 Q. Deputy Thrun, ultimately did you end up making an
20 arrest in this case?

21 A. I did.

22 Q. And who did you arrest?

23 A. I arrested the defendant.

24 Q. And when you arrested her, what, if anything, did
25 you do next?

1 A. I attempted to take photographs of -- because I
2 take photographs of both, but if they refuse I don't take
3 photographs because that would be an illegal search and
4 seizure, and then she began to complain of leg pain at
5 which time I transported her to LMC to be evaluated by a
6 doctor.

7 MS. OLER: Thank you, Deputy Thrun. Please
8 answer any questions the defense may have.

9 THE COURT: All right. Ms. Lurry, you can
10 cross-examine this officer if you wish.

11 CROSS-EXAMINATION

12 BY MS. LURRY:

13 Q. He said he transported me to a doctor.

14 A. I did.

15 Q. You transported me to a doctor and you don't have
16 pictures on body cam?

17 A. It would be an illegal search and seizure if you
18 refuse and I don't get a search warrant.

19 MR. NORTON: Judge, can we approach?

20 THE COURT: You can.

21 (Proceedings held at the bench; not reported.)

22 THE COURT: Go ahead, Ms. Lurry.

23 MS. LURRY: May I approach? Do I ask?

24 THE COURT: You can talk to him and just ask him.

25 BY MS. LURRY:

1 Q. So upon you taking me to the emergency room, you did
2 not take any pictures?

3 A. No, I did not.

4 Q. And what was your reasoning?

5 A. You refused.

6 Q. I refused or you just didn't offer?

7 A. You refused.

8 Q. You didn't ask?

9 A. You refused. I asked. I asked at the hospital. I
10 said do you mind if I take pictures of your injuries.

11 Q. I've -- I've seen the CD. You didn't ever -- never
12 asked?

13 A. Okay.

14 THE COURT: Any other questions, Ms. Lurry?

15 BY MS. LURRY:

16 Q. The question is in this discovery, you said -- it
17 stated that -- that the kid -- well, it don't say on --
18 on the CD today, but it said that the other kids were
19 placed in her -- in her sister's care, which is not
20 the truth, and the child -- and the child D.D. was
21 transported by EMS or she was transported by the sister?

22 THE COURT: Okay. I don't know if we've gotten
23 to that witness. I don't know that this witness
24 knows.

25 Do you know?

1 THE WITNESS: I believe she was transported. Let
2 me look at my report. Injuries. She was transported
3 to LMC by Lexington County EMS Unit 8.

4 THE COURT: Anything else?

5 MS. LURRY: I'm good.

6 THE COURT: Any redirect?

7 MS. OLER: Briefly, Your Honor.

8 REDIRECT EXAMINATION

9 BY MS. OLER:

10 Q. Officer Thrun, your testimony is that once Ms. Lurry
11 was arrested, what happened?

12 A. She was beginning to complain of leg pain, so she
13 has to get medically cleared to go to jail, so we would
14 have to take her to the hospital and she was seen by Dr.
15 -- Dr. Chung at Lexington Medical to be cleared.

16 Q. Did you observe Ms. Lurry to have any injuries?

17 A. I did not see any.

18 Q. Did you attempt to take photos of Ms. Lurry?

19 A. I did.

20 MS. OLER: Thank you.

21 THE COURT: Anything else, Ms. Lurry?

22 MS. LURRY: (Shakes head.)

23 THE COURT: All right. May I excuse this
24 witness?

25 MS. OLER: You may, Your Honor.

Daniel Smith - Direct by Mr. Norton

1 THE COURT: You may step down.

2 THE WITNESS: Thank you, Your Honor.

3 THE COURT: Thank you for coming.

4 (Witness excused.)

5 THE COURT: Mr. Foreman, the jury all right?

6 FOREPERSON: Yes, ma'am.

7 THE COURT: All right. You can call your next
8 witness.

9 MR. NORTON: Your Honor, the State calls Daniel
10 Smith to the stand.

11 (Whereupon, Daniel Smith was duly sworn by the
12 Clerk of Court.)

13 THE CLERK: Thank you. Please take a seat on the
14 witness stand. State your full name and spell your
15 last for the record.

16 THE WITNESS: My name is Daniel Smith. Last name
17 S-M-I-T-H.

18 DANIEL SMITH,

19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. NORTON:

22 Q. Good afternoon, Mr. Smith. Where do you currently
23 work?

24 A. I currently work with Lexington County EMS.

25 Q. And can you describe to the jury a little bit about

1 what that is?

2 A. So we respond to 9-1-1 calls to treat medical
3 emergencies, transport them to the hospital if they need
4 to be.

5 Q. And how long have you been employed there?

6 A. Five years.

7 Q. Five years?

8 A. Yes, sir.

9 Q. Okay. And can you tell the jury a little bit about
10 your specific duties with regards to your job?

11 A. So we respond to the 9-1-1 calls. We get on-scene and
12 we assess our patients, treat any immediate life threats,
13 check their blood pressure, the pulse or anything like
14 that, give any medications, treat any injuries if we need
15 to, and then transport them to the hospital for further
16 evaluation by a doctor.

17 Q. Does that include responding to assaults?

18 A. Yes, it does.

19 Q. Okay. Now were you working in your role as an EMT
20 on September 3, 2020?

21 A. Yes, I was.

22 Q. Okay. And that night did you have the occasion to
23 respond to [REDACTED] Bush River Road?

24 A. I did.

25 Q. And is that here in Lexington County?

1 A. Yes.

2 Q. Okay. What was the purpose of your arriving to
3 [REDACTED] Bush River Road?

4 A. We were dispatched for an assault call along with
5 law enforcement for a 16-year-old patient.

6 Q. Okay. And who was that 16-year-old patient?

7 A. D.D. .

8 Q. And as a part of treating people on-scene, what type
9 of information do you generally get from them?

10 A. We'll get their basic demographic information, name,
11 birthday, home address, stuff like that, as well as any
12 medical history or medication they take, any allergies, and
13 then we'll do a physical assessment to see if there's any
14 injuries or anything there.

15 Q. Okay. And you said you treated a D.D. ?

16 A. Yes.

17 Q. And how old was she?

18 A. 16 at the time.

19 Q. 16. I'm showing you what's already in evidence as
20 State's Exhibit 7. Do you recognize the contents of that
21 photograph?

22 A. Yes, I do.

23 Q. And who is that?

24 A. That is D.D. .

25 Q. Okay. Now you said that you treated her for injuries

1 that night?

2 A. Yes, sir, I did.

3 Q. Okay. Can you describe to the jury what injuries
4 you observed D.D. to have?

5 A. We found abrasions to the knuckles on her right
6 hand, as well as her knee and ankle, as well as a small
7 laceration on the neck, the front of her neck there. The
8 bleeding was controlled at the time, but the wounds were
9 still fresh, so we covered them up with bandages to help
10 prevent infection.

11 Q. Okay. I want to kind of walk through those. Looking
12 at State's Exhibit 3, what, if anything, can you discern
13 from that image as it relates to the injuries you observed
14 to D.D. ?

15 A. That was the -- just the minor laceration on her neck
16 there.

17 Q. Okay. And then Exhibit 6?

18 A. That's the abrasions on the knuckles.

19 Q. Exhibit 4?

20 A. And that's on her right knee you can see an abrasion
21 there.

22 Q. And Exhibit 5?

23 A. That is, what the patient said, that her hair was
24 ripped out. There a patch of hair missing on the right
25 side of her head and there's a braid on the left side

Daniel Smith - Direct by Mr. Norton

1 that's missing on the right side.

2 Q. So it would have been in this area?

3 MS. LURRY: I object. Is that her hair or is it
4 a weave?

5 THE COURT: Okay. That's her objection.

6 I'll let you -- I can let you -- do you want to
7 respond to, Mr. Norton?

8 MR. NORTON: Judge, that sounds like a question
9 for cross-examination.

10 THE COURT: Okay. I'll let you ask that question
11 on cross, Ms. Lurry.

12 Go ahead, Mr. Norton.

13 BY MR. NORTON:

14 Q. Is that the area which you observed her to have
15 strands of hair missing?

16 A. Yes.

17 Q. Okay. Consistent with being pulled out?

18 A. Yes.

19 Q. Okay. Were all of these injuries consistent with in
20 your history as an EMT an assault?

21 A. Yes.

22 Q. And as a part of providing someone with medical
23 treatment, is it important for you to understand the
24 nature of someone's injuries, how they came to be injured?

25 A. Yes.

1 Q. Okay. And so what information did you get from
2 D.D. about the cause of her injuries?

3 A. Could you --

4 Q. What information did D.D. give you about the cause
5 of the injuries?

6 A. The abrasions say that there was some sort of like
7 scraping contact either with the ground or with something
8 else.

9 Q. Did she describe being assaulted?

10 A. In detail, I do not remember if she described that
11 to me.

12 Q. Okay. Now did you generate a report as a part of
13 your treatment of D.D. ?

14 A. Yes, I did.

15 Q. And is it consistent -- is it you-all's general
16 practice to generate reports in regards to any call that
17 you're on?

18 A. Yes. Every call we have a report we have to do.

19 Q. Okay. Would it refresh your memory to be able to
20 review that report?

21 A. Yeah. In my report here, I said that D.D. reported
22 to us that she -- she was assaulted.

23 Q. That she was assaulted?

24 A. Uh-huh.

25 Q. You said you gave D.D. some general treatment for

1 her wounds?

2 A. Uh-huh. Just bandaged them up and covered them with
3 some gauze.

4 Q. Okay. And what happened to D.D. after that?

5 A. We transported her to Lexington Medical Center for
6 further evaluation by a doctor.

7 Q. Okay. You you-all transported her to Lexington
8 Medical Center?

9 A. Yes.

10 Q. Okay.

11 MR. NORTON: I beg the Court's indulgence.

12 THE COURT: Take your time.

13 MR. NORTON: Your Honor, those are all the
14 questions I have right now.

15 THE COURT: Ms. Lurry, do you want to
16 cross-examine this witness? Is there any questions
17 you want to ask him?

18 MS. LURRY: No.

19 CROSS-EXAMINATION

20 BY MS. LURRY:

21 Q. It said -- she didn't say that she was being choked
22 or assaulted in the video, so she didn't say that I had a
23 weight on her, I was pulling her down, but resisted from
24 when she slammed me down on the stairs?

25 THE COURT: All right. Are you gonna ask this

1 question -- is that the question you want to ask the
2 witness?

3 MS. LURRY: I've already asked it.

4 THE COURT: What was it that you were asking?

5 THE WITNESS: I'm sorry.

6 MS. LURRY: When she was transported to the
7 hospital, who was she transported by, my sister or the
8 EMS? But that was already asked.

9 I don't have really no questions.

10 THE COURT: Okay. She has no questions.

11 Any redirect?

12 MR. NORTON: No, Your Honor.

13 THE COURT: Okay. May I excuse this witness,
14 please?

15 MR. NORTON: Yes, Your Honor.

16 THE COURT: Mr. Smith, you may step down.

17 (Witness excused.)

18 THE COURT: Do you want to call your next
19 witness?

20 MR. NORTON: Your Honor, we're happy to unless
21 the jury would like a break.

22 THE COURT: Is the jury okay? Would you like a
23 quick break?

24 FOREPERSON: They're good, Your Honor.

25 THE COURT: They are good and they're ready to

Natasha Derochers - Direct by Mr. Norton

1 go.

2 MR. NORTON: Your Honor, the State calls Natasha
3 Desrochers.

4 THE CLERK: Please raise your right hand and
5 place your left on the Bible.

6 (Whereupon, Natasha Desrochers was duly sworn by
7 the Clerk of Court.)

8 THE CLERK: Thank you. Please take a seat on the
9 witness stand and state your full name and spell your
10 last for the record.

11 THE WITNESS: Natasha Derochers.

12 D-E-S-R-O-C-H-E-R-S.

13 NATASHA DEROCHERS,

14 having been duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. NORTON:

17 Q. Good afternoon, Ms. Derochers.

18 A. Good afternoon.

19 Q. And can you tell the jury where you're currently
20 employed?

21 A. South Carolina Department of Social Services.

22 Q. And how long have you worked with the Department of
23 Social Services?

24 A. Thirteen years.

25 Q. Okay. And can you tell the jury a little bit about

1 what the Department of Social Services does?

2 A. The Department of Social Services is charged with
3 ensuring the safety and well-being of children in South
4 Carolina. Also for providing them with assistance for
5 maintaining their homes.

6 Q. Okay. Now does the department of Social Services make
7 criminal arrests?

8 A. No.

9 Q. Okay. What is the purpose of a DSS investigation?

10 A. The purpose of a DSS investigation is based on someone
11 calling in concerns to the agency and during that time
12 they go in and assess the safety and well-being of children
13 and the environment they are in to ensure all their needs
14 are being met and that their location is safe for their
15 age and development.

16 Q. Were you assigned to a case involving the defendant
17 in this case Charlecia Lurry?

18 A. Yes, sir.

19 Q. Okay. What was the nature of your role in that case?

20 A. I was assigned as family preservation worker and
21 assisted once the case was indicated.

22 Q. Okay. What is the role of a family preservation
23 worker?

24 A. Assisting the family with addressing any behavioral
25 concerns that exists within the home. The goal is to help

1 rectify whatever got the agency involved, so addressing
2 treatment services.

3 Q. Okay. When did this specific case again?

4 A. When the agency became involved or when I got the
5 case?

6 Q. When the agency became involved.

7 A. September of 2020.

8 Q. Okay. And what was the nature of the initial report
9 generally speaking?

10 A. That an incident had occurred between Charlecia and
11 her daughter and that mom was arrested on-scene and that
12 the child needed medical attention after the incident and
13 that at that time she was placed with an aunt and then we
14 were told that mom had left the children there with a
15 charge card to buy some food during that time while she
16 was in Florida helping to set up the family -- the family
17 as they were preparing to move.

