

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas
Kristi L. Harrington, Circuit Court Judge

RECEIVED
MAY 28 2015
SC Court of Appeals

Appellate Case No. : 2014-002730

Adriane Green, individually and as Personal Representative of the Estate of
Adonous Green, deceased, Respondent,

v.

John Doe, James Cleveland and James I Ford, III, aka "Big Ford", Defendants,
Of whom James I. Ford, III, aka "Big Ford" is the Appellant.

RECORD ON APPEAL

W. Dean Murphy, III
659 St. Andrews Blvd.
Charleston, SC 29407
(843) 766-7004
S.C. Bar #: 4155
ATTORNEY FOR THE APPELLANT

Samuel K. Allen
49 Immigration Street, Suite 100
Charleston, SC 29403
(843) 722-8070
ATTORNEY FOR THE RESPONDENT

Index

1)	Order dated 13 November 2014	2
2)	Default Order dated 31 January 2014	4
3)	Second Amended Complaint	5
4)	Transcript of Record:	
	- cover page	10
	- pages 6 - 7	11
	- pages 19 through 61	13
	- pages 65 - 71	56
5)	Index of Voluminous Records (Bates 1-3756)	62
6)	Exhibit List Page	66
7)	Certification of Record on Appeal	67

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BERKELEY)
)
 ADRIANE GREEN, INDIVIDUALLY)
 AND AS PERSONAL REPRESENTATIVE)
 OF THE ESTATE OF ADONOUS)
 GREEN, DECEASED,)
)
 Plaintiff,)
 vs.)
)
 JOHN DOE, JAMES CLEVELAND)
 AND JAMES I. FORD, III AKA "BIG)
 FORD")
)
 Defendants.)

IN THE COURT OF COMMON PLEAS
 FOR THE NINTH JUDICIAL CIRCUIT
 CASE NO.: 2011-CP-08-3308

ORDER

2014 NOV 14 PM 1:48
 MARY P. BROWN
 CLERK OF COURT
 BERKELEY COUNTY, SC
 FILED
 JFD

THIS MATTER CAME BEFORE THE COURT for a non-jury trial in the above-referenced matter. Having heard the evidence in the above-referenced action as requested, the Court hereby finds that the Defendants, James Cleveland and James I. Ford, III, aka "Big Ford," were negligent in one or more ways outlined in the Pleadings in the above captioned case. The Court further finds that the Defendants, James Cleveland and James I. Ford, III, aka "Big Ford," were negligent and their negligence was the proximate cause of the injuries and death of Adonous Green.

Having found sufficient evidence and factual support, the Court hereby enters judgment in favor of Plaintiffs in the wrongful death action in the amount of Five Hundred Thousand and 00/100 (\$500,000.00) Dollars and in the survival action in the amount of Five Hundred Thousand and 00/100 (\$500,000.00) Dollars. The total amount awarded to the Plaintiffs is One Million and 00/100 (\$1,000,000.00) Dollars in the case against Defendants James Cleveand and James I. Ford, III, aka "Big

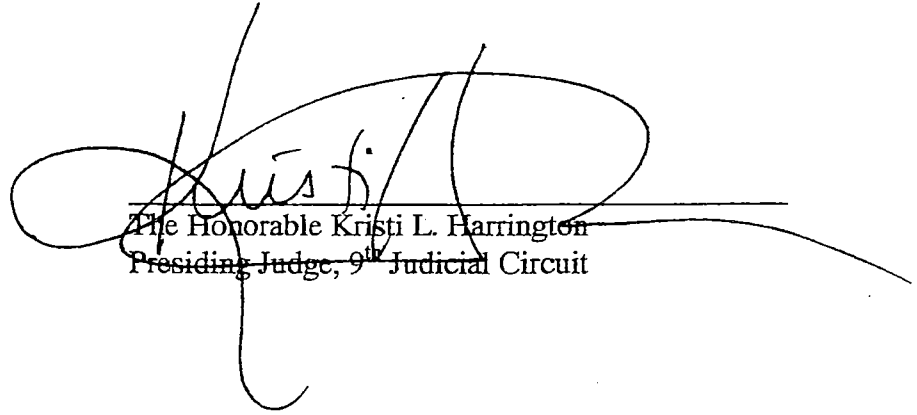
[Handwritten signature]
 11/13/14

000002

Ford".

Hereby ordered on this 13th day of November, 2014.

IT IS SO ORDERED!



The Honorable Kristi L. Harrington
Presiding Judge, 9th Judicial Circuit

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BERKELEY)
)
 ADRIANE GREEN,)
 Individually and as Personal)
 Representative of the Estate of)
 ADONOUS GREEN, Deceased)
)
 Plaintiff,)
)
 vs.)
)
 JOHN DOE, JAMES CLEVELAND)
 And JAMES I. FORD, III aka)
 "Big Ford")
)
 Defendants.)

IN THE COURT OF COMMON PLEAS
 FOR THE NINTH JUDICIAL CIRCUIT
 CASE NO.: 2011-CP-08-3308

SECOND AMENDED COMPLAINT
 (Jury Trial)

Premises Liability/Wrongful Death

2013 NOV -4 PM 3:28
 FILED
 HARRY F. BROWN
 CLERK OF COURT
 BERKELEY COUNTY, SC

The Plaintiff, complaining of the Defendants, alleges and says as follows:

ONE: The Plaintiff is the duly appointed Personal Representative of the Estate of Adonous Green and is a citizen and resident of North Charleston, Charleston County, State of South Carolina.

TWO: The Plaintiff is informed and believes that Defendant John Doe is a construction company that created a retention pond, drainage ditches, and roadway on the property located behind 546 Beulah Tabernacle Drive and further described as El Elyon Lane (Lot B-2 /TMS #046-00-01-146 and Lot B-2A/TMS # 046-00-01-153) in St. Stephen, Berkeley County, South Carolina.

THREE: That, upon information and belief, Defendant, James Cleveland, is a citizen and resident of Berkeley County and can be found for service at 542 Beulah Tabernacle Drive, St. Stephen, South Carolina.

FOUR: That, upon information and belief, Defendant, James I. Ford, III, aka Big Ford, (herein after "Ford") a resident of Charleston County.

FIVE: This is a premises liability cause of action wherein the Defendants, JOHN DOE, JAMES CLEVELAND and FORD, owned, possessed, created dangerous conditions on, and/or was in control of the premises located behind 546 Beulah Tabernacle Drive and further described as El Elyon Lane (Lot B-2 /TMS #046-00-01-146 and Lot B-2A/TMS # 046-00-01-153) in St. Stephen, Berkeley County, South Carolina on June 3, 2011.

SIX: On June 3, 2011, the property located behind 546 Beulah Tabernacle Drive and further described as El Elyon Lane (Lot B-2/TMS #046-00-01-146 and Lot B-2A/TMS # 046-00-01-153) in St. Stephen, Berkeley County, South Carolina, included a pond that was approximately twelve (12) feet deep which was located approximately 273 feet from 546 Beulah Tabernacle Drive. The said pond was artificially created and/or maintained upon the property located behind 546 Beulah Tabernacle Drive and further described as El Elyon Lane (Lot B-2/TMS #046-00-01-146 and Lot B-2A/TMS # 046-00-01-153) by the Defendants.

SEVEN: On June 3, 2011 and before, Defendants had knowledge, both actual and constructive, that children were attracted to the pond that was located on the property located behind 546 Beulah Tabernacle Drive and further described as El Elyon Lane (Lot B-2/TMS #046-00-01-146 and Lot B-2A/TMS # 046-00-01-153).

SIX: On June 3, 2011, Plaintiff, Adonous Green, a deceased minor, lived at 546 Beulah Tabernacle Drive, St. Stephens, Charleston County, South Carolina.

SEVEN: On June 3, 2011 and before that date, Defendants had knowledge and was aware of the fact that minor children resided at 546 Beulah Tabernacle Drive and in close proximity to his property located behind 546 Beulah Tabernacle Drive and further described as El Elyon Lane (Lot B-2 /TMS #046-00-01-146 and Lot B-2A/TMS # 046-00-01-153) where the pond was located.

EIGHT: On June 3, 2011, Adonous Green, a deceased minor, drowned in the pond located on

the property located behind 546 Beulah Tabernacle Drive and further described as El Elyon Lane (Lot B-2 /TMS #046-00-01-146 and Lot B-2A/TMS # 046-00-01-153), Berkeley County, South Carolina.

