

23115

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable William P. Keesley, Circuit Court Judge

ANDERS,  
ORIGINAL  
NO DEFENDANT'S BRIEF

RECEIVED

JAN 24 2017

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

SARA ELIZABETH HODSON,

APPELLANT

APPELLATE CASE NO 2016-000644

RECORD ON APPEAL

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State of South Carolina  
County of Lexington

Court of General Sessions

State )  
)  
)  
v. )  
)  
Sara Hodson )  
)  
Defendant. )

Transcript of Record  
2015-GS-32-2368  
2013-GS-32-3004

November 3, 2015  
Lexington, South Carolina

B E F O R E:

The Honorable Doyet A. Early, III, Judge.

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

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Suzanne Mayes, Assist. Solicitor  
Attorneys for the State

Deon O'Neil, Esquire  
Attorney for the Defendant

Bethanie K. Creppon  
Circuit Court Reporter

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I N D E X

WITNESS

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(No Witnesses.)

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<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
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(No Exhibits.)

1 (The following proceedings were held November  
2 3, 2015.)

3 THE CLERK: Indictment 2013-GS-32-03004, State  
4 vs. Sara Elizabeth Hodson, indicted for unlawful  
5 conduct towards a child; Indictment  
6 2015-GS-32-02368, the State vs. Sara Elizabeth  
7 Hodson, indicted for aiding and abetting homicide by  
8 child abuse. She's pleading as charged on both  
9 counts under North Carolina vs. Alford. She is  
10 represented by Mr. O'Neil, and Ms. Radlein for the  
11 State.

12 MR. O'NEIL: Your Honor, may we approach?

13 THE COURT: Yes, sir.

14 (Sidebar conference.)

15 SARA HODSON

16 being first duly sworn, testified as follows:

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Mr. O'Neil, you represent Sara  
19 Elizabeth Hodson. There are two indictments before  
20 us today; Indictment 2013-GS-32-3004, an indictment  
21 for unlawful conduct towards a child. Is that  
22 correct?

23 MR. O'NEIL: Yes, Your Honor.

24 THE COURT: That has been true billed by the  
25 Lexington County Grand Jury.

1 MR. O'NEIL: Yes, sir.

2 THE COURT: And the second indictment,  
3 2015-GS-32-2368, that is an indictment for aiding  
4 and abetting homicide by child abuse.

5 MR. O'NEIL: Yes, sir.

6 THE COURT: Which has been, likewise,  
7 true-billed by the Lexington County Grand Jury.  
8 Have you explained the charges in each indictment to  
9 your client?

10 MR. O'NEIL: Yes, sir.

11 THE COURT: Have you explained to her the  
12 possible sentences, i.e., up to ten years on the  
13 unlawful conduct towards a child, and up to -- a  
14 minimum of 10 years up to 20 years on the homicide  
15 by -- aiding and abetting homicide by child abuse?

16 MR. O'NEIL: Yes, sir.

17 THE COURT: Have you further, on the homicide  
18 by child abuse aiding and abetting, advised her that  
19 this is classified as a violent offense --

20 MR. O'NEIL: Yes, sir.

21 THE COURT: -- and will have some effect on  
22 where and how she's housed in the department of  
23 corrections and on her eligibility for release?

24 MR. O'NEIL: Yes, sir.

25 THE COURT: Have you further advised her it's

1 classified as most serious?

2 MR. O'NEIL: Yes, sir.

3 THE COURT: Is this her first strike, ma'am?

4 MS. RADLEIN: That's correct, Your Honor.

5 THE COURT: Have you advised her under our two-  
6 and three-strike and the effects of that?

7 MR. O'NEIL: Yes, sir.

8 THE COURT: Have you advised Ms. Hodson that  
9 this is what we call an 85-percent, no-parole  
10 sentence?

11 MR. O'NEIL: Yes, sir.

12 THE COURT: That she'll serve at least  
13 85-percent of her sentence before she's released to  
14 a community supervision program?