18 Q. Okay. And were you able to identify all of the
19 children of Ms. Lurry as a part of that investigation?

20 A. The agency observed three of the children during that
21 time. Two of the children were in Florida with her.

22 Q. And who were the three children identified by DSS?

23 A. I'm sorry. D.D. , Minor 1 and Minor 2 .

24 Q. And what were the ages of those children?

25 A. I'm not sure at the time. D.D. was 16. I don't

1 have the date of births in front of me so I'm not sure,
2 but D.D. was 16.

3 Q. And then two other children in addition to D.D. ?

4 A. Yes. I do know they were younger than her.

5 Q. Okay. So the initial allegation you said was that
6 Ms. Lurry, the defendant, had gone to Florida and left
7 those three children?

8 A. Yes.

9 MS. LURRY: Oh, no. Sorry.

10 THE COURT: I'm gonna little let -- I'll let you
11 cross-examine. You'll get your opportunity. Let him
12 finish and then it will be your turn.

13 BY MR. NORTON:

14 Q. As a part of a DSS investigation, does DSS speak to
15 and interview the parents?

16 A. Yes, we make ever effort to speak with any adults
17 involved in the case.

18 Q. Okay. And during this specific investigation, did
19 DSS workers speak to the defendant?

20 A. Yes.

21 Q. Okay. When DSS conducts an investigation, are those
22 interviews documented?

23 A. Yes.

24 Q. How so?

25 A. They're documented through dictation in our internal

1 system.

2 Q. Okay. And are those recorded as written documents?

3 A. It is an electronic system that we type our
4 information into.

5 Q. Okay. Are those stored by DSS?

6 A. Yes.

7 Q. Are they maintained by DSS?

8 A. Yes.

9 Q. As a part of your role as the supervisor on the case,
10 do you have custody and control of those documents?

11 A. Yes.

12 Q. Would you be able to recognize one of those documents
13 if it was shown to you?

14 A. Yes, sir.

15 MR. NORTON: Your Honor, may I approach?

16 THE COURT: You may.

17 BY MR. NORTON:

18 Q. Ms. Derochers, I'm showing you what's been previously
19 marked as State's Exhibit 8. Do you recognize that
20 document?

21 A. Yes, sir.

22 Q. How so?

23 A. It's a copy of our internal dictation based on a
24 conversation that was had with Ms. Lurry.

25 Q. And is it a fair and accurate depiction of the

1 document within your system?

2 A. Yes, sir.

3 Q. And are those documents kept in the care, custody
4 and control of you and DSS?

5 A. Yes, sir.

6 MR. NORTON: Your Honor, at this time we would
7 offer State's Exhibit 8.

8 THE COURT: Let me see the lawyer and Ms. Lurry,
9 please.

10 (Proceedings held at the bench; not reported.)

11 THE COURT: Mr. Foreman, we're going to give you
12 like a 10-minute break, okay?

13 FOREPERSON: Yes, ma'am, Your Honor.

14 THE COURT: And we'll have you right back in.

15 (Whereupon, the jury retire to the jury room at
16 3:29 PM.)

17 THE COURT: And let me ask right quick, is
18 anybody taking notes? Is anybody taking notes? I do
19 not allow note-taking at all, so I want to make sure
20 nobody's taking notes.

21 Thank you.

22 I don't know that there's any need to mention
23 anything about Florida. There's not any mention of
24 Florida in this case, any mention of the other
25 children.

Natasha Derochers - Direct by Mr. Norton

1 (Off the record discussion.)

2 THE COURT: I think I do have a juror who's
3 taking notes. At least the deputy tells me that
4 there's a deputy taking notes.

5 Which juror is it?

6 THE DEPUTY: In the green -- the green shirt
7 sitting a row back.

8 THE COURT: Do we know which juror that is?

9 BAILIFF: I'll find out, Your Honor.

10 THE COURT: Could you find out for me, please,
11 and bring him in here.

12 If he's been taking notes, I'm just gonna take
13 his notes so they won't be in the jury room.

14 (Whereupon, Juror No. 225 enters the courtroom.)

15 THE COURT: Hey, come around here. Can you tell
16 me your juror number?

17 JUROR NO. 225: 225.

18 THE COURT: 225. The deputy said you were taking
19 notes.

20 JUROR NO. 225: No, no, no.

21 THE COURT: Were you taking notes?

22 JUROR NO. 225: No, no, no.

23 THE COURT: Were you writing while you were in
24 this courtroom?

25 JUROR NO. 225: No, no. I have a -- I have a

1 pad, but I don't have anything in it from -- you're
2 willing -- you-all can check it if you want.

3 THE COURT: Okay. Well, I'm just telling you I
4 don't -- you're not in trouble or anything. I just
5 don't allow notes.

6 JUROR NO. 225: Okay. That's fine.

7 THE COURT: And I don't, you know, want you back
8 there with any notes or anything.

9 JUROR NO. 225: Right. I understand.

10 THE COURT: Because everybody else's memory might
11 be something else. I don't want you back there
12 reading notes to them and saying this is what I heard
13 and somebody else might have heard it a little bit
14 different.

15 JUROR NO. 225: Okay.

16 THE COURT: Do you understand?

17 JUROR NO. 225: Yes.

18 THE COURT: No note-taking.

19 JUROR NO. 225: I understand.

20 THE COURT: Okay. Thank you. You can go back.

21 JUROR NO. 225: All right.

22 (Whereupon, Juror No. 225 retires to the jury
23 room.)

24 THE COURT: Any objection from the lawyers from
25 the State?

1 MR. NORTON: No, Your Honor.

2 THE COURT: Any from the defense?

3 MS. LURRY: No.

4 THE COURT: Okay. Thank you.

5 All right. Are we ready to proceed?

6 MR. NORTON: Yes, Your Honor.

7 THE COURT: All right. Let's bring the jury in.

8 Mr. Norton, how many more witnesses do you have?

9 MR. NORTON: Judge, this is it.

10 THE COURT: Okay. Thank you.

11 I put jury charges on your desks. There's really
12 only one charge that you need to look at. The rest
13 are my regular charges.

14 (Whereupon, the jury returns to the courtroom at
15 3:44 PM.)

16 THE COURT: All right. Mr. Foreman, the jury
17 ready?

18 FOREPERSON: Yes, Your Honor.

19 THE COURT: Please be seated.

20 All right. Continue on, Mr. Norton.

21 MR. NORTON: Thank you, Your Honor.

22 CONTINUED DIRECT EXAMINATION

23 BY MR. NORTON:

24 Q. So, Ms. Derochers, just going back, as part of any
25 DSS investigation do you have the opportunity to speak

1 and interview the parents?

2 A. Yes.

3 Q. And to the children?

4 A. Yes.

5 Q. Okay. As a part of this one, were you able -- or
6 was DSS able to speak to D.D. ?

7 A. Yes.

8 Q. And were they able -- were you able to speak to the
9 defendant, Charlecia Lurry?

10 A. Via phone.

11 Q. Okay. Were you able -- was DSS able to ascertain
12 the relationship -- the nature of the relationship between
13 Charlecia Lurry and D.D. ?

14 A. Yes.

15 Q. What is that relationship?

16 A. Charlecia is the mother to D.D. .

17 Q. And how old is D.D. -- or was D.D. on
18 September 3rd of 2020?

19 A. I'm sorry. Ask that again.

20 Q. How old was D.D. in September of 2020?

21 A. She was 16.

22 MR. NORTON: Ms. Derochers, those are all the
23 questions I have for you at this time.

24 THE COURT: Ms. Lurry, do you have any questions
25 for this witness?

1 CROSS-EXAMINATION

2 BY MS. LURRY:

3 Q. Did you say specifically you spoke with me in 2020?

4 A. I said that via phone, yes.

5 Q. You wasn't the one that came to the address in South
6 Carolina? You said you spoke with me.

7 A. Yes, I spoke to you via phone.

8 Q. And you asked about?

9 A. I asked about your daughter and the case.

10 Q. The case in regards to DSS or the -- the criminal
11 case?12 A. I spoke to you about what was currently taking place
13 in the DSS case.

14 THE COURT: Any redirect?

15 MR. NORTON: No, Your Honor.

16 THE COURT: May I excuse this witness?

17 MR. NORTON: Yes, Your Honor.

18 THE COURT: All right. Thank you so much for
19 coming.

20 (Witness excused.)

21 THE COURT: You can call your next witness.

22 MS. OLER: Your Honor, at this time the State
23 rests.24 THE COURT: Okay. I'm gonna have to ask you to
25 return to your jury room. It's gonna be just for like

1 five minutes. No longer than that. Probably not even
2 that long. Let me take a matter of law up with the
3 lawyers and I'll have you right back in.

4 (Whereupon, the jury retires to the jury room at
5 3:48 PM.)

6 THE COURT: Thank you. Be seated.

7 All right. I'll be happy to hear any motions
8 from the State.

9 MS. OLER: Nothing at this time, Your Honor.

10 THE COURT: Anything from the defense, Ms. Lurry?

11 MS. LURRY: Not at this time.

12 THE COURT: Okay. Did you want to speak with
13 your lawyer?

14 MS. LURRY: No, I don't want to speak.

15 THE COURT: Okay.

16 All right. Ms. Lurry, let me talk to you just
17 for a second, okay? Because the State has rested
18 their case and at this time you need to decide whether
19 you want to testify, okay? So I'm gonna explain to
20 you certain rights. If you don't understand anything
21 I say, please let me know and I'll explain it to you
22 in more detail, okay?

23 MS. LURRY: Okay.

24 THE COURT: Do you understand me?

25 MS. LURRY: (Nods head.)

1 THE COURT: All right. We have now reached the
2 stage of the trial where you may present your defense.
3 You have the right to claim the protections given to
4 you by the Fifth Amendment to the Constitution of the
5 United States, which states, in part, no person shall
6 be compelled in any criminal case to be a witness
7 against himself. This means that you cannot be
8 required to testify in your case. You have the right
9 to testify on your own behalf; however, no one can
10 make you testify. This is a personal right and no one
11 can waive this right except you.

12 If you decide to testify, you will be subject to
13 the same rules that govern other witnesses and you may
14 be examined and cross-examined on any relevant issue
15 in the case.

16 In addition, if you have any convictions
17 involving dishonesty or false statements or for crimes
18 punishable by imprisonment of more than one year and
19 this Court determines that the probative value of
20 admitting this evidence outweighs its prejudicial
21 effect to you, the solicitor will be able to introduce
22 your record to attack your credibility.

23 Let me ask the solicitor, does Ms. Lurry have a
24 record?

25 MR. NORTON: Yes, Your Honor.

1 THE COURT: Can you tell me what it is that you
2 would intend to cross her on?

3 MR. NORTON: Judge, as far as what we would
4 intend to cross her on?

5 THE COURT: Well, what is it that you would bring
6 up if she does testify?

7 MR. NORTON: She does have an extensive criminal
8 history, Judge, but I think that would require some
9 rulings from the Court. She's got a burglary
10 conviction out of Florida in 2010. She has --

11 THE COURT: I want the things that are --

12 MR. MAULDIN: Recent, Bruce. She wants to know
13 what you could use --

14 THE COURT: What are you gonna use to impeach
15 her? Ten years. What has she done in ten years
16 here?

17 MR. NORTON: Judge, at this point it's mostly
18 simple batteries, things that we would not use as
19 impeachment evidence, so for the purposes of this
20 hearing you asked -- the Court asked what her
21 criminal record was and I --

22 THE COURT: I'm sorry. I didn't make myself
23 clear.

24 MR. NORTON: For purposes of impeachment, Judge,
25 we would not use any of the criminal convictions she

1 does have should she elect to testify.

2 THE COURT: Okay.

3 So I'm gonna tell you, Ms. Lurry, if you testify
4 they can't bring up your criminal history, okay?

5 Because there's not anything that qualifies.

6 Do you understand?

7 MS. LURRY: Yes.

8 THE COURT: Okay.

9 If you decide to testify, this decision on your
10 part must be freely, voluntarily and intelligently
11 made with the knowledge of the protections given to
12 you by the Fifth Amendment and the consequences of
13 your decision to testify.

14 If you decide not to testify, I will instruct the
15 jurors that they cannot give the fact that you did not
16 testify any consideration whatsoever and that there is
17 to be absolutely no prejudice to you because you did
18 not testify. It's left entirely up to you whether or
19 not you testify. You can talk with Mr. Mauldin or
20 anyone else, but the final decision will be left
21 entirely up to you.

22 Do you understand what I've explained to you?

23 MS. LURRY: Then if I testify --

24 THE COURT: If you testify, you're gonna take
25 the witness stand and you're gonna tell your story.

1 I'm gonna tell you they just told me that anything on
2 your -- you don't have anything on your record that
3 they can attack your credibility on.

4 Do you understand?

5 MS. LURRY: I understand.

6 THE COURT: If you choose not to testify --
7 because you don't have to because the burden is all
8 on the State. If you choose not to testify, then
9 I'm gonna charge the jury that they can't hold that
10 against you. In fact, they can't even mention it in
11 their deliberations or in the jury room, but the
12 decision's up to you.

13 MS. LURRY: Okay.

14 THE COURT: And I'm gonna ask you do you wish to
15 talk to Mr. Mauldin about whether or not to testify?

16 MS. LURRY: No, I don't. I don't want to
17 testify.

18 THE COURT: You don't want to testify?

19 MS. LURRY: No.

20 THE COURT: Okay.

21 All right. Then I'm gonna bring the jury back
22 in and let you -- I'm gonna let her rest on the record
23 and then I'll do any other -- I'd like to go into
24 closings.

25 Is the State ready?

1 MR. NORTON: Yes, Your Honor.

2 THE COURT: Now, Ms. Lurry, you can give a
3 closing statement if you wish, but you don't have to.

4 MS. LURRY: Okay.

5 THE COURT: If you want to get up and talk to the
6 jury, you can.

7 Do you understand?

8 MS. LURRY: Yes.

9 THE COURT: All right. Now before I bring them
10 back in, did you look at the jury charges? There's
11 really only one charge to look at.

12 Ms. Lurry, you have a copy of them.

13 I'm gonna tell you these are my normal charges.
14 The only one that's different is on page 14, which is
15 the unlawful conduct towards a child.

