

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM MARLBORO COUNTY

J. Michael Baxley, Circuit Court Judge

**RECEIVED**

AUG 21 2015

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ALEXANDER CARMICHAEL HUCKABEE, III,

APPELLANT.

APPELLATE CASE NO. 2013-001409

SUPPLEMENTAL RECORD ON APPEAL

JOHN H. STROM  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589  
(803) 734-1330

Attorney for Appellant

ALAN WILSON  
Attorney General

MARY W. LEDDON  
Assistant Attorney General  
Office of the Attorney General  
PO Box 11549  
Columbia, SC 29211

WILLIAM B. ROGERS, JR.  
Solicitor, Fourth Judicial Circuit  
110 Liberty Street  
PO Box 616  
Bennettsville, SC 29512  
fax (843) 479-3333  
(843)479-6515

Attorneys for Respondent

INDEX

INDEX.....i

PAGES FROM PRE-TRIAL HEARING (OCTOBER 5, 2012).....1

PAGES FROM TRIAL TRANSCRIPT (MAY 14, 2013).....4

PAGE 184 FROM TRIAL TRANSCRIPT, MISSING RECORD PAGE 120 .....8

CERTIFICATE OF COUNSEL.....9

1 freely and voluntarily given?

2 A. Yes, ma'am.

3 Q. Was this statement written or recorded?

4 A. The statement that he provided that day, he attempted  
5 to write a statement. He wrote about three or four  
6 sentences. He told me he was not a good writer or  
7 speller. He requested I write it for him, and I told  
8 him I couldn't do that. So, he wrote what he felt  
9 like he could write at that point and just said, I  
10 can't --- I'm not good with this.

11 Q. Did you continue the interview after he wrote those  
12 few lines?

13 A. No, ma'am. We had already concluded the interview,  
14 and this was at the end of the interview.

15 Q. Okay. Now, I have right now, which is marked as  
16 State's Exhibit 16 for identification. Do you  
17 recognize this document?

18 A. Yes, ma'am.

19 Q. What is that?

20 A. This is a voluntary statement --- handwritten  
21 voluntary statement by Mickey Huckabee.

22 Q. And you said he wrote those few lines at the end of  
23 the questioning?

24 A. He did.

25 Q. Okay. But, he told you he couldn't write any better,

1 no additional written Miranda warnings given?

2 A. No, sir, it is all verbal on the recording.

3 Q. All right. And, is it my understanding that you re-  
4 did the entire Miranda statement to him, or did you  
5 abbreviate it?

6 A. I abbreviated it. But, I virtually told him that he  
7 was still under arrest. I had read him his rights  
8 when I was at the jail, and that everything was still  
9 intact from his Miranda warnings, so I went over it in  
10 my terms. I don't think I actually read a form to  
11 him.

12 Q. Okay. And, is that standard practice?

13 A. Yes, sir.

14 Q. Okay. When you were doing that summarization, and  
15 that was actually at the Police Department?

16 A. What was?

17 Q. The interview three.

18 A. The last interview that I did was at the Bennettsville  
19 Police Department.

20 Q. Okay. During that time on that day, did you or anyone  
21 else make Mr. Huckabee any promises of any kind?

22 A. No, sir.

23 Q. Did you not tell him that you wanted to help him?

24 A. Yes, I did. I told him that I wanted to help him.

25 Q. Okay. And what did you mean by that?

1 A. I told him that if he needed help, that he needed to  
2 tell me that he needed help. If there was something  
3 going on at home with minor or at home, that this was  
4 the time for him to tell me.

5 Q. All right. Did you make any promises to him  
6 concerning bond of any kind?

7 A. No, sir. Other than the fact that I told him I would  
8 find out when they would do the bond hearing.

9 Q. There was no amounts mentioned --

10 A. -- No, sir --

11 Q. -- or anything about --

12 A. -- No, sir --

13 Q. -- about how bond would be easier --

14 A. -- No, sir --

15 Q. Or anything like that?

16 A. No, sir.

17 Q. Okay.

18 A. I told him that there was possibility -- that they  
19 could deny bond, because he asked about getting out of  
20 jail. And, I told him that I had no idea what the  
21 bond would be, but there were all kinds of options.  
22 In other words, they could set a bond or they could  
23 deny the bond, that it just depended. But I told him,  
24 and I am almost positive, I said, you are from here  
25 and you are not a flight risk.

1 get all that straight. So, I just wanted to acknowledge  
2 that.

3 THE COURT: Mr. Steen, are you satisfied?

4 MR. STEEN: No objection, Your Honor.

5 THE COURT: All right. Now, you wish for me to tell  
6 the jury that they can turn to page Sixty Nine to pick up  
7 where the conversation is?

8 MS. WHITE: That's where we're at.

9 THE COURT: All right. Thank you. Please bring in  
10 the jury.

11 (WHEREUPON, the jury exits the courtroom at  
12 3:05 p.m.)

13 THE COURT: All right. Ladies and gentlemen, the  
14 State has provided a transcript for these proceedings. And  
15 if you would turn to Page Sixty Nine if you wish to, and you  
16 will find that it picks up where the conversations is about  
17 to begin on the tape. I trust you had a nice break. And  
18 Mr. Solicitor, please proceed.

19 MR. REDMOND: Thank you, Your Honor. I think we're  
20 ready. And I'll ask Ms. White to go ahead and proceed with  
21 the disc.