15 MR. O'NEIL: Yes, sir.

16 THE COURT: In your opinion, does she  
17 understand the charges, the possible sentence,  
18 classification of violent, and the classification of  
19 most serious and what it means, and the fact that  
20 this is an 85-percent, no-parole sentence?

21 MR. O'NEIL: In my opinion, she does, yes sir.

22 THE COURT: Have you explained to her her right  
23 to trial by jury?

24 MR. O'NEIL: Yes, sir.

25 THE COURT: And it's my understanding that she

1 wishes to enter this plea under Alford vs. North  
2 Carolina.

3 MR. O'NEIL: Yes, sir.

4 THE COURT: Have you advised her that the Court  
5 treats that as a guilty plea, it goes on her record  
6 as a guilty plea, and the department of corrections  
7 treats it as a guilty plea?

8 MR. O'NEIL: Yes, sir.

9 THE COURT: What is the bargain that's been  
10 offered by the State that she can accept the benefit  
11 thereof?

12 MS. RADLEIN: Thank you, Your Honor. The  
13 defendant and the co-defendant, Jordan Hodson has  
14 pled. They were both indicted for homicide by child  
15 abuse, aiding and abetting homicide by child abuse,  
16 and unlawful conduct towards a child, as well as  
17 possession of meth.

18 The State is dismissing those three companion  
19 charges and allowing the defendant to plead to two  
20 counts -- to two charges.

21 THE COURT: Have you explained that to your  
22 client?

23 MR. O'NEIL: Yes, sir.

24 THE COURT: All right. Now, Mr. O'Neil, having  
25 had an opportunity to review all of the evidence in

1 the case that's been given to you through discovery,  
2 after your own investigation under the facts of the  
3 case, and discussing the facts of the case with your  
4 client, are you of the opinion that if this case  
5 were tried before a jury, that it's a substantial  
6 probability that the State could prove these  
7 offenses beyond a reasonable doubt and that your  
8 client, more likely than not, would be found guilty?

9 MR. O'NEIL: Yes, sir.

10 THE COURT: And you're advising her to take the  
11 benefit of that bargain, i.e., nol-prossing three  
12 indictments and proceeding on two?

13 MR. O'NEIL: Yes, sir.

14 THE COURT: Ms. Hodson, how are you this  
15 afternoon?

16 THE DEFENDANT: Okay. Hungry.

17 THE COURT: Ma'am, before me, I have two  
18 indictments; one is an indictment for unlawful  
19 conduct towards a child, that is Indictment  
20 2013-GS-32-3004, the second indictment is  
21 2015-GS-32-2368, that is an indictment for aiding  
22 and abetting homicide by child abuse. Do you  
23 understand the two charges that you stand before me  
24 on?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: On the unlawful conduct towards a  
2 child, that carries up to ten years in the  
3 department of corrections. Do you understand that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: On the aiding and abetting homicide  
6 by child abuse, that carries a mandatory minimum of  
7 10 years up to 20 years. Do you understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: As to the aiding and abetting  
10 homicide by child abuse, that is classified as a  
11 violent offense, so it will have some effect on  
12 where and how you're housed in the department of  
13 corrections and, perhaps, on your release date. You  
14 understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: It's classified as a most serious  
17 offense, which means a number of things: First of  
18 all, you now have one strike under South Carolina's  
19 two- or three-strike law, which means if you become  
20 involved in criminal activity classified as most  
21 serious one more time, that would be two strikes  
22 that way, or criminal activity classified as serious  
23 two more times, that would be three strikes that  
24 way.

25 Under each of those scenarios, if that became

1 the case, you'd be subjecting yourself to the  
2 possibility of serving the rest of your life in  
3 prison without the possibility of parole. Do you  
4 understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Do you understand that under this  
7 present statutory scheme of this particular offense,  
8 that it is what we call a no-parole sentence, which  
9 means that whatever sentence imposed upon you,  
10 you'll have to serve 85-percent of it? Do you  
11 understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Once you're released, you're  
14 released into a community supervision program. Do  
15 you understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you have any questions you want  
18 to ask me about what you're charged with, the  
19 possible sentence, the classifications of violent,  
20 most serious, the no-parole aspect, the 85-percent  
21 aspect? Any of that you wish to ask me about?