NINE: Defendants were negligent, careless, reckless, willful and wanton in one or more of the following particulars, among others:

- (a) In creating, maintaining, controlling and/or allowing to exist upon his premises a pond which he knew or should have known is naturally attractive to children and at the same time is dangerous to them, and as such controlling, creating, maintaining and/or allowing to exist an *Attractive Nuisance* on his premises;
- (b) In failing to exercise reasonable care to guard, secure and/or prevent access to the pond by children;
- (c) In creating and maintaining a condition on his premises, which he knew or should have known from its very nature is especially attractive to children, and which at the same time is dangerous to them, without exercising reasonable care to see that such condition was so guarded that children would not be injured by coming into contact with it;
- (d) In creating and/or maintaining an attractive nuisance on his property; while not completely surrounding it with a fence that would prevent children from gaining access to the property.
- (e) In failing and omitting to take any precaution whatsoever of a reasonable nature to protect children, including Adonous Green, from the dangers of the pond;
- (f) In failing and omitting to exercise due care for the safety of children in general and Adonous Green, a minor, in particular, under the circumstances prevailing and existing at said time and place; and
- (g) In other ways that may become apparent during discovery.

The above listed acts and/or omissions along with others, singularly or in combination, either caused or contributed in whole or in part to the drowning made the basis of this suit and the injuries and eventual death of ADONOUS GREEN, a minor.

TEN: As a direct and proximate result of the negligence, carelessness, recklessness,

willfulness and wantonness of Defendants as set forth more fully above, ADONOUS GREEN, a minor, suffered severe personal injuries which directly and proximately led to his untimely death.

ELEVEN: The severe personal injuries suffered by ADONOUS GREEN, a deceased minor, which led to his untimely death caused him to suffer great conscious physical pain and mental anguish prior to his death.

TWELVE: Defendants knew or should have known that children would be naturally attracted to the appealing and inviting pond which was located on his property and said children would likely suffer foreseeable injuries, including death, if they were allowed to gain access to the pond.

THIRTEEN: As a direct and proximate result of the conduct of Defendants, as aforesaid, ADONOUS GREEN, Deceased, died in the twelfth (12th) year of his life and the beneficiaries under the Wrongful Death Act, South Carolina Code of Laws, Section 15-51-20, for whom this action is brought, have experienced mental anguish, grief, suffering, bereavement, loss of society, guidance and comfort. Funeral expenses were incurred and they have been otherwise seriously damaged in such amount as the jury may determine.

FOURTEEN: ADRIANE GREEN, as Personal Representative of the Estate of ADONOUS GREEN and on behalf of the statutory beneficiaries of that estate seeks full and complete compensation for the survival claims and conscious pain and suffering endured by ADONOUS GREEN, a minor prior to his death, which injuries and damages are compensable under South Carolina Code of Laws, Section 15-5-90.

FIFTEEN: As a direct, proximate and legal result of the conduct of Defendants as aforesaid, Plaintiff, ADRIANE GREEN, Individually as mother of ADONOUS GREEN, Deceased, has suffered mental shock and suffering, wounded feelings, grief and sorrow, as well as a loss of the care, comfort, society, companionship, knowledge, judgment and services of ADONOUS GREEN,

Deceased, which include, without limitation:

- (a) General damages in an amount above the jurisdictional minimum of the Court;
- (b) Medical and funeral expense.

SIXTEEN: The actions of Defendants as set forth above, were willful, wanton, malicious and/or in reckless disregard of the rights of ADONOUS GREEN, a deceased minor, and as such, would justify the awarding of punitive damages for which Plaintiff sues.

WHEREFORE, the Plaintiff prays for judgment against the Defendants, for an amount to be ascertained by the jury at the trial of this action, for all damages, economic, non-economic, actual and punitive, for the cost and disbursements of this action, and both prejudgment and post judgment interest, and for such other and further relief, in law or in equity, as this Court may deem just and proper.

CLORE LAW GROUP, LLC



Samuel K. Allen, Esquire
49 Immigration Street, Suite 100
Charleston, South Carolina 29403
Telephone (843) 722-8070
Fax (843) 722-9881
sam@clorelaw.com
ATTORNEY FOR THE PLAINTIFF

Dated: 10-25-2013
Charleston, South Carolina

STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
) NINTH JUDICIAL CIRCUIT
COUNTY OF BERKELEY) CASE NO.: 2011-CP-08-3308

ADRIANE GREEN, INDIVIDUALLY and)
AS PERSONAL REPRESENTATIVE OF THE)
ESTATE OF ADONOUS GREEN, DECEASED)

PLAINTIFF,)

VS.)

JOHN DOE, ET AL,)
BERKELEY COUNTY, STATE OF)
SOUTH CAROLINA)

DEFENDANT.)

NON-JURY TRIAL

held before the Honorable Kristi L. Harrington
Mia Perron, Circuit Court Reporter, 9th Judicial Circuit
in the Berkeley County Courthouse
Moncks Corner, South Carolina
on Wednesday, October 22, 2014, Commencing at 3:26 p.m.

SUSAN "MIA" PERRON, CVR-CM-M
Circuit Court Reporter - 9th Judicial Circuit
Post Office Box 31865
Charleston, South Carolina 29417-1865
1-706-231-6028

COPY

000010

1 of the property and identified Mr. Cleveland as the
2 rightful owner of the specific piece of land where the
3 dangerous condition was held. At that point in time,
4 still attempting to get discovery, with no response,
5 moved to place Mr. Cleveland in default. Did so, then
6 through a series of questions was able to identify one
7 of the witnesses who is here today, a Mr. Jacob
8 Walker, Jr., Your Honor, who was identified as the
9 person who created the hole.

10 Mr. Junior's [phonetic] deposition was taken,
11 represented by Mr. Crites, and in that deposition
12 represented to me that he was not the individual that
13 created the hole but a Big Ford was. Through
14 extensive research, we were able to find out who Big
15 Ford actually was. He was then named and added to the
16 complaint.

17 Mr. James Ford, III, a/k/a, Big Ford, is a
18 resident of Ravenel, South Carolina. We were then
19 able through investigations to confirm that he had the
20 equipment necessary to create the conditions, through
21 our investigators, and we have identified that there
22 was equipment that was large enough to create the
23 condition that was there and, as such, we then filed
24 suit against him. He's failed to respond also, and
25 been held in default by this Court.

1 And we'll proceed today on that -- against both
2 defendants, who are at fault, on a damages hearing.

3 THE COURT: Please tell me your name.

4 MR. CLEVELAND: James Cleveland.

5 THE COURT: You are Mr. Cleveland?

6 MR. CLEVELAND: Yes, ma'am.

7 THE COURT: And you are?

8 MS. CLEVELAND: My name is Juanita Cleveland,
9 his daughter. I'm not an attorney. I'm just here
10 helping him. Sometimes he has a hard time
11 understanding, so I'm going to help him out.

12 THE COURT: All right. I will allow you to sit
13 at the table but I cannot allow you to give legal
14 advice. Do you understand?

15 MS. CLEVELAND: Oh. I have no intention of
16 doing that.

17 THE COURT: All right. Thank you.

18 All right. Call your first witness.

19 MR. ALLEN: Yes, Your Honor. The plaintiff
20 calls Mr. Jacob Walker, Jr.

21 THE COURT: All right. Please come forward and
22 be sworn.

23 [Whereupon, Mr. Walker comes forward]

24 THE CLERK OF COURT: Raise your right hand.
25 Place your left hand on the Bible.

Michael Bowers
Direct Examination by Mr. Allen
October 22, 2014

1 move in Exhibit Number 1, if there's no objection.

2 Exhibit Number 1 contains the service and
3 documentation, copies of multiple response.
4 Obviously, Mr. Cleveland is here so we're sending it
5 to the right address. But the order of default is in
6 your file and your file only. It wasn't scanned into
7 the system. I don't have a copy of it. We did check
8 during break to confirm that it was in there. I would
9 like the Court to take recognition that Mr. Cleveland
10 has been found in default with this Court.

11 THE COURT: So are you attempting to introduce
12 Plaintiff's 1?

13 MR. ALLEN: Yes, Your Honor.

14 THE COURT: Do you have any objection,
15 Mr. Cleveland?

16 MR. CLEVELAND: No.

17 THE COURT: All right. Plaintiff's 1 into
18 evidence without objection.

19 [Whereupon, Plaintiff's Exhibit Number 1 is
20 admitted into evidence by the Court]

21 Q. [Mr. Allen] Now I want to discuss service of
22 Mr. Big Ford. Did I ask you, at some point in time, to
23 try to identify who the individual identified as Mr. James
24 or Big Ford was?

25 A. Yes.

Michael Bowers
Direct Examination by Mr. Allen
October 22, 2014

1 Q. Please tell the Court what you went through to
2 do that.

3 A. I conducted searches through databases that I
4 use, subscribe to. I also went to addresses that I
5 obtained from your office and ended in my research. I
6 went to the home of Big Ford's father in Ravenel and spoke
7 to Mr. Ford.

8 Q. What did Mr. Ford's father tell you?

9 A. That he lived on the property. There were --
10 Mr. Ford lived in a house, and behind the house I think
11 there were two mobile homes behind the property and Mr.
12 Ford said he lived in one of them and he identified the
13 one he lived in.