16 Mr. Mauldin, did you look at these?

17 MR. MAULDIN: I was not requested to review them,
18 Your Honor.

19 THE COURT: Would you like for him to look at
20 these, Ms. Lurry? It's just one charge on page 14.

21 MS. LURRY: Sure.

22 THE COURT: Thank you, Mr. Mauldin.

23 Did we take the expert witness thing out?

24 MR. NORTON: Judge, it's in there.

25 THE COURT: All right. Well, we'll take that

1 out.

2 I think everything else is pretty normal. I
3 want to tell you the charge on the unlawful it conduct
4 came straight out of the statute and I added in the
5 definition of a child and a person responsible. That
6 -- that too came out of -- straight out of the
7 statute.

8 Any objection?

9 MR. NORTON: We don't have any objection.

10 THE COURT: Any objections over here?

11 MR. MAULDIN: Your Honor, I would request that
12 an additional definition of child abuse, neglect or
13 harm, which is under 63-7-26, which it says that
14 the harm excludes corporal punishment or physical
15 discipline and it has an A, B, C, D and E, so that
16 defines neglect and harm and I think the jury would
17 need that definition for guidance in this case. That
18 corporal punishment is allowed if it is reasonable
19 and so it's up for the jury to decide whether what
20 happened was reasonable.

21 THE COURT: Okay. Any objection?

22 Tell me where you seeing the language at,
23 Mr. Mauldin, and I'll be happy to do it.

24 MR. MAULDIN: 63-7-20, Subsection 6.

25 THE COURT: I've got that up.

1 MR. MAULDIN: 6(a)(i) -- or Roman numeral one.

2 THE COURT: That is harm, inflicts or allows
3 to be inflicted upon the child physical or mental
4 injury or engages in acts or omissions which present
5 a substantial risk of physical or mental injury to
6 the child, including injuries sustained as a result
7 of excessive corporal punishment, but excluding
8 corporal punishment or physical discipline which is
9 administered by the parent in a reasonable manner
10 and moderate in degree.

11 MS. OLER: Your Honor, are we looking at
12 63-7-620?

13 MR. MAULDIN: 7-20 Subsection 6.

14 THE COURT: Subsection 6.

15 Child or neglect occurs when the parent inflicts
16 upon the child physical or mental injury or engages
17 in acts or omissions which present a substantial risk,
18 which is what I read.

19 I guess you want all the subsections, A, B, C,
20 D, E?

21 MR. MAULDIN: That's correct, Your Honor. Those
22 are the requirements for the jury to consider about
23 whether the punishment was reasonable. It has to meet
24 all of those -- all of those circumstances whereas the
25 evidence only shows A, that it's a parent.

1 THE COURT: I'm gonna -- I'm gonna add it in.
2 Anything else, Mr. Mauldin?

3 MR. MAULDIN: Not as regards to page 14, Your
4 Honor.

5 THE COURT: Okay.

6 MR. MAULDIN: That's what I was asked to review.

7 THE COURT: Okay. Anything else you'd like for
8 him to review?

9 I'm just gonna tell you they're my normal
10 charges. If you want him to review them, please ask
11 him to so he will.

12 Mr. Mauldin's an excellent lawyer.

13 All right. We're gonna fix that.

14 Any objection from the State?

15 MR. NORTON: No, Your Honor.

16 THE COURT: All right. I'm gonna bring the jury
17 back in. We're gonna -- I'm gonna get him to fix this
18 and if you'll just take page 14 out he's gonna redo
19 page 14 and we'll insert it with the new one, and
20 let's bring the jury in.

21 Ms. Lurry, we need to -- I'll ask you if you're
22 gonna present a defense and you're gonna say no, okay,
23 if that's what you want to do, but I need to put it on
24 the record.

25 Do you understand?

1 MS. LURRY: Yes.

2 THE COURT: Okay. Thank you.

3 (Whereupon, the jury returns to the courtroom at
4 4:01 PM.)

5 THE COURT: You may be seated.

6 All right. Ms. Lurry, at this time the State's
7 rested. You may present a defense if you wish. You
8 don't have to.

9 Would you like to go forward?

10 MS. LURRY: Me? No.

11 THE COURT: Okay. And at this time then the
12 defense rests? Do you have any witnesses you want to
13 call?

14 MS. LURRY: I don't have any witnesses.

15 THE COURT: Okay. Thank you.

16 MS. LURRY: Not in this state.

17 THE COURT: Ma'am?

18 MS. LURRY: Not in this state.

19 THE COURT: Okay.

20 All right. I'm gonna just let the State know
21 I'll reserve the right for motions after we recess,
22 but I'm ready for closings.

23 I'll be happy to hear from the State.

24 MS. OLER: May it please the Court, Your Honor?

25 THE COURT: Yes, ma'am.

1 MS. OLER: Good afternoon, ladies and gentlemen.
2 How do we know what happened in this case? We
3 know because of a couple of things. First, we know
4 because the defendant, Charlecia Lurry, called 9-1-1
5 and told them what she was gonna do. You heard that
6 call. I won't repeat the expletives that she said,
7 but you can listen to it. She told them what she was
8 going to do at [REDACTED] Bush River Road in Lexington
9 County on September 3rd of 2020.

10 We know because Deputy Thrun responded and he
11 told you from that stand that he was the initial
12 responding officer, the only initial responding
13 officer, and you got to see it on for yourself on
14 his body cam what happened as soon as he stepped out
15 of that Tahoe.

16 What was happening? We know because Deputy Thrun
17 told you that he took photos of the victim in this
18 case, who he was able to identify as 16-year-old
19 D.D. . That's important. 16-year-old D.D.
20 is the daughter of Charlecia Lurry.

21 Deputy Thrun told you that he observed multiple
22 injuries to D.D. consistent with being assaulted by
23 her mother and strangled by her. Deputy Thrun, you
24 saw this, he described this to you, what was happening
25 as he walked up on this scene. The defendant on top

1 of her 16-year-old daughter with her hands around her
2 throat and punching her. Again, you saw this. You
3 saw it for yourself.

4 Ladies and gentlemen, this wasn't corporal
5 punishment because D.D. took something she
6 wasn't supposed to. You heard the defendant on the
7 9-1-1 tell you she'd been in a different state. So
8 even if D.D. , 16 years old, here in South
9 Carolina, had taken something, the defendant can't go
10 over to where she's staying with an aunt and assault
11 her. That is the definition of unlawful conduct
12 towards a child.

13 So what is unlawful conduct? What exactly is
14 the defendant charged with? The law says that it is
15 unlawful for a person who has charge or custody of a
16 child or who is the parent or guardian of a child.
17 The testimony has established that Charlecia Lurry is
18 the parent of D.D. . Or who is responsible
19 for the welfare of a child to place the child at
20 unreasonable risk of harm affecting the child's life,
21 physical or mental health or safety or cause to be
22 done unlawfully -- do or cause, excuse me, to be done
23 unlawfully or maliciously any bodily harm to the
24 child so that the life or health of the child is in
25 endangered or likely to be endangered or to willfully

1 abandon the child.

2 Ladies and gentlemen, this statute is an "or"
3 statute, meaning as long as one of those is met we
4 have met our burden, but I submit to you that we have
5 proven all of these.

6 Let's start with the first one. Place the child
7 at unreasonable risk of harm affecting the child's
8 life, physical or mental health or safety. You saw it
9 for yourself. If someone is on top of you strangling
10 you, your health, your physical health, is at stake
11 here. Not only that, mental health, definitely your
12 safety. Or do or cause to be done unlawfully or
13 maliciously any bodily harm to the child. Pay
14 attention to the any bodily harm. Harm. Harm. Harm.
15 Harm.

16 Or willfully abandon the child. You heard the
17 defendant when Ms. Gunter was on the stand she had
18 been in a different state. The 16-year-old had been
19 left in this state. Ladies and gentlemen, this wasn't
20 about punishment for something that D.D. did. This
21 was an assault, an assault on a 16-year-old child by
22 her mother, an assault that the law here in South
23 Carolina does not allow. Again, you heard it for
24 yourself, you saw it for yourself.

25 Now we will ask you to do what the law and

1 justice requires and find the defendant guilty.

2 Thank you.

3 THE COURT: Thank you, Ms. Oler.

4 Ms. Lurry, if you'd like, you can give a closing
5 argument.

6 MS. LURRY: (Shakes head.)

7 THE COURT: Is that a no?

8 MS. LURRY: No.

9 THE COURT: Okay.

10 All right. I'm gonna go into charging, so if
11 anybody wants to leave the courtroom now would be the
12 time to do so.

13 All right. Ladies and gentlemen, I will now
14 charge you the law that is applicable to this case.
15 You must consider the charge as a whole and not
16 focus on some portions to the exclusion of others.

17 The indictment charges the defendant with
18 unlawful conduct towards a child. I remind you that
19 the fact the defendant was arrested, charged and
20 indicted in this case is not evidence in this case
21 and cannot be considered by you as evidence of guilt
22 in this case, nor does it create any presumption or
23 inference of guilt. These documents are simply the
24 formal written instrument which contain the charge
25 made against the defendant. These are the formal

1 documents by which this case is brought into this
2 court.

3 The indictment charges a criminal offense. You
4 must decide the indictment on the evidence and the
5 law applicable to it. The defendant may be convicted
6 or acquitted of the offense charged. You will be asked
7 to write a verdict of guilty or not guilty on the
8 indictment.

9 The following things are not evidence and you
10 must not consider them as evidence in the case.
11 Again, statements and arguments of the attorneys,
12 questions and objections of the attorneys, and
13 testimony that I instruct you to disregard. I didn't
14 instruct anybody to disregard any testimony in this
15 case.

16 I remind you that during the trial you and I
17 have certain duties to perform. As the trial judge,
18 it is my responsibility to preside over the trial
19 of the case and I also have the duty to rule on the
20 admissibility of evidence offered during the trial.
21 You are to consider only the competent evidence before
22 you. If there was any testimony ordered stricken from
23 the record during this case, you must disregard it. I
24 didn't strike any testimony in this case. You are to
25 consider only the testimony which has been presented

1 from this witness stand and exhibits which have been
2 made a part of the record in this case.

3 I have the additional duty to charge you the
4 law applicable. As the presiding judge, I am the
5 sole judge of the law and it is your duty as jurors
6 to accept and apply the law as I now state it to you.
7 If you already have an idea as to what the law is or
8 what the law ought to be and it does not agree with
9 what I tell you the law is, you must abandon this idea
10 because you were sworn to accept the law and apply the
11 law exactly as I state it to you.

12 In every case tried in this court, the jury
13 becomes the sole and exclusive judge of the facts in a
14 case. A trial judge cannot state, comment on or make
15 any statement to a trial jury about the facts in the
16 case since you, the jury, are the sole judge of the
17 facts in this case. You are not to infer from what I
18 have said during the progress of this trial or in
19 ruling upon the admissibility of evidence or otherwise
20 or anything that I say now during the course of this
21 instruction to you that I have any opinion about the
22 facts in this case. The law does not allow me to have
23 an opinion about the facts. This is a matter solely
24 for you, the jury, to determine. As jurors, it is
25 your duty to determine the effect, value and weight

1 of the evidence presented during the trial.

2 The defendant has pled not guilty to the
3 indictment and that plea puts the burden on the State
4 to prove her guilty. A person charged with committing
5 a criminal offense in South Carolina is never required
6 to prove herself innocent. I charge you that it is
7 an important rule of the law that the defendant in a
8 criminal trial no matter what the seriousness of the
9 charge may be will always be presumed to be innocent
10 of the crime for which the indictment was issued
11 unless guilt has been proven by evidence satisfying
12 you of that guilt beyond a reasonable doubt. This
13 presumption of innocence does not end when you begin
14 your deliberations, but it accompanies the defendant
15 throughout the trial unless you reach a verdict of
16 guilt based on evidence satisfying you of that guilt
17 beyond a reasonable doubt.

18 The presumption of innocence is like a robe
19 of righteousness placed about the shoulders of the
20 defendant which remains with the defendant unless it
21 has been stripped by evidence satisfying you of the
22 defendant's guilt beyond a reasonable doubt. The
23 presumption of innocence is not a mere legal theory.
24 It is not just a legal phrase. It is a substantial
25 right to which every defendant is entitled to unless

1 you, the jury, are satisfied from the evidence of the
2 defendant's guilt beyond a reasonable doubt.

3 Now the State has the burden of proving the
4 defendant guilty beyond a reasonable doubt. Some of
5 you may have served as jurors in civil cases where
6 you were told it is only necessary to prove that a
7 fact is more likely true than not true such as by
8 the greater weight or what we call the preponderance
9 of the evidence. In criminal cases, and this is a
10 criminal case, the State's proof must be more powerful
11 than that. It must be beyond a reasonable doubt.

12 Proof beyond a reasonable doubt is proof that
13 leaves you firmly convinced of the defendant's guilt.
14 There are very few things in this world that we know
15 with absolute certainty and in criminal cases the
16 law does not require proof that overcomes every
17 possible doubt. If, based on your consideration
18 of the evidence, you are firmly convinced that the
19 defendant is guilty of the crime charged, you must
20 find her guilty. If, on the other hand, you think
21 there is a real possibility that the defendant is
22 not guilty, you must give the defendant the benefit
23 of the doubt and find her not guilty.

24 Now there are two types of evidence which are
25 generally presented during the trial; direct evidence

1 and circumstantial evidence. Direct evidence directly
2 proves the existence of a fact and does not require
3 deduction. Circumstantial evidence is proof of a
4 chain of facts and circumstances indicating the
5 existence of a fact. Crimes may be proven by
6 circumstantial evidence. The law makes no distinction
7 between the weight or value to be given to either
8 direct or circumstantial evidence. However, to the
9 extent the State relies on circumstantial evidence,
10 the circumstances must be consistent with each other
11 and when taken together point conclusively to the
12 guilt of the accused beyond a reasonable doubt. If
13 the circumstances merely portray the defendant's
14 behavior as suspicious, the proof has failed. The
15 State has the burden of proving the defendant guilty
16 beyond a reasonable doubt. This burden rests with the
17 State regardless of whether the State relies on direct
18 evidence, circumstantial evidence or some combination
19 of the two.