22 THE DEFENDANT: No, sir.

23 THE COURT: Understanding what you're charged  
24 with, the possible sentences, the classification of  
25 violent, most serious, as to Indictment -2368, it's

1 my understanding that you wish to enter a plea under  
2 Alford vs. North Carolina. Do you understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Alford vs. North Carolina is a U.S.  
5 Supreme Court case that says this: That you've  
6 looked at all of the evidence in this case. There  
7 are five indictments against you. The State is  
8 offering to allow you -- by nol-prossing three of  
9 those cases, that's a bargain they're giving you.  
10 You wish to take the benefit of that bargain and  
11 you've looked at the evidence and you're of the  
12 opinion that if the case were tried, that the  
13 evidence is strong enough that the State most  
14 probably could prove your guilt to a jury beyond a  
15 reasonable doubt; that you don't want to take that  
16 chance, you want to take the benefit of the bargain,  
17 have those three cases nol-prossed, proceed on two.  
18 Is that correct?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: By doing that, I have to treat it  
21 as a guilty plea, it goes on your record as a guilty  
22 plea, and the state department of corrections treats  
23 it as a guilty plea. Do you understand all of that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: By doing that, ma'am, you'll forego

1 your right to a jury trial. Obviously, if you ask  
2 for a jury trial, the State would provide one for  
3 you, like we're in the middle of one here today.  
4 During that jury trial, you'd have the right to  
5 confront and cross-examine everyone that testified  
6 against you, you'd have the right to present your  
7 defense, your side of the story, by calling  
8 witnesses to testify on your behalf, introducing  
9 relevant exhibits, and testifying in your own  
10 defense.

11 If you exercise your constitutional right to  
12 remain silent, then I would tell the jury that they  
13 cannot hold the fact that you did not testify  
14 against you in any manner whatsoever, and I would  
15 instruct them that they could not even consider the  
16 fact that you did not testify when they deliberated  
17 your guilt or innocence.

18 You would be presumed innocent throughout the  
19 trial and the State would have the burden of proving  
20 you guilty beyond a reasonable doubt to a jury of 12  
21 people. And in order for a jury to convict you, all  
22 12 would have to unanimously agree that you were, in  
23 fact, guilty. And even if you were convicted, you'd  
24 still have the right to an appeal.

25 Do you understand your rights to trial by jury?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Understanding your rights to trial  
3 by jury, do you still wish to enter a plea under  
4 Alford vs. North Carolina and what that means?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Has anyone promised you anything,  
7 held out any hope of reward, or threatened you in  
8 any manner in order to make you enter this plea?

9 THE DEFENDANT: No, sir.

10 THE COURT: Are you satisfied with your lawyer  
11 Mr. O'Neil?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: In your opinion, has he had enough  
14 time to spend with you, enough time to research the  
15 law, and investigate the facts so that he could  
16 properly defend you here today?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Is there anything else you want him  
19 to do for you today before we move forward other  
20 than speak up on your behalf?

21 THE DEFENDANT: No, sir.

22 THE COURT: And I ask you again, are you  
23 totally and completely satisfied with his legal  
24 representation?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Are you today, ma'am, under the  
2 influence of alcohol, drugs, or prescription  
3 medication?

4 THE DEFENDANT: No, sir.

5 THE COURT: Ma'am, are you today aware of any  
6 mental, nervous, or emotional conditions which would  
7 keep you from understanding these proceedings?

8 THE DEFENDANT: No, sir.

9 THE COURT: Have you understood all of my  
10 questions?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you have any questions you wish  
13 to ask of me?

14 THE DEFENDANT: No, sir.

15 THE COURT: Ma'am, it's alleged in the  
16 indictments that here in Lexington County between  
17 [REDACTED] and December 11, 2012 that you were  
18 in charge or had custody of a -- several children,  
19 right, three children?