14 Q. Did you then go to that address and attempt to
15 serve process?

16 A. Yes.

17 Q. And did you?

18 A. Eventually.

19 Q. Explain to the Court what you mean by
20 eventually.

21 A. I went there several times and no one answered
22 the door. One time I went there in the evening and I was
23 leaving the property after knocking on the door and no one
24 answered. And as I was pulling out, Big Ford's wife was
25 pulling in and she asked me what I was doing. I said, I'm

Michael Bowers
Direct Examination by Mr. Allen
October 22, 2014

1 looking for Mr. Ford, Big Ford. And she said he's not
2 here, you'll have to call him. And she didn't -- I asked
3 her for the telephone number for Mr. Ford and she said she
4 wouldn't give it to me. I went back the next day. And I
5 was just about to knock on the trailer door, and she came
6 out and then I gave her a copy of the papers that I was
7 trying to serve Big Ford.

8 Q. And did you actually serve her?

9 A. Yes.

10 Q. Had she already previously identified herself as
11 the wife of Mr. Ford?

12 A. Yes.

13 MR. ALLEN: Your Honor, at this time I would
14 like to enter into the record both the order of
15 default against Mr. Ford and also the multiple pages
16 of services of notice and other notices and other
17 copies of pleadings that were sent to Mr. Ford.
18 Exhibit Number 2.

19 THE COURT: Any objection to Plaintiff's Number
20 2, Mr. Cleveland?

21 MR. CLEVELAND: No, ma'am.

22 THE COURT: Plaintiff's 2 into evidence without
23 objection.

24 [Whereupon, Plaintiff's Exhibit Number 2 is
25 admitted into evidence by the Court]

Michael Bowers
Direct Examination by Mr. Allen
October 22, 2014

1 Q. [Mr. Allen] Mr. Bowers, I want to discuss with
2 you: were you present on the day that the survey was
3 conducted?

4 A. Yes.

5 Q. Was Mr. Cleveland present on the day that the
6 survey was conducted?

7 A. Yes.

8 Q. Did Mr. Cleveland call law enforcement to
9 attempt us to stop from entering the property?

10 A. Yes.

11 Q. What was -- were you able to -- was the survey
12 able to be completed?

13 A. Yes.

14 Q. Explain to the Court what took place on that
15 day.

16 A. We took pictures of the area, took some
17 measurements. That's pretty much it.

18 Q. Did you -- were you able -- did you actually,
19 yourself, see the --

20 A. The pond.

21 Q. -- retention pond?

22 A. Yes, I saw the pond.

23 Q. Will you describe it for the Court?

24 A. It was about fifty feet long and fifty feet
25 wide. You know, it wasn't round and it wasn't square. It

Michael Bowers
Direct Examination by Mr. Allen
October 22, 2014

1 was -- you know, it looked like it was -- you know, a
2 tractor came in and dug a hole.

3 There was some -- you know, a road that was made
4 to go past the pond, and there was some drains that were
5 underneath the road connecting the other side of the road
6 to the pond.

7 Q. Was there any question in your mind, your
8 multiple years of investigation in law enforcement, that
9 the item you were looking at was manmade?

10 A. Yeah, it was manmade.

11 Q. Was there any question in your mind that it
12 required heavy equipment to create?

13 A. It had to have been, yes.

14 MR. ALLEN: I don't have any further questions
15 of Mr. Bowers at this time.

16 THE COURT: Mr. Cleveland, do you have any
17 questions?

18 MR. CLEVELAND: No.

19 THE COURT: You may step down.

20 THE WITNESS: Thank you.

21 THE COURT: Thank you.

22 [Whereupon, Mr. Bowers is excused and exits the
23 witness stand]

24 THE COURT: Call your next witness.

25 MR. ALLEN: [No response]

Michael Bowers
Direct Examination by Mr. Allen
October 22, 2014

1 THE COURT: Mr. Allen, call your next witness.

2 MR. ALLEN: Yes, Your Honor. The plaintiff
3 calls Adriane Green to the stand.

4 [Whereupon, Ms. Green comes forward]

5 MR. ALLEN: She's going to swear you right
6 there.

7 THE CLERK OF COURT: Raise your right hand and
8 place your left hand on the Bible.

9 [Whereupon, Ms. Green is duly sworn by the clerk
10 of court as follows: do you solemnly swear or affirm
11 that the testimony you shall give will be the truth,
12 the whole truth, and nothing but the truth, so help
13 you God]

14 THE WITNESS: I do.

15 THE CLERK OF COURT: Thank you. Please state
16 your full name and spell your last name for the
17 record. And you may be seated.

18 [Whereupon, Ms. Green takes the witness stand]

19 THE WITNESS: Adriane Green. G-R-E-E-N.

20 THE COURT: All right. Please have a seat.
21 We're going to go off the record for just a moment.

22 [Off the record momentarily]

23 THE COURT: Back on the record. Mr. Allen, your
24 witness.

25

- - -

Adriane Green
Direct examination by Mr. Allen
August 22, 2014

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

ADRIANE GREEN,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. ALLEN:

Q. Ms. Green, who is Adonous Green?

A. Adonous Green is my son.

Q. When was he born?

A. December 30th, 1998.

Q. And where was he born?

A. In Jersey City, New Jersey.

Q. And where did he reside with you in Charleston?

A. At Gadsden Green [phonetic], Charleston, South
Carolina.

Q. Tell the Court a little bit about your son's
health. Was he a healthy child as a baby?

A. Yes, he was.

Q. And tell me a little bit about his personality.
Was he active?

THE COURT: Ms. Green.

Mr. Bowers, if you could keep your voice down.

Thank you.

I'm sorry, Ms. Green. Thank you.

Q. [Mr. Allen] Tell the Court a little bit about
-- was he an active child?

Adriane Green
Direct examination by Mr. Allen
August 22, 2014

1 A. Yes, he was. He was an active child, a loving
2 child, caring child, a child that you can get along with.
3 He had a little active, but always was the honor roll,
4 principle honor-roll student. He always wanted to be a
5 fireman, join the army, and always wanted to be in ROTC.

6 Q. Ms. Green, Adonous actually was in ROTC, was he
7 not?

8 A. Yes, he was.

9 Q. Did he win any awards in ROTC?

10 A. He won one award. Always loved to wear his
11 uniform.

12 Q. And he always told you he wanted to be in the
13 army?

14 A. Always.

15 Q. How old was Adonous when he passed away?

16 A. Adonous was twelve years old.

17 Q. Adonous had gotten in trouble at school; is that
18 correct?

19 A. Yes, he did.

20 Q. And did that open an investigation of some sort?

21 A. Yes.

22 Q. Was it a DSS investigation?

23 A. Yes, sir.

24 Q. And at the death of Adonous, was he in DSS
25 custody?

Adriane Green
Direct examination by Mr. Allen
August 22, 2014

1 A. Yes, sir.

2 Q. Now, when he was in DSS custody, you had asked
3 to complete a plan; is that correct?

4 A. If I was asked to -- can you repeat the --

5 Q. Were you asked to complete a plan by DSS, a
6 family plan?

7 A. I mean, he was there -- he was in a group home
8 and I still had my full custody. So, yeah.

9 Q. But did DSS ask you to do something --

10 A. Yes.

11 Q. -- to have Adonous --

12 A. Yes.

13 Q. Had you completed your portion of that?

14 A. Yes, sir.

15 Q. What was your understanding of what Adonous
16 needed to do to be able to come home?

17 A. To complete his level in the group home. He had
18 a level to get to eight at the group home.

19 Q. Did Adonous play sports?

20 A. Yes, he did.

21 Q. And what kind of sports?

22 A. Basketball, baseball and football.

23 Q. Does Adonous have any brothers and sisters?

24 A. Yes, he do. By me he has a sister that just
25 turned seven, and he has a brother that is eleven, is

Adriane Green
Direct examination by Mr. Allen
August 22, 2014

1 going to be twelve next month.

2 Q. Have you always been a single mother?

3 A. Always has been a single-mother parent.

4 Q. And all your other children have remained with
5 you; is that correct?

6 A. Yes, sir.

7 Q. And so the court order stands that it was
8 Adonous' activity that got him removed; is that correct?

9 A. Yes, sir.

10 Q. What was your understanding of where Adonous was
11 right prior to his death? Did you know?

12 A. Not really. I know he was at Cane Street
13 [phonetic] then. I visited him a couple of times in St.
14 Stephens.

15 Q. How did you find out that Adonous had passed
16 away?

17 A. By a social worker and my mother.

18 Q. Were you going to visit him the day that you
19 were told?

20 A. The day that he passed away, I was going to
21 visit him. He was going to be coming home because he was
22 almost completed on his eight level to be released back
23 into -- back home with me. He was coming home for that
24 weekend, and that next week he would have been completed.