22 Your Honor, we've got to change. That's the end of the  
23 first disc. And then we've got the second disc.

24 THE COURT: And the -- that disc -- that disc is how  
25 long?

1 MR. REDMOND: I know we're about two-thirds of the  
2 way through. And I want to say, the last two are both less  
3 than hour.

4 THE COURT: Ladies and gentlemen, we may be here for  
5 another hour. Do you want to take a break before we go  
6 further? Anyone need to take a break?

7 MR. REDMOND: I want to say, one, to be clear, like  
8 one is thirty something minutes if I'm not mistaken, and the  
9 another one is forty something minutes.

10 THE COURT: Let's just take the next tape and we'll  
11 see where we are at the end of that. And no one expressed  
12 the desire to take a break.

13 MR. REDMOND: Thank you.

14 THE COURT: Keep moving.

15 (WHEREUPON, the jury listen to the video.)

16 MR. REDMOND: Judge, I'm just informed by Ms. White  
17 that, that is the conclusion of this tape. And then the  
18 last tape, I think that was thirty something minutes, and I  
19 think the last one is forty something.

20 THE COURT: All right. Ladies and gentlemen, let's  
21 take about a ten minute break at this point. And we'll  
22 decide what we're going to do from here. Everyone please  
23 enjoy your break.

24 (WHEREUPON, the jury exits the courtroom at  
25 4:31 p.m.)

1 THE COURT: Counsel, step up and let's talk about the  
2 scheduling while the jury's on break.

3 (WHEREUPON, a recess was taken from 4:32 p.m.  
4 until 4:41 p.m.)

5 THE COURT: I believe our jury has finished their  
6 break as well. And please bring them in.

7 (WHEREUPON, the jury enters the courtroom at  
8 4:41 p.m.)

9 THE COURT: All right. Welcome back, ladies and  
10 gentlemen. I've talked with counsel about scheduling.  
11 This next segment, which is the last segment, it's slightly  
12 longer than thirty minutes. We're going to see this and end  
13 the day after the tape. So, that's where we find ourselves.  
14 And please proceed.

15 (WHEREUPON, the jury views the video.)

16 MR. REDMOND: Your Honor, that concludes the video.

17 THE COURT: Does that conclude your direct  
18 examination?

19 MR. REDMOND: Your Honor, briefly, just a couple of  
20 really quick questions.

21 Q. Lieutenant Bass, the approach that you used, there were  
22 certain times where you seem to be almost soothing  
23 toward the Defendant. Could you explain the approach  
24 and the reason for the approach that you took with the  
25 Defendant in the questioning that you did?

- 1           A.    My interview technics are basic interviewing technics.  
2           I just --- I'm there to gather facts. I'm a fact  
3           finder. My job is to gather them, put it all in a nice  
4           little package like I did, and give it to you and let  
5           you make a determination. I'm not one that --- I don't  
6           have an opinion. I don't make judgment on anyone.  
7           That's not job. My job is just to find the facts. So,  
8           that's why I tell him in there that I'm there to find  
9           facts and I --- I try to be understanding.
- 10          Q.    Okay.
- 11          A.    Because there's, you know, there's a side of the story  
12          that he needs to tell me, or she needs to tell me, or  
13          whoever I'm talking to.
- 14          Q.    And let me just ask you this in follow-up. However ---  
15          even though obviously you're there to gather facts,  
16          were there times that as reflected on the tape, that  
17          you brought out certain inconsistencies with the  
18          Defendant?
- 19          A.    Oh sure. Especially if someone is not being truthful.
- 20          Q.    And were there times in this interview where you either  
21          caught or suspected that the Defendant wasn't being  
22          truthful?
- 23          A.    Unfortunately, numerous times.
- 24          Q.    Okay.
- 25          MR. REDMOND:       Nothing further, Your Honor.

CYNTHIA SCHANDL, M.D. - CROSS EXAMINATION 184

1 got just one or two more questions to follow up with.  
2 With all the bruises, and all the burns that we've  
3 talked about, and I think the answer is obvious, but  
4 I've got to ask you for the record. Is this an  
5 incident where a seizure, in your opinion, would have  
6 caused this much bruising and burning?

7 A. No, sir.

8 Q. With the -- with the --- and I guess I talked about the  
9 bruising and the burns, would this have been a single  
10 event where she trips, and falls, and causing all of  
11 that bruising and burning throughout her body ---  
12 around her body?

13 A. There's no scenario that I can think of that would come  
14 from a simple fall or trip.

15 Q. So, as an expert, would it be fair to ask you, is it  
16 then probably that this was a recurring situation? In  
17 other words, it was more than one episode of injury  
18 trauma being inflicted to the body of this child?

19 A. Yes, sir.

20 MR. REDMOND: Please answer any questions the defense  
21 may have.

22 THE COURT: Cross examination?

23 MR. JONES: Yes, sir. Just a few.

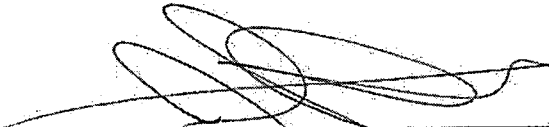
24 CROSS EXAMINATION BY MR. JONES

25 Q. Dr. Schandl?

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."

August 12<sup>th</sup>, 2015



John H. Strom  
Appellate Defender

**RECEIVED**

AUG 21 2015

**SC Court of Appeals**

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S. C. 29211-1589  
(803) 734-1330

ATTORNEY FOR APPELLANT