20 MS. RADLEIN: That's correct, Your Honor.

21 THE COURT: Ma'am?

22 MS. RADLEIN: That's correct, Your Honor.

23 THE COURT: Three children, Minor 2 Minor 3  
24 and Minor 1 whose dates of birth are [REDACTED]  
25 2004, [REDACTED] 2002, and [REDACTED] 2007. And while

1 having them in your custody or charge, you exposed  
2 them to methamphetamine or used methamphetamine  
3 by-products or had methamphetamine activity which  
4 was harmful to their wellbeing.

5 It's further alleged in Indictment 2015-2368  
6 that while in Lexington County between December 8  
7 and December 11, 2012, you aided another person, one  
8 Jordan Ray Hodson, to commit child abuse or neglect  
9 which resulted in death of Minor 1 Hodson whose date  
10 of birth is [REDACTED] 2012, who died on December  
11 11, 2012 because of child abuse.

12 I'm going to ask the solicitor to expand on the  
13 facts so I can ask you if this is what you're  
14 pleading to under North Carolina vs. Alford.

15 Ms. Radlein.

16 MS. RADLEIN: Thank you, Your Honor. This  
17 case, as you elicited from the indictment, involves  
18 the death of ten-week-old Minor 1 Hodson who was  
19 born on [REDACTED] [REDACTED] and she did die on  
20 December 11, 2012.

21 The defendant, Sara Hodson, was Minor 1  
22 mother at the time. Her father, who I referenced  
23 earlier, Jordan Hodson, pled guilty on October 23rd  
24 before Judge Keesley --

25 THE COURT: Pled guilty?

1 MS. RADLEIN: He pled guilty under North  
2 Carolina vs. Alford as well before Judge Keesley,  
3 and we deferred sentencing until after Sara  
4 Hodson -- her trial, which was scheduled for  
5 November 16th.

6 The State extended the plea offer, to which she  
7 has accepted, and it was scheduled to expire this  
8 week. We're before you pleading to those two  
9 indictments that are before you, Your Honor. In  
10 exchange for the plea, as mentioned earlier, the  
11 State is dismissing those companion charges.

12 On December 11th of 2012, Sara Hodson and  
13 Jordan Hodson entered the Pelion Family Practice  
14 around 1:30, and they were carrying Minor 1 The  
15 child at that time presented unresponsive and was  
16 essentially near death. She later died that same  
17 day at Palmetto Health Richland hospital.

18 The facts and circumstances involving the case,  
19 Your Honor: Once she entered Pelion Family  
20 Practice, the pediatrician there noted that there  
21 was some obvious signs that she was concerned about,  
22 and she called law enforcement. At that time, law  
23 enforcement met with Jordan and Sara, I believe,  
24 after going to Lexington Medical Center, and they  
25 were taken into custody for the unlawful conduct

1 towards a child and not charged with homicide by  
2 child abuse at that time because Minor1 was not  
3 declared dead. Her -- I apologize, Your Honor.  
4 On -- when Minor1 made it to Palmetto Health, they  
5 attempted to -- they performed surgery in attempt to  
6 save her life. And they, of course, were  
7 unsuccessful.

8 The ultimate cause of her death was advanced  
9 septic shock as a result of a stomach perforation  
10 which caused an infectious contamination of her  
11 body, Your Honor. The sepsis had spread from her  
12 abdomen throughout her body system and ultimately  
13 shut down her organs. Her lips were blue at the  
14 point, and that's when her parents actually became  
15 concerned and finally sought medical intervention.

16 In preparing for this case, Your Honor, there  
17 was no evidence that from when Minor1 was born on  
18 [REDACTED] to her death on December 11th that  
19 either parent took her to see the doctor. She  
20 didn't have her followup or her monthly check-up at  
21 that point --

22 THE COURT: What caused the stomach  
23 perforation?

24 MS. RADLEIN: Your Honor, ultimately, that was  
25 not -- that's not clear. We're not sure what

1 parent -- Dr. Luberoff, who would have testified in  
2 this case, she's a forensic pediatrician, her belief  
3 would have been that it would have had to have been  
4 some type of blunt force trauma. The --

5 THE COURT: Neither parent admitted the blunt  
6 force trauma?

7 MS. RADLEIN: Neither parent, Your Honor.

8 MR. O'NEIL: Your Honor, if I may, the father  
9 admitted to law enforcement that he dropped the  
10 child in the shower.