25 Q. Did you know the home that he was staying at?

Adriane Green
Direct examination by Mr. Allen
August 22, 2014

1 A. Not really.

2 Q. Had anybody told you that he had been placed
3 with a foster parent?

4 A. No.

5 Q. And are you aware, today, whether or not he was
6 ever formally placed with a foster parent?

7 A. On the day, yes.

8 Q. What were you -- what is your understanding of
9 how Adonous passed away?

10 A. My understanding of how Adonous passed away, it
11 was told to me that him and a young boy, Adams, were
12 walking down a dusty road and had been -- they was walking
13 with a dog and the dog apparently jumped in the pond, so
14 my son thought it was something fun to do so he jumped in
15 the pond behind the dog and got stuck on the leash.

16 Q. And was Adonous able to get out of the pond?

17 A. No, he wasn't.

18 Q. Did you meet with the investigators, and the
19 police officers, with me?

20 A. Yes, I have.

21 Q. And it's been how many -- how many days since
22 Adonous has been gone?

23 A. It was three years, four months, and nineteen
24 days.

25 Q. Do his brothers and sister ask about him?

Adriane Green
Direct examination by Mr. Allen
August 22, 2014

1 A. All the time. Never not a day go past.

2 Q. Did you pay for the burial?

3 A. Yes, I did.

4 Q. And did DSS assist you with that?

5 A. Only \$1500 out of 9,000.

6 MR. ALLEN: Your Honor, for the record, the DSS
7 and the funeral bills are in Exhibit Number 5 that's
8 entered into --

9 Q. [Mr. Allen] Prior to Adonous' death, did he
10 ever work a job?

11 A. No. When he was with me, he, you know, goes --
12 take -- goes around and he had cut grass for a little
13 extra change to get him those shoes, a little outfit here
14 and there. Things that he wanted.

15 Q. And was there anything about Adonous' health
16 that would have prevented him from working if he had lived
17 to be an adult?

18 A. No, sir.

19 Q. Can you tell the Court about his health? Was it
20 otherwise good?

21 A. Everything was good. He just had a hyper --
22 hyper attention.

23 Q. And you intended to bring him home upon return?

24 A. Yes, sir.

25 Q. And raise him as your other two children?

Adriane Green
Direct examination by Mr. Allen
August 22, 2014

1 A. Yes, sir.

2 Q. And he would have been a member of your
3 household?

4 A. Yes, sir.

5 Q. Are you still suffering from the loss of your
6 son today?

7 A. Suffering. Words can't explain how I'm still
8 suffering from my son's not being with us right now.

9 Q. Tell the Court about having to interact with
10 your children without Adonous. What do they ask about
11 him?

12 A. It's really hard to be looking them in their
13 face and sit down and talk to them. And being that the
14 age that they were, they never forget a day. They always
15 ask about him. Sometimes I have to go to school and sit
16 with them because it gets in their feelings. And once
17 their brother --

18 We all have nightmares. We all gets up in the
19 morning time and talk -- my son, he always comes to me and
20 say his brother always in his dreams having him -- telling
21 him to do good.

22 My daughter, she always say the Psalms 23rd Song
23 because that's what he taught her at the age of three and
24 she has never forget it to this day.

25 Anytime we pass by his grave site, we has to

Adriane Green
Direct examination by Mr. Allen
August 22, 2014

1 make a complete stop to go there to see him. Excuse me.

2 [Off the record momentarily]

3 A. I will never be fixed that my son is gone all my
4 life.

5 Q. [Mr. Allen] And you have nightmares yourself?

6 A. All the time.

7 Q. Ms. Green, are your other children on track with
8 school?

9 A. Yes, they are.

10 Q. They both are actually on the principle --

11 A. Both are on the principle honor roll --

12 Q. And you're active in both their schools?

13 A. Yes, I am. In both of the schools I
14 participates on Tuesday and Thursday every other week.

15 Q. Was Adonous a member of a church?

16 A. Yes, we were. Yes, we are. We're a member of
17 Great Zion --

18 Q. And did he dance at the church?

19 A. Praise dance. He loved praise dance.

20 Q. Did Adonous know God?

21 A. Yes, he did.

22 MR. ALLEN: I don't have any further questions.
23 Are there any questions from the Court?

24 THE COURT: I'm sorry?

25 MR. ALLEN: Any questions from the Court

Adriane Green
Direct examination by Mr. Allen
August 22, 2014

1 regarding Adonous? Or do you -- is the information
2 available to you?

3 THE COURT: I've got this, but I'm going to
4 allow Mr. Cleveland to ask questions.

5 MR. CLEVELAND: Yes.

6 THE COURT: All right. Mr. Cleveland, any
7 questions for this witness?

8 MR. CLEVELAND: Yes, ma'am. Ms. Green --

9 THE COURT: All right. Now, you're going to
10 need to stand up.

11 MR. CLEVELAND: Oh. Oh. Oh.

12 THE COURT: Thank you.

13

14

15

16

17

18

19

20

21

22

23 - - -

24 - - -

25 - - -

Adriane Green
Cross-Examination by Mr. Cleveland
October 22, 2014

CROSS-EXAMINATION

1
2 BY MR. CLEVELAND:

3 Q. Ms. Green, how many times did you visit your son
4 down there?

5 A. How many times what?

6 Q. Yes.

7 A. Can you repeat that for me?

8 Q. How many times did you visit your son?

9 A. How many times I was with him?

10 Q. How many times you went to see your son?

11 A. That I went to see him?

12 Q. Yes.

13 A. I never was sawing him at the complex, but he
14 was brought to me in North Charleston to the DSS thing.
15 The only time I was there is one time and that was two
16 days before he graduated to get to the sixth grade.

17 MR. CLEVELAND: No further questions.

18 THE WITNESS: Uh-huh.

19 THE COURT: No more questions? Is that what you
20 said, Mr. Cleveland?

21 MR. CLEVELAND: Ma'am?

22 THE COURT: No more questions?

23 MR. CLEVELAND: No, ma'am.

24 THE COURT: Mr. Allen, any redirect?

25 MR. ALLEN: One question.

Adriane Green
Redirect Examination by Mr. Allen
October 22, 2014

REDIRECT EXAMINATION

BY MR. ALLEN:

Q. You've been to Mr. Cleveland's property where
your son passed away; correct?

A. Yes, sir.

Q. You weren't allowed to visit your son at that
property; is that correct?

A. Yes, sir.

Q. Is that correct?

A. Uh-huh.

Q. You had never been there prior to being told he
passed away; correct?

A. No, not until.

MR. ALLEN: No further questions.

THE COURT: Any followup, Mr. Cleveland?
Recross?

Adriane Green
Recross-Examination by Mr. Cleveland
October 22, 2014

1 THE COURT: Thank you. You may step down.

2 MR. ALLEN: Your Honor, to maybe help you
3 understand, Adonous was not actually placed at the --
4 where the foster-care place. Was never on it. He
5 was --

6 THE COURT: That wasn't my question, so thank
7 you.

8 You may step down.

9 [Whereupon, Ms. Green is excused and exits the
10 witness stand]

11 THE COURT: Call your next witness.

12 MR. ALLEN: I don't have any further witnesses,
13 Your Honor.

14 THE COURT: And with that, Mr. Cleveland, do you
15 have any witnesses?

16 MR. CLEVELAND: No, ma'am.

17 THE COURT: No witnesses?

18 MR. CLEVELAND: No witnesses. Just me.

19 MR. ALLEN: Your Honor, I know that closing
20 statements are not normal in a bench trial --

21 THE COURT: Well, hold on. I've got to give
22 Mr. Cleveland a little leeway.

23 MR. CLEVELAND: Yes, ma'am, I want to say
24 something.

25 THE COURT: Do you want to say something, or do

Adriane Green
Recross-Examination by Mr. Cleveland
October 22, 2014

1 you want to testify?

2 MR. CLEVELAND: Testify.

3 THE COURT: You want to testify. All right.
4 Can you come up here and I'm going to swear you in.
5 So you're going to call yourself.

6 [Whereupon, Mr. Cleveland comes forward]

7 [Whereupon, Mr. Cleveland is duly sworn by the
8 clerk of court as follows: do you solemnly swear or
9 affirm that the testimony you shall give will be the
10 truth, the whole truth, and nothing but the truth]

11 THE WITNESS: I do.

12 THE CLERK OF COURT: You may be seated.

13 [Whereupon, Mr. Cleveland takes the witness
14 stand]

15 THE CLERK OF COURT: Please state your full name
16 and spell your last name.

17 THE WITNESS: My name is James Cleveland.

18 THE COURT: Say that one more time, sir.

19 THE WITNESS: My name is James Cleveland.

20 THE COURT: I need you to spell your last name.

21 THE WITNESS: C-L-E-V-L-A-N-D.

22 THE COURT: So Mr. Cleveland, it gets kind of
23 tricky because you are also your attorney. But I'm
24 going to allow you to sit here and tell me what you
25 think I need to know.