20 Criminal intent is a state of mind which operates
21 jointly with an act or omission in the commission
22 of a crime. Criminal intent is a mental state of
23 conscious wrongdoing. Criminal intent includes those
24 consequences which represent the very purpose for
25 which an act is done or are known to be substantially

1 certain to the result regardless of one's desire.
2 Intent may be shown by acts and conduct of the
3 defendant and other circumstances from which you may
4 naturally and reasonably infer intent. Criminal
5 intent must be proven by the State beyond a reasonable
6 doubt.

7 You must determine the credibility of witnesses
8 who have testified in this case and the evidence
9 presented. Credibility simply means believability.
10 It becomes your duty as jurors to analyze and to
11 evaluate the witnesses and the evidence and determine
12 the credibility of the witnesses and the evidence.

13 In determining the credibility of witnesses who
14 have testified in this case, you may believe one
15 witness over several witnesses or several witnesses
16 over one witness, you may believe a part of the
17 testimony of a witness and reject the remaining part
18 of testimony of that same witness. You may believe
19 the testimony of a witness in its entirety or reject
20 the testimony of a witness in its entirety. You may
21 consider whether any witness has exhibited to you any
22 interest, bias, prejudice or other motive in this
23 case. You may also consider the appearance and manner
24 of a witness while on the witness stand.

25 The defendant is charged with unlawful conduct

1 towards a child. It is unlawful for a person who has
2 charge of or custody of a child or who is the parent
3 or guardian of the child or who is responsible for
4 the welfare of the child to place the child at
5 unreasonable risk of harm affecting the child's life,
6 physical or mental health or safety, to do or cause to
7 be done unlawfully or maliciously any bodily harm to
8 the child so that the life or health of the child is
9 in endangered or likely to be endangered or willfully
10 abandon the child.

11 A child means a person under the age of 18. A
12 person responsible for a child's welfare includes the
13 child's parent, guardian, foster parent, an operator,
14 employee or caregiver.

15 Child abuse or negligent or harm occurs when the
16 parent, guardian or other person responsible for the
17 child's welfare inflicts or allows to be inflicted
18 upon the child physical or mental injury or engages in
19 acts or omissions which present a substantial risk of
20 physical or mental injury to the child, including
21 injuries sustained as a result of excessive corporal
22 punishment, but excluding corporal punishment or
23 physical discipline when it is administered by a
24 parent or is perpetrated for the sole purpose of
25 restraining or correcting the child, is reasonable in

1 manner or moderate in degree, has not brought about
2 permanent or lasting damage to the child and is not
3 reckless or grossly negligent behavior by the parent.

4 I remind you that the fact the defendant elected
5 not to testify is not a factor to be considered by
6 you in any way in your deliberations and in your
7 consideration on the question of whether the defendant
8 is guilty or not guilty. It must not be considered in
9 any manner whatsoever against her. An accused has the
10 right to remain silent and the assertion of that right
11 cannot be considered by you in your deliberations.
12 Under your oath you are to reach no inference and
13 draw no conclusion whatsoever from the fact that the
14 defendant elected not to testify. Her decision not to
15 testify should not even be discussed in the jury room.
16 It is not to enter your minds in making your decision.
17 The State has the entire burden of proof and the
18 accused has no burden to prove anything at all.

19 A verdict in this case cannot be based upon
20 sympathy, passion, prejudice or emotion or some other
21 consideration not found in the evidence. Let me say
22 something about your deliberations. Deliberation is
23 defined as a careful consideration, weighing up with
24 a view to decision. The genius of our jury system
25 is that it allows twelve good men and women from

1 twelve different backgrounds, life experiences and
2 perspectives to consider the evidence, talk about
3 it and ultimately reach a verdict. We call them
4 deliberations for a reason. You are to consider
5 the evidence in this case carefully and deliberately
6 and discuss it in a calm, thorough and courteous
7 manner. Listen to the views of all your fellow
8 jurors, consider other people's points and points of
9 view and talk through and discuss the evidence. And,
10 remember, if you are doing something deliberately,
11 you are not in a big hurry and you should not be in a
12 hurry here. This case is very important to both sides
13 and this is their only day in court.

14 When you retire to the jury room, you should
15 discuss the case with your fellow jurors to reach an
16 agreement if you can do so. Your verdict must be
17 unanimous, but each of you must decide the case for
18 yourself. But you should do so only after you have
19 impartially considered all of the evidence, discussed
20 it fully with the other jurors and listen to their
21 views. Do not be afraid to change your opinion if the
22 discussions persuade you that you should, but do not
23 come to a decision simply because the other jurors
24 think it is right. It's important that you attempt
25 to reach a unanimous verdict, but, of course, only

1 if each of you can do so after having made your own
2 decision. Do not change an honest belief about the
3 weight and effect of the evidence simply to reach a
4 verdict. In other words, do not change your opinion
5 solely for the sake of reaching a unanimous verdict.

6 You're gonna be sent back with a verdict form.
7 It's pretty self-explanatory. There's two boxes that
8 you can check; not guilty and guilty. Those are two
9 possible verdicts for the charge which you may find in
10 this case. There is no significance whatsoever in the
11 order that I stated these possible verdicts. It's
12 simply that one must be stated first. Again, your
13 verdict must be unanimous as to the charge.

14 Mr. Foreman, when the jury agrees on a verdict,
15 you will initial on the line next to the verdict on
16 the verdict form and sign your name as foreperson,
17 then knock on the door, inform the bailiff that you've
18 reached a verdict and I'll have you back into the
19 courtroom.

20 Now I'm gonna let you go back to your jury room.
21 The alternate, you can't be back there. Only the jury
22 can be back there to deliberate, so I'm gonna ask that
23 you put her in a room. I've got a little room we're
24 gonna put you in.

25 I will tell you do not begin your deliberations

1 just yet. It's gonna take me just about two seconds
2 to get all of this evidence together. We will bring
3 it back to you and the clerk will let you know when
4 you can begin.

5 Now, Mr. Foreman, if somebody leaves the jury
6 room for one reason or another or if somebody goes to
7 the restroom, deliberations stop. All twelve jurors
8 must be in the room while you're deliberating, okay?

9 FOREPERSON: Yes, Your Honor.

10 THE COURT: All right. I'm gonna send you back.
11 We'll be back in just a moment.

12 You-all have got a blank computer for them, too,
13 if they want to play the video?

14 MR. NORTON: Yes, ma'am.

15 THE COURT: We'll bring it back in just a moment.
16 Thank you.

17 (Whereupon, the jury retires to the jury room at
18 4:30 PM.)

19 THE COURT: Please be seated.

20 MR. MAULDIN: I think Ms. Lurry needs to use the
21 restroom rather urgently.

22 THE COURT: I'll let you go. Go on.

23 (Pause in proceedings.)

24 THE COURT: Has Ms. Lurry seen the verdict form?
25 All right. Have we got everything to send back?

1 MR. NORTON: Judge, Ms. Lurry has seen the
2 verdict form, but I don't know if she has any
3 objection to it.

4 THE COURT: Do you have any objection to the
5 verdict form?

6 MS. LURRY: No.

7 THE COURT: It's my normal that you do.

8 All right. You can go back.

9 (Whereupon, the evidence was sent back to the
10 jury at 4:33 PM.)

11 THE COURT: Now let me ask -- Ms. Lurry, I'm
12 gonna give you the opportunity again. Is there any
13 motions you'd like to put on the record?

14 MS. LURRY: Motions? Motions as far as --
15 motions as far as --

16 THE COURT: You can ask Mr. Mauldin.

17 MS. LURRY: There is not a case to send to the
18 jury. I move for a -- a directed verdict.

19 THE COURT: All right. She's moving for a
20 directed verdict.

21 Can I hear from the State?

22 MR. NORTON: Judge, I think taken in the light
23 most favorable to the State, there's more than
24 sufficient evidence that a reasonable juror could
25 find her guilty of the offenses alleged. There is

1 evidence of an assault against her child that is at
2 least partially captured on video.

3 THE COURT: And I would agree, it is on video,
4 so I'm gonna deny the motion for a directed verdict.
5 Anything else?

6 MR. MAULDIN: Do you have any objection to the
7 jury charges, what she read out?

8 MS. LURRY: Right now I can't -- I can't
9 comprehend what you just said.

10 (Discussion with standby counsel.)

11 MS. LURRY: I can't really see it, so.

12 THE COURT: Okay. I don't hear any objections.
13 All right. Thank you, Ms. Lurry.

14 All right. We're gonna be in recess until we
15 hear back from the jury.

16 MR. MAULDIN: I'd like Ms. Lurry to explain for
17 the record what she meant by she can't see it.

18 THE COURT: All right. What do you mean you
19 can't it, Ms. Lurry?

20 MS. LURRY: I have a traumatic brain injury to
21 certain -- certain situations and I just recently had
22 a miscarriage. I've been incarcerated since November
23 in Georgia. The police assaulted me in my stomach
24 causing me to lose my baby, so I'm having so much
25 pain and frequent urination. So I had a ten-week

1 old pregnancy that had a heartbeat and like I need a
2 D&C. So it's like it's messing with my body, so
3 I'm trying to focus. I have not worn glasses in
4 five years right now. I'm trying my best to present
5 as an adult and this is (unintelligible), so I'm here
6 kind of frustrated.

7 MR. MAULDIN: I think Ms. Oler needs to put on
8 the record how many times she was given the Faretta
9 warnings and questioned by various judges.

10 MS. OLER: Your Honor, I'm happy to.

11 THE COURT: Let me hear from the State because I
12 wasn't involved in the Faretta.

13 MS. OLER: Yes, ma'am.

14 Your Honor, as you've heard, this case originated
15 in 2020. It was originally assigned to another
16 solicitor in this office who is no longer here. That
17 being Ashley Wellman.

18 Your Honor, according to the file, Ms. Wellman
19 put Ms. Lurry in front of Judge Keesley in November
20 of 2020 and Judge Keesley initially gave her Faretta
21 warnings in November of 2020. At that time the notes
22 indicate that Ms. Lurry indicated she wanted to
23 represent herself.

24 Trial notice was sent to her on April 8th of 2021
25 for a trial on April 19th of 2021. She failed to

1 appear on April 19th of 2021 and the bench warrant was
2 issued for her arrest.

3 Your Honor, her bench warrant was served earlier
4 this year, I believe it was February, and her bondsman
5 filed an affidavit of surrender on March 25th of 2025.

6 The case was then assigned to Assistant Solicitor
7 Whitney Taylor with our office. Whitney brought her
8 over for an attorney matter on April 24, 2025. That
9 was in front of Judge McLeod. At that hearing,
10 again, Ms. Lurry was given Faretta warnings and she
11 indicated in front of Judge McLeod that she intended
12 to represent herself.

13 Your Honor, the case was reassigned to me.
14 Ms. Lurry's been in Lexington County Detention Center
15 on that bench warrant, so the case was reassigned to
16 me. I brought her over here on July 21st of this
17 year. That was in front of Judge Taylor.

18 Your Honor, Judge Taylor gave her Faretta
19 warnings. At that time we gave her a trial notice
20 of today's trial. Your Honor, at that hearing I
21 provided her the paper discovery because inmates are
22 not allowed to have the disk. I had an area set up
23 for her where she viewed the body cam that we watched
24 and listened to the 9-1-1 that we heard today.

25 Again, she was given Faretta warnings on

1 April 21st and indicated that she wanted to represent
2 herself. I'm sorry. July 21st. So she's had Faretta
3 warnings three times in front of three different
4 judges and all three times she has indicated that
5 she wished to represent herself. She also has never
6 indicated any of the things that we've heard today for
7 the record, Your Honor.

8 THE COURT: Okay. I'll be happy to hear from
9 you.

10 MS. LURRY: Yeah, I wasn't able to speak until
11 today, so I just -- just gave that notice, just was
12 able to give that notice to say that.

13 I've been incarcerated since November of 2024
14 in another state, Cherokee County, Georgia, and I
15 was extradited here since March.

16 THE COURT: Okay. They're telling me that you
17 went in front of three different judges for your
18 Faretta warnings.

19 POTENTIAL JUROR: I went in front of the first
20 judge and that was just to state that the bench
21 warrant was issued in March of 2025, and I have
22 that. I don't have anything stating that they gave
23 me something to appear in court or a bench warrant
24 prior to 2021. I don't have any of that. And I was
25 incarcerated once you issued me a bench warrant.

1 I've been incarcerated since November of 2024.

2 THE COURT: We had her transported over; did we
3 not?

4 MS. OLER: We did. Yes, Your Honor.

5 THE COURT: Okay. You don't remember being
6 transported over?

7 MS. LURRY: I was incarcerated since November of
8 2024 in another state. That state had stated that I
9 had a warrant here, which didn't get extradited until
10 March.

11 THE COURT: That's what she's saying. They
12 brought you to court.

13 MS. LURRY: So in March, I didn't go to court. I
14 went to court in April and she stated -- the pregnant
15 solicitor stated that the bench warrant we had was
16 issued in March of 2025 that day that I came to court.

17 MS. OLER: No, Your Honor. That was the date her
18 affidavit of surrender was filed by her bondsman, was
19 March 25th of 2024. The bench warrant was issued back
20 in 2021.

21 THE COURT: I was gonna say there's no way to put
22 a hold on her --

23 MS. LURRY: It's not what they handed me when I
24 came to -- came to this jail. What they handed me was
25 that copy -- is this copy.

1 THE COURT: Okay.

2 Well, they're telling me that three different
3 judges gave you Faretta. There had to be a hold on
4 you or we couldn't have done the --

5 MS. LURRY: They keep forcing me to get a public
6 defender to represent me.

7 THE COURT: -- Lexington County. There's a
8 reason you got to Lexington County and it was that
9 bench warrant.

10 In March the bonding company went off your --

11 MS. LURRY: It's been open for five years, right?

12 THE COURT: There's no limit on crime here in
13 South Carolina.

14 MS. LURRY: Understood, but I was in the state of
15 Georgia and I've been incarcerated in the State of
16 Georgia since November. I have proof that I've been
17 incarcerated. I have not been released from jail.