11 MS. RADLEIN: Your Honor, the -- when Jordan  
12 Hodson was arrested, he admitted to -- and he  
13 admitted immediately once he entered Pelion Family  
14 Practice, as he was giving Minor 1 a bath and  
15 dropped her, that she must have hit the lip of the  
16 shower, her face. But that incident is not  
17 consistent with the injuries.

18 What was visible, the symptoms that she  
19 presented, her belly was distended and firm, her  
20 body temperature when she arrived at LMC was 88.7  
21 degrees, there was also blood noted in her rectum,  
22 she had multiple body bruising, her -- in the  
23 vaginal area, it was severely bruised. And  
24 initially they thought it was some type of abrasion.

25 At autopsy, Your Honor, Dr. Spaulding was able

1 to confirm that there was a stomach perforation  
2 resulting in the septic shock, essentially the  
3 bacterial infection. There were some new rib  
4 fractures as well as some old rib fractures that  
5 were indicated, because there was some callus  
6 formation that noted they were old injuries. And  
7 keep in mind Minor 1 was only ten weeks old. She  
8 also had an old broken leg that had callus  
9 formation.

10 The -- at autopsy, Dr. Spaulding sent some  
11 samples, her brain and liver and, I believe, her  
12 kidney, to SLED to toxicology to be tested. And  
13 Minor 1 came back -- I believe her brain and her  
14 kidney tested positive for meth. The --

15 THE COURT: Any opinion as to how the  
16 toxicology read meth?

17 MS. RADLEIN: The -- Dustin Smith at SLED, he  
18 indicated that since this would have been  
19 secondhand -- presumably secondhand ingested, it  
20 would have been within hours before her death. And  
21 that's the only indication we have in terms of that.

22 During a search of the home, Your Honor, there  
23 were -- law enforcement found some items in the  
24 drawer in the master bedroom which is where  
25 Minor 1 crib would have been where we presume the

1 baby would have slept. In the dresser drawer, there  
2 was a -- what you would call a meth drawer. There  
3 were 18 pieces of aluminum foil, which test ed  
4 positive for meth; also in that drawer -- in one of  
5 the drawers was a broken glass light bulb with --  
6 what some people with the Lexington NET indicated  
7 that that's what they use to smoke the meth. It had  
8 some meth residue in it, as well as a broken glass  
9 pipe.

10 Also in the drawer was a bottle with a cut --  
11 like a Coke bottle with the bottom cut with a bag  
12 taped on it which came back with Sara Hodson's  
13 fingerprint on it, because initially she indicated  
14 she was not a meth user.

15 Also notably what was important to us and the  
16 State and what we'd present at trial was Jordan and  
17 Sara's activity the day before. Prior to Minor 1  
18 death, Jordan and Sara Hodson purchased  
19 pseudoephedrine; Sara purchased in Batesburg at 4:28  
20 PM, Jordan purchased here in town at 5:12 PM. And a  
21 witness who was prepared to testify in the trial of  
22 this case indicated to the Solicitor's Office and  
23 law enforcement that both Sara and Jordan came to  
24 his residence sometime after 6:00 on the night  
25 Minor 1 died, and they arrived with pseudoephedrine

1 and they left his residence with a quantity of meth.

2 Your Honor, it's the State's position that Sara  
3 Hodson's essential lack of care for this child and  
4 medical neglect led to Minor 1 ultimate death.

5 Dr. Luberoff's opinion is that the stomach  
6 perforation, if caught earlier, could have been  
7 treated and Minor 1 could still possibly be alive.