James Cleveland
Direct Examination by Mr. Cleveland
October 22, 2014

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

JAMES CLEVELAND,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. CLEVELAND:

A. Your Honor, ain't too much I can tell because I wasn't there. I wasn't there when the kid get hurt. I was in my house when those kids -- they come back in the house and tell me that -- I didn't know that those kids were drowned down there. I didn't know that. The only thing I know, I been after the fact. That's all I know. That's all.

THE COURT: Is there anything else that you need to tell me?

MR. CLEVELAND: No, ma'am.

THE COURT: All right. Now, see, what's going to happen now is --

MR. CLEVELAND: I know.

THE COURT: -- Mr. Allen is going to get to ask you some questions.

MR. CLEVELAND: I know. I know.

THE COURT: All right. Mr. Allen?

MR. CLEVELAND: It'll be the same thing. Excuse me.

- - -

James Cleveland
Cross-Examination by Mr. Allen
October 22, 2013

CROSS-EXAMINATION

1
2 BY MR. ALLEN:

3 Q. Mr. Cleveland, do you recall coming to my office
4 on March 21st, 2012?

5 A. Your office?

6 Q. Yes, sir.

7 A. Where is your office at?

8 Q. Downtown Charleston.

9 A. Yeah.

10 Q. Do you recall me asking you to give a deposition
11 and having you served with a notice?

12 A. Yeah.

13 Q. Do you recall what you told me that day?

14 A. I walked out of your office because you had too
15 many peoples in there, too many lawyers, and I didn't had
16 none.

17 Q. Do you recall me telling you that I needed to
18 know who built the hole and who owned the hole?

19 A. No. You didn't say nothing. I wasn't -- I
20 didn't talk to you that day. I walked out.

21 Q. Did you refuse to speak to me that day?

22 A. I didn't refuse. I refused because I didn't had
23 a lawyer.

24 MR. ALLEN: Your Honor, at this time I will move
25 into evidence Exhibit Number 3, which is the original

James Cleveland
Cross-Examination by Mr. Allen
October 22, 2013

1 copy of Mr. Cleveland's deposition from March 31st,
2 2012.

3 Q. [Mr. Allen] Do you have a retention pond on the
4 back of your property?

5 A. Yeah.

6 Q. Was it built after you decided to subdivide the
7 property from your sister?

8 A. I told the guys to get some dirt, but I didn't
9 tell them to dig no hole. I tell them to get some dirt
10 out of the field, but I didn't tell them to dig no hole.

11 Q. Did you ever -- did you ever get a permit to
12 build that road or the pond?

13 A. Clayton Holmes did that. Clayton Holmes did did
14 that.

15 Q. You believe Clayton Homes got a permit to build
16 a road?

17 A. I don't know. I don't know.

18 Q. It was built on your property, was it not?

19 A. All we get was the right-of-way to go back
20 there. Whatever happened, I don't know.

21 Q. Were you there when the police officers were
22 going into the pond to recover the body?

23 A. Yes, I was there.

24 Q. Do you recall the police officers having extreme
25 difficulty getting out of the hole although they were

James Cleveland
Cross-Examination by Mr. Allen
October 22, 2013

1 trained divers?

2 A. I don't know. I ain't know nothing about that.

3 Q. Why was the -- why was the retention pond built?

4 A. I told you they was getting dirt. I told the
5 man to get some dirt out of the field, and he dig a hole.

6 Q. What did you tell him to get the dirt for?

7 A. To put on the road.

8 Q. To build a road?

9 A. Yeah.

10 Q. So you could develop the property and put a
11 trailer park back there; correct?

12 A. Yeah.

13 Q. And you heard my investigator earlier say that
14 he served you with a complaint in this case. Do you
15 recall that?

16 A. Served me with a complaint?

17 Q. He served you with papers that you needed to
18 answer in this court.

19 A. I ain't remember getting no papers. Maybe I
20 did. I don't know.

21 Q. Do you recall threatening me and Mr. Bowers the
22 day we attempted to survey your property?

23 A. No.

24 Q. You don't recall threatening me?

25 A. No.

James Cleveland
Cross-Examination by Mr. Allen
October 22, 2013

1 Q. Did you have a speaking relationship with your
2 sister?

3 A. Beg your pardon?

4 Q. Did you have a speaking relationship with your
5 sister?

6 A. Yeah.

7 Q. When's the last time that y'all spoke before
8 this incident?

9 A. The day she died.

10 Q. What about before or since then, before the boys
11 drowned?

12 A. Just like I say, it was before. Who are you
13 speaking about, the boys or the sister? Which one are you
14 speaking about?

15 I speak to her before she died. The day before
16 she died, I speak to her.

17 Q. But you hadn't spoken to her in years before
18 that; correct?

19 A. We speak every day.

20 Q. Hadn't you gotten mad about the fact she was
21 keeping children at the property?

22 A. No.

23 Q. You had never gotten mad about that?

24 A. Never.

25 Q. Were you aware there were children over there?

James Cleveland
Cross-Examination by Mr. Allen
October 22, 2013

1 A. No.

2 Q. You weren't aware she was keeping foster kids?

3 A. Yeah.

4 Q. Were you or were you not aware of it?

5 A. Yeah, I was aware of that.

6 Q. And you're aware there were small children that
7 played on the back of your property?

8 A. Them kids -- I had never seen them kids back
9 there. I never did.

10 Q. Did you get any professional or other
11 individuals to assist you in evaluating whether or not
12 that was appropriate property to turn into a retention
13 pond and a roadway? Did you get an engineer?

14 A. No.

15 Q. Who did it? Who built the hole?

16 A. They say a man what Clayton Holmes brings,
17 that's the one do it. Clayton Holmes had a person down
18 there and he built a road down there. Now, his name I
19 don't know.

20 Q. Who paid him?

21 A. Beg your pardon?

22 Q. Who paid him?

23 A. I guess Clayton Holmes, I guess.

24 Q. Do you know anything about Adonous Green?

25 A. Adonous Green? Yeah, I seen him.

James Cleveland
Cross-Examination by Mr. Allen
October 22, 2013

1 Q. Do you know anything about him?

2 A. No. I seen him. I seen him running around the
3 land.

4 Q. Do you have any reason to believe he wasn't a
5 fine young man?

6 A. Yes, he was, as far as I'm concerned.

7 MR. ALLEN: Thank you. Your Honor, no further
8 questions.

9 THE COURT: All right. Based upon the questions
10 from Mr. Allen, do you have anything else you need to
11 tell me?

12 MR. CLEVELAND: No, Your Honor.

13 The only thing I got, I'm sorry the kid died.
14 I'm sorry of that. But in other words, me being
15 the -- me blamed -- I get blamed for the kid dying.
16 It ain't my fault. It's not my -- because I was in my
17 house sleeping. I wasn't in the -- the only thing I
18 know is after the fact. That's all. I can't tell
19 y'all nothing about that boy dying after the fact.
20
21
22

23 - - -

24 - - -

25 - - -

James Cleveland
Examination by the Court
October 22, 2014

EXAMINATION BY THE COURT

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

Q. Was that your property that the pond was on?

A. Yes, ma'am, it's in my property.

Q. And who built the pond?

A. I don't know who built it. The same people I've told you, Clayton Holmes' people. He had hired the people to do something, put a separate thing -- do something else. And they the one dig the hole and put the thing around it.

Q. And they left the hole open?

A. Yeah.

Q. And did you let them -- did you tell anybody that the hole was open?

A. No, ma'am, I didn't tell nobody.

Q. How long had it been open?

A. Right now, about three years. About three years.

Q. At the time that Adonous died, how long had it been open?

A. I'd say maybe about a year.

Q. Were you planning on closing it up?

A. Yes.

Q. And what plans had you made to close it up?

A. I was planning to get Bo Thompson to push them things in it, but it happened before I did it.

James Cleveland
Examination by the Court
October 22, 2014

1 THE COURT: All right. Based upon my questions,
2 do you have any further questions?
3 MR. ALLEN: I do not, Your Honor.
4 THE COURT: You may step down. Thank you.
5 Do you have any additional witnesses,
6 Mr. Cleveland?
7 MR. CLEVELAND: No, ma'am. But my daughter
8 here.
9 THE COURT: Are you going to call your daughter
10 to the stand?
11 MR. CLEVELAND: No.
12 THE COURT: All right. So you --
13 MR. CLEVELAND: If you would like me to, I will.
14 THE COURT: Sir, we don't raise -- I don't know
15 who you are.
16 MR. FORD: I'm James Ford.
17 THE COURT: You're James Ford?
18 MR. FORD: Yes, ma'am.
19 THE COURT: All right.
20 MR. ALLEN: Well, with that understanding, Your
21 Honor, I would like to call Mr. Ford to --
22 THE COURT: Well, let me finish up this side.
23 So Mr. Ford is here.
24 MR. CLEVELAND: I ain't never see that man.
25 THE COURT: All right. So no additional

James Cleveland
Examination by the Court
October 22, 2014

1 witnesses? Mr. Cleveland, no additional witnesses?