18 THE COURT: I'm not saying that you have been.
19 I'm just saying you've been read your Faretta warnings
20 by --

21 MS. LURRY: Nobody read anything. They just
22 stated that there was a bench warrant and that they
23 was entering a bench warrant that she -- that she
24 issued -- that was issued in March of 2025.

25 THE COURT: Okay.

1 MR. MAULDIN: She's saying three different judges
2 asked you if you wanted an appointed lawyer and you
3 said no three times just the way --

4 MS. LURRY: I signed in 2020.

5 POTENTIAL JUROR: Peter denied Jesus three times.
6 You've denied your public defender three times.

7 MS. LURRY: Just like they denied me five times.

8 THE COURT: All right. I'm gonna deny the
9 motion --

10 MS. LURRY: I don't understand. I can't
11 comprehend.

12 THE COURT: -- and I just heard we got a verdict.
13 So are you-all ready to go forward?

14 MR. NORTON: Your Honor, the State's ready.

15 (Whereupon, the jury return to the courtroom at
16 4:46 PM.)

17 THE COURT: All right. Mr. Foreman, the bailiff
18 told me that the jury's reached a verdict.

19 FOREPERSON: Yes, we have, Your Honor.

20 THE COURT: Is it unanimous?

21 FOREPERSON: Yes, it is, Your Honor.

22 THE COURT: If you'd pass it to the bailiff,
23 please.

24 I'm gonna ask the clerk -- Ms. Lurry, if you'd
25 please stand.

1 You-all can be seated.

2 THE CLERK: As to indictment 2020-GS-32-02101,
3 the State of South Carolina versus Charlecia Lurry,
4 we, the jury, unanimously find Charlecia Lurry guilty.
5 So signed by the foreperson on this day, August 4,
6 2025.

7 Ladies and gentlemen of the jury, was this your
8 verdict and is it still your verdict? Please indicate
9 by raising right hand.

10 Thank you.

11 THE COURT: All right. Ms. Lurry, would you like
12 the jury polled?

13 MS. LURRY: I can't comprehend nothing right now.
14 I don't know. I can't comprehend.

15 THE COURT: Out of an abundance of caution, let's
16 poll the jury.

17 THE CLERK: Yes, ma'am.

18 Ladies and gentlemen of the jury, I will call you
19 by your juror number and ask if this was your verdict
20 and is it still your verdict. If you could please
21 raise your right hand and answer verbally.

22 Juror No. 167, was this your verdict and is it
23 still your verdict?

24 JUROR NO. 167: Yes.

25 THE CLERK: Juror No. 1 -- or, excuse me, 241,

1 was this your verdict and is it still your verdict?

2 JUROR NO. 241: Yes.

3 THE CLERK: Juror No. 225, was this your verdict
4 and is it still your verdict?

5 JUROR NO. 225: Yes.

6 THE COURT: Juror No. 130, was this your verdict
7 and is it still your verdict?

8 JUROR NO. 130: Yes.

9 THE CLERK: Juror No. 205, was this your verdict
10 and is it still your verdict?

11 JUROR NO. 205: Yes.

12 THE CLERK: Juror No. 260, was this your verdict
13 and is it still your verdict?

14 JUROR NO. 260: Yes.

15 THE CLERK: Juror No. 14, was this your verdict
16 and is it still your verdict?

17 JUROR NO. 114: Yes.

18 THE CLERK: Juror No. 70, was this your verdict
19 and is it still your verdict?

20 JUROR NO. 70: Yes.

21 THE CLERK: Juror No. 318, was this your verdict
22 and is it still your verdict?

23 JUROR NO. 318: Yes.

24 THE CLERK: Juror No. 50, was this your verdict
25 and is it still your verdict?

1 JUROR NO. 50: Yes.

2 THE COURT: Juror No. 333, was this your verdict
3 and is it still your verdict?

4 JUROR NO. 333: Yes.

5 THE CLERK: Juror No. 198, was this your verdict
6 and is it still your verdict?

7 JUROR NO. 198: Yes.

8 THE CLERK: Was there anyone's juror number I did
9 not call?

10 Thank you.

11 Your Honor, the jury's been polled.

12 THE COURT: Thank you.

13 Thank you for your time and listening and being
14 attentive. I'm gonna ask you to go back to your jury
15 room and I'll be back in just a moment to -- I need to
16 get some paperwork signed by the foreman and I will
17 excuse you then, okay?

18 Thank you.

19 (Whereupon, the jury retires to the jury room at
20 4:49 PM.)

21 THE COURT: All right. Let me go excuse the
22 jury. If you'd get the paperwork.

23 MS. OLER: Yes, ma'am.

24 (Recess taken at 4:50 PM.)

25 (Back on the record at 4:59 PM.)

1 THE COURT: All right. Are we ready to go
2 forward on this -- on sentencing?

3 MS. OLER: May I approach?

4 THE COURT: Yes.

5 All right. Let me hear from the State. Because
6 I know that this is a really, really old charge, so
7 I'm assuming there was a bench warrant. She didn't
8 show up, there was a bench warrant because I can't
9 imagine there being a 2020 case on my docket.

10 MR. NORTON: That's correct, Your Honor. There
11 has been a bench warrant in this case. Initially
12 trial notice was sent back in 2021. She failed to
13 appear for one of those trial dates and a bench
14 warrant was issued. Ultimately, Judge, it was not
15 served until this year. She's been brought over as
16 Your Honor heard several times this year and brought
17 us here today.

18 This is not her first contact with the criminal
19 justice system. She does have a criminal history that
20 I'd like to give to the Court at the appropriate time.
21 But Your Honor's correct, that the delay and the age
22 of this case was not due to the State's unwillingness
23 to try it.

24 THE COURT: All right. I'd like to hear her
25 criminal record.

1 MR. NORTON: So, Judge, she has a significant rap
2 sheet. I don't want to speculate. Most of it's in
3 Florida and Georgia and so a lot of the charges don't
4 have convictions associated with it, so I'm gonna
5 limit it to what she's actually been convicted of on
6 her criminal history.

7 THE COURT: That's all I'm gonna consider is the
8 convictions she had.

9 MR. NORTON: So, Judge, 2010 burglary with
10 assault. She received a 3-year probationary
11 sentence out of Florida. Resisting an officer without
12 violence from the same date. She does have probation
13 violations associated with that from 2012.

14 Then in Georgia, Your Honor, 2013 simple battery.
15 She received another probationary sentence for that.

16 Judge, it appears she has, in addition to some
17 driving offenses, a 2018 possession of marijuana
18 conviction out of Georgia, another probationary
19 sentence for that, as well as what appears to be a
20 probation violation based off that conviction.

21 I do not see a South Carolina criminal history,
22 Your Honor. Just out of state.

23 THE COURT: Okay. So really all I have is a --

24 MS. LURRY: It was an adjudication withheld, so
25 it's not a conviction.

1 THE COURT: Which one?

2 MS. LURRY: A burglary assault was adjudication
3 withheld out of the State of Florida. It's not
4 supposed to be on my record.

5 THE COURT: Are you talking about the 2010?

6 MS. LURRY: Yes, ma'am. My mom is my -- my
7 lawyer.

8 THE COURT: Your mom?

9 MS. LURRY: My mom.

10 THE COURT: Your mom?

11 MS. LURRY: Yes. She's -- she died here in South
12 Carolina.

13 THE COURT: Okay. Do you see anything in there
14 about that case being some kind of --

15 MS. LURRY: Disability determination. She's a
16 disability and autistic source for the State of
17 Florida.

18 THE COURT: I'm gonna tell you, Ms. Lurry, you
19 know, I'm bound by going by what's on your rap sheet.

20 It shows a conviction, Mr. Norton?

21 MR. NORTON: It does, Judge. It says burglary
22 with assault and it gives a statutory offense code of
23 Palm Beach County and it says sentence, probation
24 three years, credit time 198 days and the court costs
25 associated, but there's nothing to indicate that it

1 was a deferred adjudication.

2 MS. LURRY: Yes, I have that on documents. Not
3 here, but, yes.

4 THE COURT: Okay.

5 All right. Does the State have a recommendation
6 on sentencing?

7 MS. LURRY: (Unintelligible.)

8 MR. NORTON: Your Honor, I don't think it's
9 appropriate given her -- she does have a history on
10 probation. I don't think a probationary sentence is
11 appropriate in this case.

12 MS. LURRY: That's over ten years ago.

13 MR. NORTON: I think it's pretty -- I think there
14 is somewhat of an egregious element to calling 9-1-1
15 and reporting you're about to go assault someone,
16 assaulting them on video, and as Your Honor heard --

17 MS. LURRY: I asked them to respond there before
18 I get there, but you didn't.

19 THE COURT: Ms. Lurry, would you please -- I'm
20 gonna give you the opportunity to speak, okay? You
21 and I are gonna talk, but let him speak without
22 interrupting him.

23 Go ahead, Mr. Norton.

24 MR. NORTON: Judge, the case is what it is. Your
25 Honor saw it. Your Honor saw the video. At no point

1 has she attempted to take any sort of responsibility
2 for her actions as a parent and that's what led us
3 here today.

4 THE COURT: Okay.

5 All right. Ms. Lurry, let's you and I talk.

6 Tell me a little bit about you.

7 How old are you?

8 MS. LURRY: I am 35 years old. I just turned 35
9 here in this state in jail.

10 THE COURT: And you've been living in Florida
11 most of your life?

12 MS. LURRY: Most of my life. I got away from
13 Florida because these same individuals that are tied
14 to this case is still messing with me --

15 THE COURT: And what -- that would be --

16 MS. LURRY: -- for over twenty-five years.

17 THE COURT: -- your family?

18 MS. LURRY: Her father, her -- the whole entire
19 family.

20 THE COURT: And you're talking about your
21 daughter's?

22 MS. LURRY: Yes.

23 THE COURT: Okay.

24 MS. LURRY: The whole -- the whole entire
25 situation. It's a blown up case that I can't ever

1 see to get resolved. I can't even defend myself.
2 I can't even make my own decisions, but she can.
3 She can tell me what she can do, but I can't tell
4 you-all what I do.

5 THE COURT: Okay.

6 MS. LURRY: I can't even work past this all my
7 life.

8 THE COURT: Well, let me ask you this.

9 MS. LURRY: I'm being belittled.

10 THE COURT: Do you have any communication with
11 your daughter?

12 MS. LURRY: No. Since the judge told me no, I
13 don't have no communication. I let that situation be
14 that because the circumstances that -- if I call law
15 enforcement in regards to her stabbing my child in
16 the head or suffocating my son, they don't do nothing.
17 Or I call law enforcement in regards to her father
18 pistol-whipping me or his mother pushing me down the
19 stairs, breaking and entering in our house, hitting
20 me while I'm pregnant in the head with a Lysol can,
21 I don't to nothing to defend me. Nobody. I'm
22 struggling to fight for myself and my mom's son, who's
23 autistic and under my sister, who's not in a safe
24 place either.

25 But this is America. I'm chained and shackled

1 basically twenty-five -- to give the length,
2 twenty-five years of my life.

3 THE COURT: Well, I noticed you --

4 MS. LURRY: I raised children through a system
5 that never been for me. It's all a manipulation game
6 because somebody gets tied into it. Everybody got
7 their hands in your coochie, but my -- but me. Excuse
8 me.

9 THE COURT: Well, you know, the last thing I see
10 on your record is from 2018. Were you doing time on
11 that?

12 MS. LURRY: 2018 here in South Carolina?

13 THE COURT: No, in Georgia.

14 MS. LURRY: The state of Georgia, that was the
15 marijuana case? No, I think it was time served, three
16 days, and I paid \$300.

17 THE COURT: And then in --

18 MS. LURRY: And at that time the police kicked in
19 the hotel door on the kids --

20 THE COURT: How long have you been --

21 MS. LURRY: -- and left them there.

22 THE COURT: How long have you been sitting in the
23 detention center?

24 MS. LURRY: Here? I've been here since March,
25 but I've been incarcerated since November of 2024 in

1 Cherokee County jail, Woodstock, Georgia --

2 THE COURT: On our charge?

3 MS. LURRY: -- when the officer assaulted me
4 for jaywalking apparently when I was walking on the
5 sidewalk. So I got assaulted by an officer and lost
6 my baby, but at this point I have not been out of this
7 incarceration period like twenty-one years. She's
8 twenty-one now. I'm still incarcerated no matter what
9 I do.

10 THE COURT: Well, Ms. Lurry, those numbers don't
11 add up.

12 MS. LURRY: No, it does not. Nothing ever seems
13 to add up and now I'm --

14 THE COURT: Well, I'm trying to figure out when
15 -- when did we serve her with the South Carolina
16 warrant?

17 MR. NORTON: Judge, the failure to appear bench
18 warrant would have been served on March 21st of 2025.

19 THE COURT: And she's been incarcerated since
20 then?

21 MR. NORTON: That's correct, Your Honor.

22 THE COURT: She's entitled --

23 MR. MAULDIN: The jail reports she was booked
24 March 20th.

25 THE COURT: March 20th?

1 MR. NORTON: I don't have a reason to dispute
2 that, Judge.

3 THE COURT: Can you tell me how many days?

4 THE LAW CLERK: 137 days.

5 THE COURT: That's 137 days.

6 MS. LURRY: And that's the State in Georgia. The
7 State in Georgia when she dismissed my case got in
8 contact with the State here and they didn't want to
9 pick me up from their -- from their local jail, so
10 they sent me to Fulton County downtown on a rearrest
11 for -- what's it called -- of trespassing at IHop for
12 getting hot water for my coffee --

13 THE COURT: Okay. Well, see, now you got another
14 charge --

15 MS. LURRY: -- through a false charge and then
16 brought -- picked up from here -- they picked me up
17 from there.

18 THE COURT: Yeah, you've -- well, you've had
19 other charges. I hope you've got them all cleared up.
20 You weren't sitting in Georgia on the South Carolina
21 charge.