8 And it's her belief that if it timely appropriate  
9 medical intervention had been pursued by her  
10 caretakers, in this case, Jordan and Sara, that it  
11 would have been treatable.

12 THE COURT: Thank you.

13 All right. Ms. Hodson, you've heard the  
14 recitation of the facts by the State. And I ask  
15 you, do you have the opinion that if this case were  
16 tried, the State would be able to prove what they've  
17 just recited to me to a jury and convince a jury and  
18 prove that beyond a reasonable doubt, but you do not  
19 want to take that chance of going to trial with five  
20 indictments, you want to take the benefit of the  
21 bargain, i.e., pleading guilty to the two  
22 indictments currently before the Court?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Ma'am?

25 THE DEFENDANT: I -- yes, sir.

1 THE COURT: Pleading under North Carolina vs.  
2 Alford?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: And you are in agreement of having  
5 your sentence held in abeyance. I will not sentence  
6 you today, but Judge Keesley will sentence you along  
7 with the co-defendant sometime in the future since  
8 he's already pled guilty as well?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: All right. I find your decision to  
11 plead under North Carolina vs. Alford to be freely,  
12 voluntarily, and intelligently made. You've been  
13 represented by Mr. O'Neil and you say you're  
14 satisfied with his representation. And I'll accept  
15 the plea. Sentencing will be held in abeyance.  
16 Judge Keesley will impose sentence at some  
17 appropriate time in the future. Good luck.

18 -- END OF TRANSCRIPT OF RECORD --

19

20

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25

## C E R T I F I C A T E

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

I, the undersigned, Bethanie K. Creppon, Circuit Court Reporter for the Second 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 the evidence introduced in the hearing of the captioned cause, relative to appeal in the Criminal Court for Lexington County, South Carolina, on the 3rd of November, 2015.

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

March 14, 2016

s/Bethanie K. CrepponBethanie K. Creppon  
Circuit Court Reporter

COPY

STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL  
SESSIONS )  
COUNTY OF LEXINGTON 2016 FEB -8 ) PM ) FOR THE ELEVENTH JUDICIAL  
CIRCUIT )

The State of South Carolina,  
Plaintiff,

vs.

Sara Hodson,  
Defendant.

DEBRA J. BRIGG  
CLERK OF COURT  
LEXINGTON, SOUTH CAROLINA

MOTION TO WITHDRAWAL  
GUILTY PLEA

Ticket/Warrant No(s):  
2015GS3202368, 2015A3210800250

NOW COMES THE DEFENDANT by and through her undersigned counsel of record and respectfully shows as follows:

1. The Defendant was arrested on December 12, 2012 for Unlawful Neglect of a child and Homicide by Child Abuse.
2. On November 3, 2015 plead guilty to murder/homicide by child abuse, aiding and abiding and unlawful neglect of child or helpless person.
3. Sentencing was held in abeyance.
4. Co-defendant recently provided favorable information through letters.
5. Defendant is scheduled to sentence before Judge Keesley on March 21, 2016.
6. At the time defendant has not been sentenced.
7. Defendant respectfully ask to withdrawal her guilty plea.
8. Defendant respectfully ask for a hearing date to be set to rule on these issues.

FILED

Respectfully Submitted,

2016 FEB -8 PM 2:42

BRIAN CARRIGG  
CLERK OF COURT  
LEXINGTON SC

*Deon O'Neil*

Deon O'Neil  
P.O Box 7284  
Columbia, SC 29202  
(803) 661-6758

This 5<sup>th</sup> day of February, 2016

7-25-2016

Dear Sara,

Hello Sara how are you? It sure was nice to see a friendly face instead of your usual I hate you ~~and~~ attitude towards me. I was so glad to hear from ~~you~~ you on our children and what they have been up to. I really miss them you all have been the best part of my life so crazy and fun. ~~I'm not sure about that~~ so they say you was with me cooking Meth at Llamas that night? you weren't! you took the kids Christmas shopping and then came back to get me I took you home after that and left of ~~course~~ course! as you can already see they are making it up as they go, they are using you against me and me against you that's what they do during a Investigation they build on lies. Look at the Corruption of the Law Enforcement already! Come on really a Sheriff who takes Bribes how far down does the dirt go I'm sure all the way to the Bottom. they ruined a family who with a little help could have been back to being a family who loves their children more than they love money, but enough said