2 MS. CLEVELAND: Do you want to call anybody to
3 testify?

4 MR. CLEVELAND: No. That's fine.

5 THE COURT: Mr. Allen, any rebuttal, or
6 witnesses, or any additional information since Mr.
7 Ford is here?

8 MR. ALLEN: I would like to call Mr. Ford.

9 THE COURT: Please come forward and be sworn.
10 [Whereupon, Mr. Ford comes forward]

11 THE CLERK OF COURT: Please raise your right
12 hand and put your left hand on the Bible.

13 [Whereupon, Mr. Ford is duly sworn by the clerk
14 of court as follows: do you solemnly swear or affirm
15 that the testimony you shall give will be the truth,
16 the whole truth, and nothing but the truth, so help
17 you God]

18 THE WITNESS: Yes, ma'am.

19 THE CLERK OF COURT: Thank you. Please state
20 your full name, spell your last name, and you may have
21 a seat.

22 [Whereupon, Mr. Ford takes the witness stand]

23 THE WITNESS: James Ford. F-O-R-D.

24 THE COURT: Mr. Allen?

25 MR. ALLEN: Thank you, Your Honor.

James Ford
Direct Examination by Mr. Allen
October 22, 2014

JAMES FORD,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. FORD:

Q. Mr. Ford, what is your profession?

A. Truck driver, construction work.

Q. Do you own your own equipment?

A. No.

Q. What equipment do you use?

A. I borrow it.

Q. Who do you currently work for?

A. Myself.

Q. So who do you borrow your equipment from?

A. Uncle.

Q. Do you have a DOT number?

A. No.

Q. Are the truck, the track hoe and the bulldozer,
do they belong to you?

A. My truck -- the truck belongs to me.

Q. Now belongs to you?

A. The truck belongs to me.

Q. How long has it belonged to you?

A. Thirteen, fourteen years.

Q. Is it insured?

James Ford
Direct Examination by Mr. Allen
October 22, 2014

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

A. Yes.

Q. Was it used to build a hole on Tabernacle?

A. The truck? No.

Q. How did you get the equipment out there?

A. I brought over the truck, yes.

Q. Could you have gotten the equipment out there legally without using the truck?

A. No.

Q. You would have had to load the equipment on the truck to take it out to Beulah Tabernacle Road; correct?

A. Yes.

Q. And that is what you did; is that accurate?

A. Yes.

Q. Did you build the roadway and the retention pond at Beulah Tabernacle Road?

A. Yes.

Q. Did you do so with any engineering permits, seek any guidance from professionals, about how to do it?

A. No.

Q. How many years have you built -- been building retention ponds and roads?

A. At that time three, four years.

Q. And what equipment was used to build the retention pond on the road after you took the truck to drive the equipment out there?

James Ford
Direct Examination by Mr. Allen
October 22, 2014

- 1 A. A track hoe.
- 2 Q. A track hoe?
- 3 A. Yes.
- 4 Q. Did you use a bulldozer, also?
- 5 A. I used the bulldozer to spread the dirt.
- 6 Q. So any other equipment you used out there?
- 7 A. No.
- 8 Q. Any employees?
- 9 A. No.
- 10 Q. Do you have a company name?
- 11 A. Yes.
- 12 Q. What is that company name?
- 13 A. J. Ford Trucking.
- 14 Q. Is it registered with the State of South
15 Carolina?
- 16 A. Yes, it is.
- 17 Q. So it's not just a d/b/a? It's actually a
18 registered company?
- 19 A. Yes.
- 20 Q. What does J. Ford Trucking do?
- 21 A. Trucking and construction.
- 22 Q. And the construction, it does involves the use
23 of heavy equipment; correct?
- 24 A. Sometimes it does, yes.
- 25 Q. On the day that you built -- on the day -- how

James Ford
Direct Examination by Mr. Allen
October 22, 2014

1 many days did it take you to build the retention pond and
2 the road?

3 A. Two days.

4 Q. On those two days, were you doing that work with
5 equipment from J. Ford Trucking?

6 A. Yes.

7 Q. Who insured J. Ford Trucking?

8 A. I can't remember the insurance company at the
9 time.

10 Q. Who was your insurance broker?

11 A. It was R.J. Wright.

12 Q. Who paid you to build the roadway and the hole?

13 A. Ms. Cleveland.

14 Q. Which Ms. Cleveland?

15 A. I think that's her right behind you.

16 Q. The lady sitting behind me right now?

17 A. Yes. I think that's her.

18 Q. And how were you contacted about needing to
19 build the roadway and the hole?

20 A. Through Jacob -- whatever his last -- Jacob.

21 Q. Walker?

22 A. Walker.

23 Q. Junior?

24 A. Yes.

25 Q. Had you known him for years?

James Ford
Direct Examination by Mr. Allen
October 22, 2014

1 A. Yes.

2 Q. Did you pull any permits to build the roadway?

3 A. No.

4 Q. Have you ever pulled a permit to build a
5 roadway?

6 A. No.

7 Q. Did you have any permits to build the retention
8 pond?

9 A. No.

10 Q. Is it a retention pond?

11 A. It's a hole that I was instructed to dig.

12 Q. It's what?

13 A. A hole that I was instructed to dig.

14 Q. It's a hole that you were instructed to dig.

15 Who instructed you to dig the hole?

16 A. Mr. Cleveland.

17 Q. Where did you get the pipe that was laid down
18 for the roadway?

19 A. Somebody brought it. I don't know who brought
20 it out there.

21 Q. Did you bring it out there?

22 A. No, I did not.

23 Q. Have you ever had any training or experience in
24 building retention ponds?

25 A. I've had some experience with it, yes.

James Ford
Direct Examination by Mr. Allen
October 22, 2014

1 Q. Have you ever done so on a job site under a
2 general contractor?

3 A. No.

4 Q. Have you always done it on your own?

5 A. No.

6 Q. Well, who have you done it with all -- other
7 than this time?

8 A. I've done it with some other people that I was
9 working for.

10 Q. What is your knowledge base to allow you to
11 build a retention pond?

12 A. Like I said, it wasn't a retention pond I dug.
13 I dug --

14 Q. You dug a hole?

15 A. I dug a hole for the dirt.

16 Q. Do you know the dimensions of the hole?

17 A. No, I don't.

18 Q. Were the sides graded to make it an equal,
19 smooth entrance?

20 A. It had a little grade on it.

21 Q. Were you served with the paperwork in this case?

22 A. No, I wasn't.

23 Q. Did you receive paperwork at your house behind
24 your father's?

25 A. I got something in the mail.

James Ford
Direct Examination by Mr. Allen
October 22, 2014

1 Q. Are you married?

2 A. Yes.

3 Q. How long have you been married?

4 A. Sixteen years.

5 Q. Where does your wife reside?

6 A. Behind my dad's.

7 Q. How long have you been aware that this lawsuit
8 is going on?

9 A. About a year.

10 Q. Have you ever advised your insurance company
11 that this lawsuit was going on?

12 A. No.

13 Q. Do you recall me sending you a letter to do so?

14 A. No.

15 Q. Do you hold yourself out as an expert in the
16 construction of roadways?

17 A. Pretty much.

18 Q. What's your education, sir?

19 A. A year and a half of college.

20 Q. Where did you go to college?

21 A. Devry.

22 Q. Devry?

23 A. Yes.

24 Q. What did you study, Mr. Ford?

25 A. Electronics.

James Ford
Direct Examination by Mr. Allen
October 22, 2014

1 Q. Have you been the operator of either heavy
2 equipment or eighteen-wheelers every since?

3 A. Yes.

4 Q. Can you read construction plans?

5 A. Yes.

6 Q. Were any created for the Beulah Tabernacle hole?

7 A. No.

8 Q. What's your address?

9 A. 6259 Maybank Highway.

10 Q. How long have you lived there?

11 A. Sixteen years.

12 Q. Do you own the property there?

13 A. No.

14 Q. Who owns the property?

15 A. My uncle.

16 Q. Do you own any real property?

17 A. No.

18 Q. When Mr. Cleveland asked you to dig the hole to
19 get the dirt, did he give you any other instructions?

20 A. Yeah.

21 Q. What?

22 A. He said he wanted it deep so he can have a
23 fishing pond.

24 Q. Was the left side of the roadway a what
25 otherwise would be considered wetland?

James Ford
Direct Examination by Mr. Allen
October 22, 2014

1 A. No.

2 Q. Did anybody provide you any plots or ownership
3 information regarding the land?

4 A. Well, he told me he was the owner of it.

5 Q. No one told you otherwise?

6 A. No.

7 Q. How much were you paid to dig the hole?

8 A. I don't remember.

9 Q. During that time, how much would you charge for
10 two days of your equipment and your time?

11 A. About \$4,000.

12 Q. About what?

13 A. \$2,000 a day.

14 Q. Did Mr. Walker, Jr., who testified earlier in
15 this trial, have any involvement in the construction of
16 the hole or the roadway?