22 MS. LURRY: Yes. I was basically sitting in
23 Georgia on the South Carolina, yes --

24 THE COURT: They took you to Fulton County to
25 answer for the trespass.

1 MS. LURRY: -- and I was rebooked for
2 trespassing, which was a terrible story just to
3 keep me extradited --

4 THE COURT: Well, you know --

5 MS. LURRY: -- but they did finally do an
6 extradition court hearing and made South Carolina
7 come and get me.

8 THE COURT: And when was the extradition hearing?

9 MS. LURRY: That extradition hearing was March of
10 this year. About the 12th, 13th.

11 THE COURT: Do you have any idea?

12 MR. NORTON: No, Your Honor. We -- we haven't
13 had any contact with Georgia authorities on that.

14 THE COURT: Well, the bench warrant wasn't served
15 until March the 20th and --

16 MS. LURRY: I was in custody.

17 THE COURT: All right. Anything else you want to
18 tell me? Where are you gonna go?

19 MS. LURRY: I'm trying to go to my son and keep
20 him safe and away from these people. He's five years
21 old. He's already talking to the social workers about
22 them wanting to kill him, so I'm going back to Georgia
23 where my son resides at in school.

24 THE COURT: Who's taking care of your children
25 now?

1 MS. LURRY: I don't know about the rest of the
2 girls. That is -- that's out of my control. Once my
3 hands got out of that, I don't have no entitlement.
4 I didn't have none then as you can see. And I tried.
5 I tried over and over with the State. Every time I'm
6 in jail either a child has died of mine, murdered or
7 raped, and I'm just -- I need to see past this. And
8 he's my only boy.

9 THE COURT: Okay.

10 MS. LURRY: And I refuse for any of that. I
11 have an autistic brother that's supposed to reside in
12 the state as to when -- before my mom even passed away
13 that probate was supposed to take care of or people
14 here that's supposed to defend for us. Nobody is
15 representing him. It's a whole misrepresentation of
16 the law.

17 THE COURT: All right, Ms. Lurry. If there's not
18 anything else, I'm gonna go forward with sentencing.

19 MS. LURRY: I don't have nothing besides that
20 I've been incarcerated since November and proof of
21 being rearrested in January.

22 THE COURT: Do you have any other date that I can
23 give her credit for, Mr. Mauldin?

24 MR. MAULDIN: Well, did you get a PR bond? How
25 long had you been --

1 MS. LURRY: That was the first time. That was
2 in 2020.

3 MR. MAULDIN: Do you remember how long you were
4 in then?

5 MS. LURRY: That was only one day. I think
6 twenty-four hours, then taken to bond court and --

7 THE COURT: 139 days. I'll give you two days
8 credit for that.

9 MS. LURRY: It says here on this paper it's
10 January 4th prior to November because the judge said
11 she accidentally released me because South Carolina
12 didn't come and get me.

13 THE COURT: That she released you?

14 MS. LURRY: In Georgia. She released me on an OR
15 bond and then I was rearrested by one of the fellow
16 officers that was with Jay Fulenwider that attacked
17 me, so --

18 MR. MAULDIN: So it's Cherokee County?

19 MS. LURRY: And that's Cherokee. Woodstock,
20 Georgia.

21 MR. MAULDIN: You might want to put a note that
22 SCDC needs to check with Cherokee in Georgia jail and
23 Fulton County jail regarding credit as well.

24 MS. LURRY: And this is one of the papers. I
25 don't have any other paperwork. They didn't give me

1 anything. I'm lucky to see this.

2 THE COURT: All right, Ms. Lurry. I'm gonna
3 decline to put you on probation. They tell me you
4 have two probation violations --

5 MS. LURRY: I only had one only probation --

6 THE COURT: -- and so I'm not --

7 MS. LURRY: -- and it was in the state of
8 Florida.

9 THE COURT: -- I decline to put you on probation.
10 I'm gonna tell you, Ms. Lurry, your kind of lack
11 of responsibility --

12 MS. LURRY: No, it's not.

13 THE COURT: -- is bothersome.

14 MS. LURRY: It's not lack of responsibility
15 because I'm very responsible. It's -- it's been
16 traumatic. It's traumatic.

17 THE COURT: I understand.

18 MS. LURRY: That's what it's called.

19 THE COURT: I understand where you're coming
20 from, but I'm gonna tell you there's absolutely no
21 remorse. The video shows you right on top of your
22 daughter and strangling her --

23 MS. LURRY: (Unintelligible.)

24 THE COURT: -- and you can't do that.

25 You know, I'm one of six children, so I can

1 certainly understand the frustration a mom can feel,
2 you know, so -- I mean, I can, but --

3 MS. LURRY: And she's 21 years old, Judge.

4 THE COURT: I got it.

5 MS. LURRY: She's 21 years old. She's been
6 making these -- these fights and allegations and
7 decisions since she's been in Georgia state --

8 THE COURT: I got it, but you can't --

9 MS. LURRY: -- and I've been having these
10 problems --

11 THE COURT: -- respond the way that you
12 responded. You can't do that.

13 MS. LURRY: I asked them to be there before
14 I get there. I asked the people over the phone to
15 beat me there because it's gonna be something. It's
16 always something.

17 THE COURT: Yeah, and, you know --

18 MS. LURRY: But here in South Carolina when I
19 was pregnant with her sister, Minor2 , and
20 them assaulted me -- burglarized and assaulted me,
21 what did they do? Nobody does anything, but they go
22 into this record and say she had an extensive record.
23 The police keep falsifying and lying and just -- and
24 twisting and twining words. I can't help that. I can
25 only be myself. This is my first time having a jury

1 amongst people to talk, to be able to speak for myself
2 for twenty-five years. I have an autistic brother
3 that can't speak for himself because of the lack of
4 support.

5 THE COURT: You understand this charge --

6 MS. LURRY: My mom had the same frustration.

7 THE COURT: -- I want you to know carries zero
8 to ten years.

9 MS. LURRY: Fought for thirty years for -- even
10 for all her children about this and this is all coming
11 -- coming to an end. This is all coming to an end.

12 THE COURT: Okay. Well, I hope that you get this
13 put all behind you, you get out and can start anew.
14 I hope you build your relationships back with your
15 children because I do think that that's important.

16 So this is what I'm gonna do. I'm gonna sentence
17 you to one year. I'm giving you credit for the
18 139 days. I'm going to ask that the South Carolina
19 Department of Corrections please check Georgia records
20 for any additional time that you may be given credit
21 for.

22 Good luck to you.

23 All right. Court's adjourned.

24 MR. NORTON: Thank you, Your Honor.

25 MR. MAULDIN: Do you want -- I want for the

1 record, Ms. Lurry, do you want my office to file an
2 appeal for you?

3 MS. LURRY: Please because I didn't -- I have not
4 been out of incarceration.

5 MR. MAULDIN: All right. We will do that, but
6 another office handles the appeal. Our office will
7 do the paperwork to get started.

8 THE COURT: Thank you, Mr. Mauldin.

9 MR. MAULDIN: Yes, Your Honor.

10 (Whereupon, the proceedings were concluded for
11 August 4, 2025, at 5:16 PM.)

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C E R T I F I C A T E

1
2
3 I, Stacy S. Johnson, Official Court Reporter
4 for the Eleventh Judicial Circuit of the State of
5 South Carolina, do hereby certify that the foregoing
6 is a true, accurate and complete transcript of record
7 of all the proceedings had and the evidence introduced
8 in the hearing of the captioned case in Circuit Court
9 on the 4th day of August, 2025.

10 This transcript may contain quoted material.
11 Such material is reproduced as read by the speaker.

12 I do further certify that I am neither of kin,
13 counsel, nor have an interest to any party hereto.
14

15 January 20, 2026
16

17 1st Stacy S. Johnson
18 STACY S. JOHNSON, RPR
19 CIRCUIT COURT REPORTER
20
21
22
23
24
25

ARREST WARRANT

2020A3210202392

STATE OF SOUTH CAROLINA County/ Municipality of Lexington

THE STATE 20017488 against

Charlecia T Lurry

Address: S Ave

West Palm Beach, FL 33407-

Sex: F Race: B Height: 5 3 Weight: 250 DL State: DL #:

DOB: 1990 Agency ORI #: SC0320000

Prosecuting Agency: Lexington County Sheriff Prosecuting Officer: Jeffrey S Thrun - S01220

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

Offense Code: 2481 Code/Ordinance Sec: 63-05-0070

This warrant is CERTIFIED FOR SERVICE in the County/ Municipality of Lexington

is to be arrested and brought before me to be dealt with according to the law. The accused (L.S.)

Signature of Judge

RETURN

A copy of this arrest warrant was delivered to defendant Charlecia T. Lurry on 9/3/2020

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions Mark H. Westbrook Judicial Center 205 East Main Street Lexington, SC 29072

ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of Lexington

Personally appeared before me the affiant Jeffrey S Thrun

being duly sworn deposes and says that defendant Charlecia T Lurry

did within this county and state on or about 9/3/2020

State of South Carolina (or ordinance of) County/ Municipality of Lexington

in the following particulars:

DESCRIPTION OF OFFENSE: Children / Legal custodian, unlawful neglect of child or helpless person

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On September 3, 2020 I responded to 3700 Bush River Rd in the Columbia area of Lexington County for a larceny. While approaching the residence the defendant Charlecia Lurry did commit the offense of Unlawful Conduct toward a child, by punching and strangling her 16 year old daughter Da'nniah Davis to the point she couldn't breathe, endangering the health and life of her child.

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of Lexington

Affiant's Address 521 Gibson Road

Lexington, SC 29072-

Affiant's Telephone (803)785-2400

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

it appearing from the above affidavit that there are reasonable grounds to believe that

on or about 9/3/2020 defendant Charlecia T Lurry

did violate the criminal laws of the State of South Carolina (or ordinance of) as set forth below:

County/ Municipality of Lexington

DESCRIPTION OF OFFENSE: Children / Legal custodian, unlawful neglect of child or helpless person

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 9/3/2020

Signature of issuing Judge (L.S.)

Gary W. Reinhart

Judge Code: 5059

Judge's Address Lexington County Judicial Center

Lexington, SC 29072-

Judge's Telephone (803)785-2594

Issuing Court: Magistrate

Municipal

Circuit

ORIGINAL ORIGINAL ORIGINAL

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ORIGINAL ORIGINAL ORIGINAL

AFFIDAVIT ORIGINAL



WITNESSES

Name: _____
Address: _____

Telephone: _____

Name: _____
Address: _____

Telephone: _____

Name: _____
Address: _____

Telephone: _____

Name: _____
Address: _____

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Name: _____
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Name: _____
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Telephone: _____

Name: _____
Address: _____

Telephone: _____

Name: _____
Address: _____

Telephone: _____

CODEFENDANTS

BAIL set by

Judge _____

on 9-3-2020

Type and Amount: \$ 5000.00

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

2020 SEP -9 PM 3:46

LISA M. COMER
CLERK OF COURT
LEXINGTON SC

FILED

DOCKET NO. 2020GS3202101

The State of South Carolina
County of Lexington

COURT OF GENERAL SESSIONS
NOVEMBER TERM 2020

THE STATE
vs.
Charlecia T Lurry

CDR #: 2481

Indictment for

Unlawful Conduct Towards a Child
§ 63-05-0070

S.R. Hubbard III, SOLICITOR

WITNESSES

Lexington County Sheriffs Department

Jeffrey S Thrun

Law Enforcement Case #: 20017488

AEW

ARREST WARRANT NUMBER

2020A3210202392

ACTION OF GRAND JURY

Charlecia T Lurry
Foreperson of Grand Jury
Date: 11/2/20

VERDICT

GU'CTA

TRUE BILL

W. J. L. L.
Foreperson of Petit Jury
Date: 11/2/20

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Unlawful Conduct Towards a Child
§ 63-05-0070

At a Court of General Sessions, convened on November 2020, the Grand Jurors of Lexington County present upon their oath:

That **Charlecia T Lurry** in Lexington County, South Carolina, on or about September 3, 2020, while having charge or custody, or being the parent or guardian, or being responsible for the welfare of the minor child, *D.D.* unlawfully, place the child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety, to wit: punching and choking the victim until she could not breathe, causing visible injuries, defined in 63-7-20 and 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.



ASSISTANT SOLICITOR

ORIGINAL
FILED

STATE OF SOUTH CAROLINA 2020 NOV 20 AM 10:11) IN THE COURT OF GENERAL SESSIONS
 COUNTY OF LEXINGTON LISA M. COMER) REQUEST FOR DISCOVERY
 The State, CLERK OF COURT)
 vs. LEXINGTON SC) Warrant # 2020A3210202392
 Charlecia T Lurry,)
 Defendant.)

TO: DEFENDANT CHARLECIA T LURRY AND/OR PRO SE, THE DEFENDANT'S ATTORNEY OF RECORD

As the Defendant, Charlecia T Lurry, has requested disclosure under subdivisions (a) (1) (C) and (a)

(1) (D) of Rule 5 of the S.C. rules of Criminal Procedure and as the State has complied with such request, the State hereby requests disclosure of evidence by the Defendant as mandated under subdivisions (b)(1)(A) and (b)(1)(A) of Rule 5, to wit:

(b)(1)(A): The Defendant shall permit the State to inspect and copy books, pages, documents, photographs, tangible objects, or copies or portions thereof, which are within the possession, custody, or control of the Defendant and which the Defendant intends to introduce as evidence in chief at trial. AND

(b)(1)(B): The Defendant shall permit the State to inspect and copy any results of reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case, or copies thereof, within the possession, or control of the Defendant, which the Defendant intends to introduce as evidence in chief at the trial, or which were prepared by a witness whom the Defendant intends to call at trial when the results or reports relates to the witness testimony.

Pursuant to South Carolina Rule of Criminal Procedure 5(e), the State requests notice of the Defendant's intent to offer an alibi defense. Rule 5 (e) provides in pertinent part:

- (1) Notice of Alibi by Defendant: Upon written request of the prosecution stating the time, date, and place at which the alleged offense occurred, the defendant shall serve within ten days, or at such times as the court may direct; upon the prosecution a written notice of his and/or her intention to offer an alibi defense. The notice shall state the specific place or places at which the defendant claims to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom he and/or she intends to rely to establish such alibi.