about that Have you talked to your dad about  
 some pictures for me yet? or a phone call once  
 a month or maybe even just once every two  
 months I'll ever be fine with that I know  
 they are in good hands your Dad can give them  
 all the things a kid could want I just wish  
 they had us or you or me as you said one is  
 better than none. Kara I really pray for you  
 I know you do the same for me I want  
 you to know that you're always going to be  
 considered as family even to my Mom, sisters  
 and Brothers. My Dad will come around eventually.  
 He knows it is what it is a "accident a tragedy"  
 for us both you and I can understand why he is  
 mad I took this plea they were wanting to  
 put me away for life a trial in Lexington  
 County psh ya right the good ol boys aren't  
 getting me looking stupid I want to see  
 my family hold them make up time they  
 needed me from I'm sure you know all I'm  
 relaying so I'll end it with that I  
 hope you well and ya I'll always love  
 you and I've never stopped calling you my  
 Best friend ~~now~~ ever will I.

Love always  
 Jordan Ray Ho)

Dear Sara Elizabeth,

Hey again I was happy to hear from you again I'm sorry my last letter wasn't enough for you. Sara when I got home that morning Makenna was in her car seat you were on the couch waiting for me I guess? I got Kenna out of the car seat when you were leaving to take the kids to school I washed the poop off of her that morning and dropped her not on purpose she slipped out of my hand I checked her out after I picked her up she looked fine I didn't notice anything wrong with her It scared the crap out of me I told you as soon as you came home. You remember? Makenna had no marks on her no visible bruises nothing out of the ordinary that is still what I can't understand How was she suppose to have all these injuries and have no marks to show! how the heck are we to know she was hurt? She had no marks on her before or after the shower At least I didn't see any. But of course you just don't come in thinking anything of the sort. Sara I don't know what more to say if I said anything else I would be making it up I've told them everything from the start.

But check this out I know we didnt beat our kids or Hit them. Spanked them yes, Discipline them yes we wouldn't be ordinary if we just let them get away with everything they wanted to do. DSS asked them if we ever Hit them and our kids said no then they asked if we ever spanked them they said yes only when they get in trouble so they went back to the Hit Question again and said if they spanked you that means they Hit you like - wth - Really, and Cohearsed our children in to saying we Hit them cause we

Spanked them when they get in trouble these are the kind of people we are dealing with Sara. ones that take your grain of Salt and add a pound of ~~###~~ Bull Sugar. Sara I Love you we have been through so much together in all those times I never seen you Abuse our children we showed them nothing but love Affection Loyalty and our selves May God and his Son

Jesus Christ be with us Both through these terrible times of Blasphemy or us Neglect is one thing Murder or accesarry to Murder of our own Child God Help us! they are wrong and have Been from the begining while much is to Strange to be believed Nothing is to Strange to have happened. I Love you

ps. write Back soon. Love always Jordan, I love and mi. ps tell the kids Them.

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

STATE OF SOUTH CAROLINA ) #2015-GS-32-2368; #2013-GS-32-3004  
 )  
 )

vs. )

SARA HODSON,  
DEFENDANT. )

STATE'S RESPONSE TO  
 DEFENDANT'S MOTION  
 FOR WITHDRAWAL OF PLEA

Now comes the State in response to the motion by Defendant, Sara Hodson, by and through counsel for Defendant, Mr. Deon O'Neil, Esquire, for withdrawal of her plea. The State is represented by Suzanne Mayes and Sutania Radlein of the Eleventh Circuit Solicitor's Office.