17 A. No.

18 Q. Did you have any direct contact with Clayton
19 Mobile Homes in any way?

20 A. No.

21 Q. Did you do any kind of inspection to determine
22 whether or not it would be a safe grade to have people
23 going back and forth across or near it?

24 A. Well, he told me how to dig the pond so I dug it
25 the way he asked me to dig it.

James Ford
Direct Examination by Mr. Allen
October 22, 2014

1 Q. At any point in time, did you go back out and
2 put a barrier around the pond?

3 A. It wasn't my place to put the barrier. It's not
4 my property, so I couldn't put a barrier out there.

5 Q. Do you know if a barrier has ever been placed
6 around the pond?

7 A. I have no idea. I haven't been back out there.

8 Q. Did you put any rock or structure in the edges
9 of the pond to create a stable bank?

10 A. There was dirt around the pond, but that's all.
11 When I left, it was dirt around the pond. That's all I
12 know about it.

13 Q. Do you agree with me that that hole could not
14 have been dug without the use of your heavy equipment?

15 A. No.

16 Q. I don't understand.

17 A. No, it could not be.

18 Q. It couldn't be done by hand; correct?

19 A. No.

20 Q. It took the heavy equipment to do that?

21 A. Yes.

22 Q. And your heavy equipment could not have gotten
23 out there without the eighteen-wheeler; correct?

24 A. Right.

25 MR. ALLEN: I don't have any further questions.

James Ford
Direct Examination by Mr. Allen
October 22, 2014

1 THE COURT: Mr. Cleveland, do you have
2 questions?
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- - -
- - -
- - -

James Ford
Cross-Examination by Mr. Cleveland
October 22, 2014

CROSS-EXAMINATION

1
2 BY MR. CLEVELAND:

3 Q. Mr. Ford --

4 A. Yes.

5 Q. -- have you seen me?

6 A. Yes.

7 Q. Do you know me?

8 A. I don't know you. I met you when I came out
9 there to do the property.

10 Q. Did I tell you to dig that hole or --

11 A. Yes.

12 Q. -- did I tell you to dig the dirt?

13 A. You told me to dig a hole, just like I dug it.

14 Q. Mr. Ford, now, you know I didn't tell you that.
15 Be honest and tell the truth.

16 A. I am telling the truth. I wouldn't dig it any
17 other way.

18 Q. Mr. Ford --

19 A. Yes, sir?

20 Q. -- who paid you -- who paid you to do that road
21 back there?

22 A. Either you or your daughter, one of -- one of
23 you guys.

24 Q. Sir, I didn't pay you.

25 A. Well, it was one of you. I got paid, so it was

James Ford
Cross-Examination by Mr. Cleveland
October 22, 2014

1 either you, your daughter. One of your family members.

2 MR. CLEVELAND: I have no further questions.

3 THE COURT: Do you have -- and how were you
4 paid?

5 THE WITNESS: I think they brought a check. I'm
6 not sure. It's been a while.

7 THE COURT: Do you have any documentation --

8 THE WITNESS: Not --

9 THE COURT: -- of your payment?

10 THE WITNESS: No.

11 THE COURT: Mr. Allen, any redirect?

12 MR. ALLEN: No redirect, Your Honor.

13 THE COURT: All right. You may step down. You
14 are a named defendant, so you can have a seat -- have
15 a seat next to Mr. Cleveland at the table.

16 [Whereupon, Mr. Ford is excused and exits the
17 witness stand]

18 THE COURT: Call any additional witnesses,
19 Mr. Allen.

20 MR. ALLEN: No additional witnesses, Your Honor.

21 THE COURT: Any closing?

22 MR. ALLEN: Yes, Your Honor.

23 - - -

24 - - -

25 - - -

Closing Argument
By Mr. Allen
October 22, 2014

1 this young man lost his life in a drowning. And if
2 anybody was to suggest that drowning is a peaceable
3 way to go, I would like the Court to let me go into
4 this a little bit. The body, after allowing water to
5 enter the lungs, begins to separate the oxygen to the
6 vital organs, which includes the brain and the heart.
7 The heart does its best until it ceases to be able to
8 pump the oxygen to the brain, but the individual lives
9 between three and eight minutes. Those three and
10 eight minutes -- those three to eight minutes,
11 depending on the size of the individual, how much
12 oxygen they retain and how much effort they exerted
13 prior to trying to sustain themselves above water.

14 Since the day we drop our children off at
15 daycare, we tell our children that we're going to come
16 back and get them, that we're going to take care of
17 them, we're going to make sure that they're okay.
18 Well, in that three to eight minutes, like any other
19 child, Adonous would have been conscious enough to go
20 through the process of determining is somebody
21 eventually going to come get me, is somebody going to
22 be able to reach down, grab me, and pull me out.

23 So for some suggestion that Adonous didn't
24 suffer, I don't think there's anymore suffering than
25 that.

Closing Argument
By Mr. Allen
October 22, 2014

1 THE COURT: I don't know that anybody has said
2 that he didn't suffer, Mr. Allen.

3 MR. ALLEN: I understand. But I just want to
4 make sure it's understood there's a survival claim
5 involved, and I believe that this hole was dug without
6 any permitting, without any thought or process for
7 safety, and it cost two young men their lives.

8 I believe that their lives are impossible to put
9 a single value on. But I'm asking this Court to bring
10 a verdict in the amount of four-million dollars for
11 wrongful death, four-million dollars for survival, and
12 four-million dollars for punitive damages, submit an
13 order that I believe that both Mr. Ford and Mr.
14 Cleveland have equal responsibility in this case. And
15 I believe that their conscious disregard for the
16 safety of the children that they knew were on the
17 property, and Mr. Ford's conscious disregard for the
18 permitting and regulations that apply to building
19 roadways and retention ponds, should be taken into
20 consideration on the punitive damage award as being
21 awarded in this case. And I believe that the economic
22 damages, although financially minimal in this case
23 regarding actual payments, should reflect also that
24 there's nothing indicated that Adonous was not an
25 otherwise healthily young man that would have been

Closing Argument
By Mr. Allen
October 22, 2014

1 able to go forward with his life, have a military
2 career, and have a fulfilling life.

3 THE COURT: There was some indication,
4 Mr. Allen, that I'm not -- not that it really impacts.
5 But just so that I'm clear, there was some indication
6 that they were attempting to receive social security,
7 disability due to some issues, and there was some
8 mention of blindness?

9 MR. ALLEN: That was never identified by any of
10 the documents once -- that I saw in the health record.
11 Adonous was otherwise active in school and sports.

12 THE COURT: But there was some indication that
13 they were trying to receive disability?

14 MR. ALLEN: There was an application at one
15 point in time to receive additional benefits for
16 Adonous. And I'll tell you that Adonous' eyesight
17 never was done. And one of the complaints was they
18 never got any glasses or any other follow up. And the
19 young man didn't have glasses at the time of his
20 death, much less -- he didn't have any conditions that
21 would have allowed him to be legally blind.

22 THE COURT: Even though they requested it?

23 MR. ALLEN: Even though they requested it.

24 THE COURT: And tell me where he was in ROTC,
25 because I just want to make sure --

Closing Argument
By Mr. Allen
October 22, 2014

1 MR. ALLEN: It's in section -- was it -- is that
2 the -- he was in ROTC at the school on King Street.
3 And his ROTC certificate --

4 THE COURT: The only thing I saw was --

5 MR. ALLEN: Yeah. This Department of Navy
6 certificate here is one of his awards. I don't have
7 the --

8 THE COURT: A certificate of -- I just want to
9 make sure that I'm clear.

10 MR. ALLEN: I don't have the -- I think the
11 photograph -- I don't think the photograph in there --
12 of his ROTC uniform is in there.

13 THE COURT: All right. But this is about a
14 robotics team.

15 MR. ALLEN: Right.

16 THE COURT: It's not any sort of ROTC --

17 MR. ALLEN: Yeah. He was -- but he was --

18 THE COURT: I just want the record to be clear,
19 Mr. Allen. I understand what you're doing, but --

20 MR. ALLEN: Yes, Your Honor.

21 THE COURT: -- I really need this record to be
22 abundantly clear, considering the procedural history
23 that has gotten us --

24 So he was not involved in ROTC. This was a
25 certificate of appreciation through the Department of

Closing Argument
By Mr. Allen
October 22, 2014

1 Navy for his participation in robotics?

2 MR. ALLEN: No, Your Honor. He both did that.
3 But he was also involved in ROTC. I just don't have
4 the certificate of ROTC in my file folder. It's
5 Junior ROTC, Your Honor. Really, the ROTC program
6 starts at the ninth grade level.

7 THE COURT: I mean, because that was my next
8 question is --

9 MR. ALLEN: Right. It's an ROTC program,
10 introduction program, that's at the middle school
11 level or -- that he participated in. The certificate
12 was for participation.