- (2) Disclosure by Prosecution: Within ten days after the defendant serves his and/or her notice, but in no event less than ten days before trial, or as the court may otherwise direct, the prosecution shall serve upon the defendant or his attorney the names and addresses of witnesses upon whom the State intends to rely to establish defendant's presence at the scene of the alleged crime.
- (3) Continuing Duty to Disclose. Both parties shall be under a continuing duty to promptly disclose the names and addresses of additional witnesses whose identity, if know, should have been included in the information furnished under subdivision (1) or (2).
- (4) Failure to Disclose. If either party fails to comply with the requirements of this rule, the court may exclude the testimony of any undisclosed witness offered by either party. Nothing in this rule shall limit the right of the defendant testify on his and/her own behalf.

With respect to Rule 5 (e), this is a request of the prosecution stating the time, date and place the alleged offenses occurred, to wit: on September 3, 2020 at 3700 Bush River Road in Lexington County.

Notice of the Defense of Insanity or Plea or Guilty but Mentally ill: the Defendant shall give written notice of any intention to reply upon the defense of insanity or a plea of guilty but mentally ill at the time of the crimes. Said notice shall be served upon the undersigned within ten (10) days of this request

If, prior to or during trial, the Defendant discovers additional evidence or material previously requested or ordered, which is subject to discovery or inspection under Rule 5, the Defendant shall promptly notify the State or its attorney or the Court of the existence of the additional evidence or material as required by subdivision (c) of Rule 5.

Ashley Wellman

Ashley E. Wellman
Assistant Solicitor

November 20, 2020
Lexington, SC

2020 NOV 20 AM 10:11
 LISA M. COMER
 CLERK OF COURT
 LEXINGTON SC
 FILED

STATE OF SOUTH CAROLINA)
) IN THE COURT OF GENERAL SESSIONS
 COUNTY OF LEXINGTON)
 The State of South Carolina,)
)
 -vs-)
)
 Charlecia T. Lurry,)
)
 Defendant.)

ORDER REGARDING
 SELF-REPRESENTATION
 FARETTA vs. CALIFORNIA

LIBRARY OF CLERK OF COURT LEXINGTON SC

NOV 24 AM 8:06

Case Numbers:

Warrant: 2020A3210202392

Indictment: 2020GS3200101

Charge: Unlawful Neglect of a Child or Helpless Person

Heard: November 19, 2020 at Westbrook/Lexington County Judicial Center
 Representing the State: Ashley Wellman, Assistant Solicitor
 Representing the Defendant: Ms. Charlecia T. Lurry, pro se
 Court Reporter: Melinda D. Jones (Digital Recording System)

WPK #1

The defendant appeared for a status review concerning appointment of counsel.

She does not want an attorney and insists on representing herself. She also declined standby counsel. A hearing was conducted under *Faretta v. California*, 422 U.S. 806 (1975), which included discussions about the charge the defendant is facing and the possible punishment.¹ Based thereon, the court finds that the defendant freely, knowingly, and voluntarily rejects appointment of an attorney and standby counsel. Her decision to represent herself must be allowed at this point as she has the right to self-representation.

At the outset of the hearing, Ms. Lurry was told that the court will appoint an attorney for her, if she is unable to afford one. She emphatically rejected an attorney. The court explained that a hearing had to be conducted and questions must be asked to

¹ *Iowa v. Tovar*, 541 U.S. 77, 124 S.Ct. 1379 (2004)

comply with *Faretta* in order for her to proceed *pro se*. She lives in south Florida and expressed that she was upset about having to drive from her home 16 hours away, with her children. It is the court's understanding that she resents the State for pursuing this case, so the court explained that the judge's role is neutral and not prosecutorial, that the court was trying to help her by providing her with the opportunity to have an attorney to protect her rights, if she wanted one, and that the United States Supreme Court requires a *Faretta* hearing for the very purpose of protecting her rights. Her input was argumentative and sometimes non-responsive, though she did participate and provided sufficient information.

In compliance with *Faretta*, the court covered the following things.

Ms. Lurry is 30 years of age. She went to the 8th grade in school. Her fulltime work is taking care of her children as a single parent. She indicated that she has no history of mental illness or addiction.

The indictment charges her with unlawful neglect of a child or helpless person, and she understands the general nature of the charge and the minor that the State alleges to be the victim. Despite her protestations, she knows the charge that has been lodged against her, though she clearly believes it lacks merit. She indicated that she does not know the legal elements of the offense of unlawful neglect. She was cautioned to review the indictment. She understands that the potential sentence would be up to 10 years of imprisonment, and she understands that this alleged crime is categorized as a felony offense.

When asked if she had any legal training or had studied the law, she said that she had. When asked for specifics, she merely pointed around the room. When asked if she

WPK
#2

was indicating that she learned law by watching what happens in court, she said that is correct. She was asked about any experience that she may have had in other legal proceedings. She replied that she had been in court before, but would not provide details. The Solicitor read a part of the defendant's prior criminal record, but the offenses that were read were from Florida, and the Solicitor did not recite any dispositions. It is clear that the defendant has some experience in criminal cases, but her knowledge of the law is negligible and there is no indication that she has performed any research or had formal training or legal education.

The defendant is not familiar with the South Carolina Rules of Evidence or the South Carolina Rules of Criminal Procedure. She understands that she must comply with them in representing herself.

*WPK
#3*
She appears to understand the right to remain silent and not testify. She knows that the jury would be instructed that her silence cannot be held against her, should she choose not to testify.

The court attempted to explain that the rules of evidence might allow the State to bring before the jury her prior criminal record, if her record met certain standards for introduction, such as dishonesty. She appears to understand the general concept.

She was asked if she had attempted to look up any statutes, such as the ones applicable to this charge, and she said that she had read statutes. From her response, it does not appear that Ms. Lurry has read S.C. Code §63-5-70 or other statutes relevant to her case.²

² SECTION 63-5-70. Unlawful conduct toward a child.

(A) It is unlawful for a person who has charge or custody of a child, or who is the parent or guardian of a child, or who is responsible for the welfare of a child as defined in Section 63-7-20 to:

She does not appear to know any defenses that might be applicable to her situation or what motions may need to be made at various stages of the process.

However, the online public index that was reviewed in drafting this order does show that a motion for discovery and disclosure under Rule 5 was filed on November 20 (the day after the hearing), apparently by Ms. Lurry.

Ms. Lurry was cautioned that she must know the essential elements that the State must prove in order to be able to determine if the State has evidence sufficient to prove its case and properly defend her case. She should know the nature and elements of the crime, possible punishment and any collateral consequences, and her constitutional rights, including those related to trial by jury. She should know about the presumption of innocence and the burden of proof being on the State, as well as the standard of proof being beyond a reasonable doubt, and the meaning of all those terms. She must know the requirement of a unanimous verdict.

She should familiarize herself with the rules of evidence and the procedural rules, and she should be aware of the requirement to maintain decorum.

As explained in *State v. Barnes*, 407 S.C. 27, 753 S.E.2d 545 (2014):

A South Carolina criminal defendant has the constitutional right to represent himself under both the federal and state constitutions. *State v. Starnes*, 388 S.C. 590, 698 S.E.2d 604 (2010). A capital defendant, like

-
- (1) place the child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety;
- (2) do or cause to be done unlawfully or maliciously any bodily harm to the child so that the life or health of the child is endangered or likely to be endangered; or
- (3) wilfully abandon the child.
- (B) A person who violates subsection (A) is guilty of a felony and for each offense, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both.

HISTORY: 2008 Act No. 361, Section 2.

WPK
#4

any other criminal defendant, may waive his right to counsel. *State v. Starnes*, supra; *State v. Brewer*, 328 S.C. 117, 492 S.E.2d 97 (1997). So long as the defendant makes his request prior to trial, the only proper inquiry is that mandated by *Faretta*. *State v. Winkler*, 388 S.C. 574, 698 S.E.2d 596 (2010). Recognizing that it may be to the defendant's detriment to be allowed to proceed pro se, his knowing, intelligent and voluntary decision "must be honored out of that respect for the individual which is the lifeblood of the law." *Faretta*, 422 U.S. at 834. Under *Faretta*, the trial judge has the responsibility to make sure that the defendant is informed of the dangers and disadvantages of self-representation, and U.S. Const. am. 6; S.C. Const. art. I, § 14. that he makes a knowing and intelligent waiver of his right to counsel. *State v. Reed*, 332 S.C. 35, 41, 503 S.E.2d 747, 750 (1998). In *Edwards*, the United States Supreme Court held that "the Constitution permits states to insist upon representation by counsel for those competent enough to stand trial under *Dusky* but who still suffer from severe mental illness to the point where they are not competent to conduct trial proceedings by themselves." *Edwards*, 554 U.S. at 178. Since the Court merely agreed that states could set a higher standard for self-representation at trial without offending the federal constitution, it declined to adopt a federal constitutional competency standard. *Id.* We decline to impose a higher competency standard upon an individual who wishes to waive his right to an attorney and represent himself at trial than that required for the waiver of other fundamental constitutional rights afforded a criminal defendant, such as the right against compulsory self-incrimination; the right to trial by jury; and the right to confront one's accusers. See *Boykin v. Alabama*, 395 U.S. 238 (1969). A defendant who is competent to stand trial is also competent to waive these fundamental rights and plead guilty. *Sims v. State*, 313 S.C. 420, 438 S.E.2d 253 (1993). We do not find public policy supports a distinction between a defendant who wishes to plead guilty and the defendant who wishes to proceed to trial as the Sixth Amendment guarantees every criminal defendant the "right to proceed without counsel when he voluntarily and intelligently elects to do so." *Faretta*, 422 U.S. at 807.

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Essentially, in South Carolina, a court must allow a person to represent herself, unless she is not competent to make the decision. As mentioned previously, Ms. Lurry denied any history of mental illness. While she was agitated and it was difficult to get her to respond to questions, she never crossed any line that would cause the court to order a mental health evaluation. She does not appear to suffer from any mental or physical

disorder that affects her ability to think clearly and logically. She does well in expressing herself and communicating when she chooses, though she constrains herself unnecessarily at times.

The court made sure that the defendant knows of her right to counsel and appointed counsel. The court sufficiently discussed the dangers of self-representation with Ms. Lurry. She unequivocally and repeatedly insisted on self-representation, despite the court's admonition that proceeding without legal counsel is unwise. She was consistent and never wavered in her position during the somewhat lengthy *Faretta* hearing. She indicated that the decision is made of her own free will, and it is abundantly clear that her decision to proceed *pro se* was her own decision. It was is not the product of compulsion, duress, or fear.

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After determining that the defendant has the right to reject appointment of counsel and to act *pro se*, the court made sure that she understood the ability to have standby counsel. The role of standby counsel was explained to her. She was told that standby counsel would be available as a resource for her to use so that she could ask questions and get guidance from an attorney while representing herself. She was told that standby counsel would be present in the courtroom during her trial for her to utilize. She unequivocally rejected standby counsel more than once.

Having observed the defendant and conversed with her for an extended time, the court makes the following findings, beyond a reasonable doubt: that she is an alert, intelligent individual who understands the basic nature of the charge against her and the potential punishment; that she understands her right to counsel and appointed counsel; that she understands that she could have standby counsel appointed to assist her; and, she

sufficiently understands the dangers of self-representation. While she provided the court with little information of her knowledge of legal proceedings and her understanding of how to raise motions and issues with the court, she has been cautioned about this deficiency and indicates that she wants to represent herself. She is capable of addressing the court and jury, and she can present her position in a respectful way, if she chooses. Ms. Lurry's decision to represent herself, rejecting appointed counsel and appointment of standby counsel, is made freely, knowingly, voluntarily, and intelligently.

She was advised of a trial date for the week of January 25, 2021, if her case is reached during that term. She raised no issue about being ready for trial by that date. Due to the travel issues that Ms. Lurry expressed, the court directs that the State not require the defendant to attend court during the January 25, 2021 term, unless the prosecutor is confident that the case will be reached for trial during that term. If the defendant desires a continuance or has any pretrial motions that will require a hearing, she must file and serve those motions in a timely manner.

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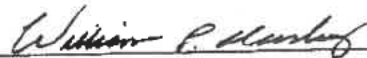
Finally, the court asked that the defendant provide her current mailing address so that she can be notified of any future filings or proceedings. She gave her address to the Clerk of Court and the Solicitor. Since she is self-represented, she is responsible for maintaining current contact information with the Clerk of Court's office and the Solicitor's office.

THEREFORE, THE COURT FINDS, AND IT IS ORDERED that Ms. Lurry has made a free, knowing, voluntary, and intelligent decision to waive her right to an attorney and to represent herself, despite the court's expression to her of its belief that her decision is unwise and that she would benefit from appointment of counsel. Her decision to

forego appointment of standby counsel is also free, knowing, voluntary, and intelligent, despite the court's opinion that it is unwise for her to proceed *pro se* without standby counsel.

IT IS FURTHER ORDERED that the defendant must maintain current contact information with the Clerk of Court and the Solicitor.

AND IT IS SO ORDERED.



William P. Keesley
Circuit Judge

November 23, 2020

#8

STATE OF SOUTH CAROLINA)
) IN THE COURT OF GENERAL SESSIONS
 COUNTY OF LEXINGTON)
 The State of South Carolina,)
)
 -vs-)
)
 Charlecia T. Lurry,)
)
 Defendant.)

LISA M. COHEN
 CLERK OF COURT
 LEXINGTON, SC

2020 NOV 30 PM 01:13

FILED

ORDER REGARDING
 SELF-REPRESENTATION
 FARETTA vs. CALIFORNIA

Case Numbers:
 Warrant: 2020A3210202392
 Indictment: 2020GS3200101
 Charge: Unlawful Neglect of a Child or Helpless Person

Heard: November 19, 2020 at Westbrook/Lexington County Judicial Center
 Representing the State: Ashley Wellman, Assistant Solicitor
 Representing the Defendant: Ms. Charlecia T. Lurry, pro se
 Court Reporter: Melinda D. Jones (Digital Recording System)

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The defendant appeared for a status review concerning appointment of counsel. She does not want an attorney and insists on representing herself. She also declined standby counsel. A hearing was conducted under *Faretta v. California*, 422 U.S. 806 (1975), which included discussions about the charge the defendant is facing and the possible punishment.¹ Based thereon, the court finds that the defendant freely, knowingly, and voluntarily rejects appointment of an attorney and standby counsel. Her decision to represent herself must be allowed at this point as she has the right to self-representation.