13 THE COURT: I just want to -- it just struck me
14 as a little odd.

15 MR. ALLEN: I understand.

16 THE COURT: Let me hear from you, Mr. Cleveland,
17 closing argument.

18

19

20

21

22

23

24

25

-- --
-- --
-- --

Closing Argument
By Mr. Cleveland
October 22, 2014

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

CLOSING ARGUMENT

MR. CLEVELAND: Your Honor, ain't too much I can say. I wasn't there. I can't tell you what happened to the boy, what he did or anything. I don't know. I wasn't there. That's all I can tell you.

THE COURT: Thank you, Mr. Cleveland.

Mr. Ford, as a named defendant, I'll allow you the courtesy of a closing, as well.

- - -
- - -
- - -

GREEN - RECORD / PRODUCTION INDEX

A. Incident Report

PAGE: TAB: DOCUMENT:

- | | | |
|---------|----------|---|
| | 1 | Incident Report |
| 1 | | • Incident Report with Supplemental Reports |
| 12 | | • Chain of Custody & Evident Sheets |
| 20 - 24 | 2 | CAD Incident Detail |
| 25 - 26 | 3 | Statement of Hester Adams |
| 27 - 34 | 4 | Photographs from Incident |

B. Death Certificate / Certificate of Appointment

PAGE: DOCUMENT:

- | | | |
|---------|----------|---|
| 35 | 1 | Death Certificate |
| 36 - 37 | 2 | Certificate of Appointment / Fiduciary Letters |

C. Berkeley County Public Records

PAGE: TAB: DOCUMENT:

- | | | |
|---------|----------|--|
| 38 - 39 | 1 | Aerial Photos of Wetlands |
| 40 | 2 | Sketch of Subdivision Plats |
| 41 - 42 | 3 | 4/28/11 Letter Identifying Hester Adams Adonous Green's Foster Parent |
| 43 - 44 | 4 | Unofficial Berkeley County Property Card |

D. Relinquishment for Adoption

PAGE: DOCUMENT:

- | | | |
|---------|--|---|
| 45 - 48 | | Relinquishment for Adoption of Adonous Green |
|---------|--|---|

E. Photographs from Michael Bowers

PAGE: DOCUMENT:

- | | | |
|---------|--|--|
| 49 - 92 | | Photographs from Michael Bowers |
|---------|--|--|

000062

GREEN - RECORD / PRODUCTION INDEX

F. Transcript of Non-Deposition of James Cleveland

PAGE:	DOCUMENT:
93 - 98	Transcript of Non-Deposition of James Cleveland

G. Newspaper Article - 6/3/11

PAGE:	DOCUMENT:
99 - 100	Newspaper Article - 6/3/11

H. Department of Social Services File on Adonous Green

PAGE:	DOCUMENT:
101 - 3525	D.S.S. File on Adonous Gree

I. Birth Certificates / Social Security Cards / Driver's License

PAGE:	DOCUMENT:
	1 Birth Certificates
3526	• Nevaeh Tajavonni Katence Green
3527	• Adriane Lathaune Green
	2 Social Security Cards
3528	• Adriane Lathaune Green
3529 - 3530	• Nevaeh Tajavonni Katence Green
3531 - 3532	3 Driver's License of Adriane Lathaune Gree

J. Birth Announcement of Adonous Green

PAGE:	DOCUMENT:
3533	Birth Announcement of Adonous Gree

K. 7/14/09 Letter from The Youth Academy, Inc.

PAGE:	DOCUMENT:
3534	7/14/09 Letter from The Youth Academy, Inc.

L. Social Security SSI - Notice of Disapproved Claim

PAGE:	DOCUMENT:
3535 - 3539	Social Security SSI - Notice of Disapproved Claim

000063

GREEN - RECORD / PRODUCTION INDEX

M. Dept. of Navy STEM Certificate of Appreciation of Adonous Green

PAGE: DOCUMENT:

3540 Dept. of Navy STEM Certificate of Appreciation of Adonous Green

N. DSS - Permanency Planning Hearing Supplemental Report (1/14/10)

PAGE: DOCUMENT:

3541 - 3546 DSS - Permanency Planning Hearing Supplemental Report (1/14/10)

O. Photographs

PAGE: DOCUMENT:

3547 - 3567 Photographs

P. Dorothy's Home for Funerals & Funeral Documents

PAGE: DOCUMENT:

Dorothy's Home for Funerals Documents

3568 • Invoice for Funeral
3569 • Pamphlet from Funeral
3571 • Remembrance & Thank You Cards
3575 • "Cherished Memories" Booklet
3591 - 3592 • Sympathy Card

Q. SC Partners for Health Card for Adonous Green

PAGE: DOCUMENT:

3593 SC Partners for Health Card for Adonous Green

R. Eulogy / Obituary

PAGE: DOCUMENT:

3594 - 3595 Eulogy

3596 Post & Courier Obituary

S. 4/9/12 Letter from DSS with File

PAGE: DOCUMENT:

3597 - 3598 4/9/12 Letter from DSS with File

000064

GREEN - RECORD / PRODUCTION INDEX

T. Mitchum & Thompson Construction, Inc. Information

PAGE: DOCUMENT:

3599 - 3600 Mitchum & Thompson Construction, Inc. Information

U. Property / Deed Information

PAGE: DOCUMENT:

3601 - 3695 Property / Deed Information

V. Affidavit of Service

PAGE: DOCUMENT:

3696 - 3699 Affidavit of Service

W. Property / Lot Survey

PAGE: DOCUMENT:

3700 Property / Lot Survey

X. Witness Statements

PAGE: DOCUMENT:

3701 1 Statement of Rushia Robertson

3702 - 3703 2 Statement of Erica Hamilton

3704 - 3705 3 Statement of Chanel Taylor

3706 4 Statement of Rhonda Kennedy

Y. SC Dept. of Health & Human Services - Detailed Claims Reports

PAGE: DOCUMENT:

3707 - 3750 1 Detailed Claims Reports of Adonous Green

3751 - 3756 2 Detailed Claims Reports of Adriane Green

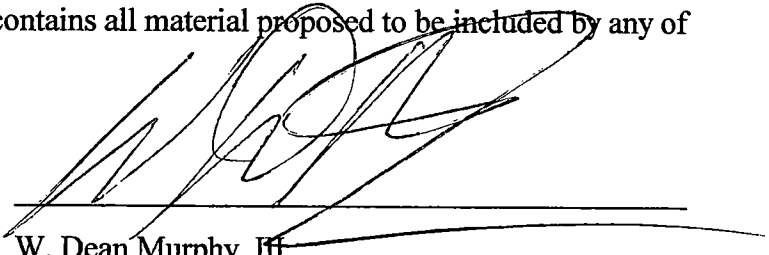
000065

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF BERKELEY)	CASE NO.: 2011-CP-08-3308
)	
ADRIANE GREEN,)	
Individually and as Personal)	
Representative of the Estate of)	
ADONOUS GREEN, Deceased)	
)	
Plaintiff,)	
vs.)	Exhibit List
)	
)	
JOHN DOE, JAMES CLEVELAND)	
And JAMES I. FORD, III aka)	
"Big Ford")	
)	
Defendants.)	

- Exhibit 1. Default Order and Service Documents for James Cleveland
- Exhibit 2. Default Order and Service Documents for James I Ford, III aka "Big Ford"
- Exhibit 3. Deposition of James Cleveland
- Exhibit 4. Deposition of James I. Ford, III
- Exhibit 5. Plaintiff Document Production indexed attached

I certify that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

7 February 2015



W. Dean Murphy, III
659 St. Andrews Blvd.
Charleston, SC 29407
(843) 766-7004
Attorney for Appellant
SC Bar # 4155

RECEIVED
MAY 26 2015
SC Court of Appeals

000067

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM BERKELEY COUNTY

Court of Common Pleas

Kristi L. Harrington, Circuit Court Judge

Appellate Case # 2014-002730

RECEIVED

MAY 28 2015

SC Court of Appeals

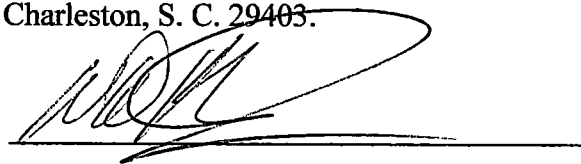
Adriane Green, Individually and as the Personal Representative
of the Estate of Adonous Green, Deceased.....Respondent,

v.

John Doe, James Cleveland and James I. Ford, III, a/k/a "Big Ford" of whom
James I. Ford, III, a/k/a "Big Ford" is the.....Appellant.

PROOF OF SERVICE

I certify that I have served the Record on Appeal on Respondent by depositing a copy of it
in the United States Mail, postage prepaid, on 27 May 2015, addressed to her attorney of record,
Samuel K. Allen, 49 Immigration Street, Suite 100, Charleston, S. C. 29403.



W. Dean Murphy, III
659 St. Andrews Blvd.
Charleston, SC 29407
(843) 766-7004
S. C. Bar # 4155
Attorney for Appellant