At the outset of the hearing, Ms. Lurry was told that the court will appoint an attorney for her, if she is unable to afford one. She emphatically rejected an attorney. The court explained that a hearing had to be conducted and questions must be asked to

¹ *Iowa v. Tovar*, 541 U.S. 77, 124 S.Ct. 1379 (2004)

comply with *Faretta* in order for her to proceed *pro se*. She lives in south Florida and expressed that she was upset about having to drive from her home 16 hours away, with her children. It is the court's understanding that she resents the State for pursuing this case, so the court explained that the judge's role is neutral and not prosecutorial, that the court was trying to help her by providing her with the opportunity to have an attorney to protect her rights, if she wanted one, and that the United States Supreme Court requires a *Faretta* hearing for the very purpose of protecting her rights. Her input was argumentative and sometimes non-responsive, though she did participate and provided sufficient information.

In compliance with *Faretta*, the court covered the following things.

Ms. Lurry is 30 years of age. She went to the 8th grade in school. Her fulltime work is taking care of her children as a single parent. She indicated that she has no history of mental illness or addiction.

The indictment charges her with unlawful neglect of a child or helpless person, and she understands the general nature of the charge and the minor that the State alleges to be the victim. Despite her protestations, she knows the charge that has been lodged against her, though she clearly believes it lacks merit. She indicated that she does not know the legal elements of the offense of unlawful neglect. She was cautioned to review the indictment. She understands that the potential sentence would be up to 10 years of imprisonment, and she understands that this alleged crime is categorized as a felony offense.

When asked if she had any legal training or had studied the law, she said that she had. When asked for specifics, she merely pointed around the room. When asked if she

was indicating that she learned law by watching what happens in court, she said that is correct. She was asked about any experience that she may have had in other legal proceedings. She replied that she had been in court before, but would not provide details. The Solicitor read a part of the defendant's prior criminal record, but the offenses that were read were from Florida, and the Solicitor did not recite any dispositions. It is clear that the defendant has some experience in criminal cases, but her knowledge of the law is negligible and there is no indication that she has performed any research or had formal training or legal education.

The defendant is not familiar with the South Carolina Rules of Evidence or the South Carolina Rules of Criminal Procedure. She understands that she must comply with them in representing herself.

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She appears to understand the right to remain silent and not testify. She knows that the jury would be instructed that her silence cannot be held against her, should she choose not to testify.

The court attempted to explain that the rules of evidence might allow the State to bring before the jury her prior criminal record, if her record met certain standards for introduction, such as dishonesty. She appears to understand the general concept.

She was asked if she had attempted to look up any statutes, such as the ones applicable to this charge, and she said that she had read statutes. From her response, it does not appear that Ms. Lurry has read S.C. Code §63-5-70 or other statutes relevant to her case.²

² SECTION 63-5-70. Unlawful conduct toward a child.

(A) It is unlawful for a person who has charge or custody of a child, or who is the parent or guardian of a child, or who is responsible for the welfare of a child as defined in Section 63-7-20 to:

She does not appear to know any defenses that might be applicable to her situation or what motions may need to be made at various stages of the process. However, the online public index that was reviewed in drafting this order does show that a motion for discovery and disclosure under Rule 5 was filed on November 20 (the day after the hearing), apparently by Ms. Lurry.

Ms. Lurry was cautioned that she must know the essential elements that the State must prove in order to be able to determine if the State has evidence sufficient to prove its case and properly defend her case. She should know the nature and elements of the crime, possible punishment and any collateral consequences, and her constitutional rights, including those related to trial by jury. She should know about the presumption of innocence and the burden of proof being on the State, as well as the standard of proof being beyond a reasonable doubt, and the meaning of all those terms. She must know the requirement of a unanimous verdict.

She should familiarize herself with the rules of evidence and the procedural rules, and she should be aware of the requirement to maintain decorum.

As explained in *State v. Barnes*, 407 S.C. 27, 753 S.E.2d 545 (2014):

A South Carolina criminal defendant has the constitutional right to represent himself under both the federal and state constitutions. *State v. Starnes*, 388 S.C. 590, 698 S.E.2d 604 (2010). A capital defendant, like

-
- (1) place the child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety;
 - (2) do or cause to be done unlawfully or maliciously any bodily harm to the child so that the life or health of the child is endangered or likely to be endangered; or
 - (3) wilfully abandon the child.
- (B) A person who violates subsection (A) is guilty of a felony and for each offense, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both.

HISTORY: 2008 Act No. 361, Section 2.

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any other criminal defendant, may waive his right to counsel. *State v. Starnes*, supra; *State v. Brewer*, 328 S.C. 117, 492 S.E.2d 97 (1997). So long as the defendant makes his request prior to trial, the only proper inquiry is that mandated by *Faretta*. *State v. Winkler*, 388 S.C. 574, 698 S.E.2d 596 (2010). Recognizing that it may be to the defendant's detriment to be allowed to proceed pro se, his knowing, intelligent and voluntary decision "must be honored out of that respect for the individual which is the lifeblood of the law." *Faretta*, 422 U.S. at 834. Under *Faretta*, the trial judge has the responsibility to make sure that the defendant is informed of the dangers and disadvantages of self-representation, and U.S. Const. am. 6; S.C. Const. art. I, § 14. that he makes a knowing and intelligent waiver of his right to counsel. *State v. Reed*, 332 S.C. 35, 41, 503 S.E.2d 747, 750 (1998). In *Edwards*, the United States Supreme Court held that "the Constitution permits states to insist upon representation by counsel for those competent enough to stand trial under *Dusky* but who still suffer from severe mental illness to the point where they are not competent to conduct trial proceedings by themselves." *Edwards*, 554 U.S. at 178. Since the Court merely agreed that states could set a higher standard for self-representation at trial without offending the federal constitution, it declined to adopt a federal constitutional competency standard. *Id.* We decline to impose a higher competency standard upon an individual who wishes to waive his right to an attorney and represent himself at trial than that required for the waiver of other fundamental constitutional rights afforded a criminal defendant, such as the right against compulsory self-incrimination; the right to trial by jury; and the right to confront one's accusers. See *Boykin v. Alabama*, 395 U.S. 238 (1969). A defendant who is competent to stand trial is also competent to waive these fundamental rights and plead guilty. *Sims v. State*, 313 S.C. 420, 438 S.E.2d 253 (1993). We do not find public policy supports a distinction between a defendant who wishes to plead guilty and the defendant who wishes to proceed to trial as the Sixth Amendment guarantees every criminal defendant the "right to proceed without counsel when he voluntarily and intelligently elects to do so." *Faretta*, 422 U.S. at 807.

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Essentially, in South Carolina, a court must allow a person to represent herself, unless she is not competent to make the decision. As mentioned previously, Ms. Lurry denied any history of mental illness. While she was agitated and it was difficult to get her to respond to questions, she never crossed any line that would cause the court to order a mental health evaluation. She does not appear to suffer from any mental or physical

disorder that affects her ability to think clearly and logically. She does well in expressing herself and communicating when she chooses, though she constrains herself unnecessarily at times.

The court made sure that the defendant knows of her right to counsel and appointed counsel. The court sufficiently discussed the dangers of self-representation with Ms. Lurry. She unequivocally and repeatedly insisted on self-representation, despite the court's admonition that proceeding without legal counsel is unwise. She was consistent and never wavered in her position during the somewhat lengthy *Faretta* hearing. She indicated that the decision is made of her own free will, and it is abundantly clear that her decision to proceed *pro se* was her own decision. It was is not the product of compulsion, duress, or fear.

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Having observed the defendant and conversed with her for an extended time, the court makes the following findings, beyond a reasonable doubt: that she is an alert, intelligent individual who understands the basic nature of the charge against her and the potential punishment; that she understands her right to counsel and appointed counsel; that she understands that she could have standby counsel appointed to assist her; and, she

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sufficiently understands the dangers of self-representation. While she provided the court with little information of her knowledge of legal proceedings and her understanding of how to raise motions and issues with the court, she has been cautioned about this deficiency and indicates that she wants to represent herself. She is capable of addressing the court and jury, and she can present her position in a respectful way, if she chooses. Ms. Lurry's decision to represent herself, rejecting appointed counsel and appointment of standby counsel, is made freely, knowingly, voluntarily, and intelligently.

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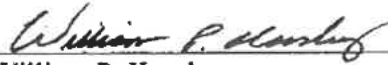
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THEREFORE, THE COURT FINDS, AND IT IS ORDERED that Ms. Lurry has made a free, knowing, voluntary, and intelligent decision to waive her right to an attorney and to represent herself, despite the court's expression to her of its belief that her decision is unwise and that she would benefit from appointment of counsel. Her decision to

forego appointment of standby counsel is also free, knowing, voluntary, and intelligent, despite the court's opinion that it is unwise for her to proceed *pro se* without standby counsel.

IT IS FURTHER ORDERED that the defendant must maintain current contact information with the Clerk of Court and the Solicitor.

AND IT IS SO ORDERED.



William P. Keesley
Circuit Judge

November 23, 2020

FILED
2020 NOV 30 AM 9:15
LISA M. COMER
CLERK OF COURT
LEXINGTON, VA

#8

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

THE STATE

v.

Charlecia T Lurry

Address: [redacted] Nw 4Th St
Boynton Beach, FL 33407
Bond Address: 417 Nw 4Th St
Boynton Beach, FL 33407
Phone:

Bond Information:
A1 / Kirk Brunson

Surety
5,000

*****BENCH WARRANT*****

FAILURE TO APPEAR
GENERAL SESSIONS COURT

ORIGINAL

WARRANT#(s):
2020A3210202392 - Children / Legal custodian, unlawful
neglect of child or helpless person

G210790

Sex: F RACE: Black
DOB: [redacted] 1990
SSN#:
FBI#: 563048AC9
SID#:
DMV ID Type: Regular Drivers License Issued By:
ID or License #:
Height: 5-3 Weight: 250
Eyes: Brown Hair: Black
Other Information:

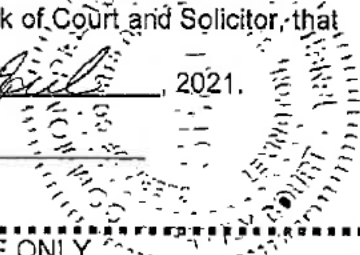
Def. Atty: PRO SE
Solicitor: Ashley E. Wellman

Agency: Lexington County Sheriffs Department
Officer: Jeffrey S Thrun
Date of Arrest: 9/3/2020

To all the Sheriffs, Deputy Sheriffs, Constables, and other Peace Officers of the State:
WHEREAS, at the term of aforesaid Court on April 19, 2021 it was among other things ordered by
Judge Walton McLeod that a bench warrant should be issued for the arrest of Defendant: Charlecia T Lurry.
It is, **THEREFORE, ORDERED** that you make diligent search for the above named and take him to the county
jail where he/she be safely held until he/she may be brought before this Court, or otherwise discharged by due
course of Law. It is, **FURTHER ORDERED**, that the county jailer notify the Clerk of Court and the Solicitor,
immediately, in writing during the normal operating hours of the office of the Clerk of Court and Solicitor, that
the above named is in custody.

WITNESS, the Clerk of Court for the County of Lexington on the 26th day of April, 2021.

Lisa Comer
Lisa Comer Clerk of Court
Lexington C.C.P. & G.S.



RETURN OF SERVICE

SPACE FOR OFFICIAL USE ONLY

Date served: 3-29
Served by: [Signature]
-or-
Date Returned: _____
Reason for _____

RETURNED TO THE CLERK OF COURT LEXINGTON, S.C. UPON SERVICE OR RETURN

RECEIVED

APR 28 2021

Lexington Cty Sheriff's Dept.

LCDC

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)
STATE OF SOUTH CAROLINA)
VS.)

IN THE COURT OF GENERAL SESSIONS
DOCKET NO _____ -GS-32-_____
WARRANT # 2020A3210202392
ORDER
OF APPOINTMENT OF
LEGAL COUNSEL IF INDIGENT DEFENDANT

Charlisa Lurry
DEFENDANT

THE DEFENDANT CONTENDS THAT HE IS INDIGENT AND IN NEED OF SERVICE OF AN ATTORNEY AS CONTEMPLATED BY LAW. THEREFORE, Public Defender - 803-785-8873, ATTORNEY-AT-LAW IS APPOINTED FOR THE DEFENDANT UNDER THE AUTHORITY OF THE CHIEF JUDGE FOR ADMINISTRATIVE PURPOSES ISSUED TO THE CLERK OF COURT FOR LEXINGTON COUNTY TO APPOINT ATTORNEY FOR INDIGENT DEFENDANTS.

IT IS SO ORDERED:

THIS 21 DAY OF July 2025
AT _____ () M)

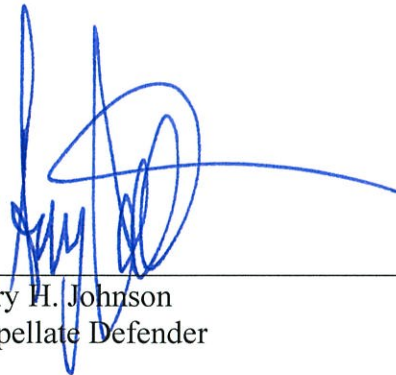
Lisa Comer
LISA COMER, CLERK OF COURT
LEXINGTON COUNTY, ELEVENTH JUDICIAL CIRCUIT

Stand-by Counsel *Appointed by Judge C. Taylor*

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Gary H. Johnson
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

This 5th day of June, 2026.

ATTORNEY FOR APPELLANT