The State offers the following facts or assertions in response:

- (1) Sara Hodson entered a plea on November 3<sup>rd</sup>, 2015, pursuant to *Alford v. North Carolina* to the charges of Aiding and Abetting Homicide by Child Abuse (indictment #2015-GS-32-2368) and Unlawful conduct towards a child (indictment #2013-GS-32-3004). The charges resulted from an investigation by the Lexington County Sheriff's Department regarding the death of her infant child, Minor 1 (date of birth [REDACTED]), and a contemporaneous investigation for child neglect due to exposure to methamphetamine of her three surviving children who resided with her in the family home: Minor 2, Minor 3, and Minor 4.
- (2) The victim, Minor 1 died on 12/11/2012 at the age of 10 weeks as a result of severe septic shock secondary to a stomach perforation. The stomach perforation was the result of blunt force trauma to the abdomen. In addition, the autopsy revealed that Minor 1 suffered numerous rib fractures (with callus formation diagnostic of pre-existing trauma); and a fractured left tibia with callus formation (broken left leg diagnostic of previous trauma). In addition, the infant tested positive for ingestion of methamphetamine.
- (3) The examining pathologist, Dr. John Spalding, determined the manner of death to be "Homicide by neglect and abuse" which is reflected in the autopsy report.
- (4) A quantity of meth residue was found on smoking devices located in the bedroom of Sara Hodson, including a glass pipe and cut plastic bottle with a plastic bag attached. A latent print identified as a match to Sara Hodson was recovered from the plastic bag on the plastic bottle smoking device (SLED Latent Prints Report L12-15814).
- (5) Sara Hodson was the primary caregiver for all four children and was alone with the infant during the night time hours of 12/11/12. She left the infant in the care of her spouse, co-defendant Jordan Hodson, whom she knows to be a methamphetamine user, for several hours on the morning of 12/11/12. Sara Hodson returned home around noon on 12/11/12 and was present at the family home when the infant subsequently became unconscious and unresponsive around 1:30 pm that afternoon.

- (6) The investigation revealed that Sara Hodson and Jordan Hodson were together on 12/10/12 when pseudoephedrine purchases were made by Sara Pittman (Hodson) at 4:28 pm and by Jordan Hodson at 5:12 pm. The pseudoephedrine was subsequently delivered to a methamphetamine cook on the evening of 12/10/12 and converted into methamphetamine.
- (7) Throughout the investigation, there is no record of the victim, Minor 1 having been treated by a pediatrician or medical provider following her birth. The child did not receive well-check visits or routine medical care at any point during her life.

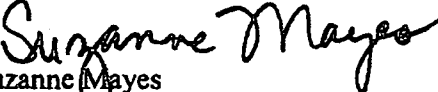
Aiding and abetting homicide by child abuse is set forth in S.C. Code of Laws Section 16-03-85(A)(2). The elements of the offense are that one "knowingly aids and abets another person to commit child abuse or neglect, and the child abuse or neglect results in the death of a child under the age of eleven." The statute sets forth the definition of "child abuse and neglect" and "harm" which pursuant to Section 16-03-85(B)(2)(b) includes the following: "fails to supply the child with adequate food, clothing, shelter, or health care, and the failure to do so causes a physical injury or condition resulting in death."

*State v. Rikard*, 638 S.E.2d 72 (Ct. App. 2006), established that a defendant's plea cannot be withdrawn simply because he disagrees with the facts, as long as he knowingly and voluntarily enters the plea with a full understanding of the consequences of his plea and the charges against him. Even if the defendant does not specifically acknowledge the accuracy of the State's factual presentation, his plea will stand where he does not raise any objection at the hearing, has an opportunity to challenge aspects of the presentation, and admits that he is guilty of the charged offense for which he has been apprised of the elements.

All that is required before a plea can be accepted is that the defendant understand the nature and crucial elements of the charge(s), the consequences of the plea, and the constitutional rights he is waiving, and that the record reflect a factual basis for the plea. *Anderson v. State*, 535 S.E.2d 649 (2000).

For the foregoing reasons, the State maintains that Sara Hodson knowingly and voluntarily entered a plea to the charges of Aiding and abetting homicide by child abuse and Unlawful conduct towards a child. Furthermore, the State contends that sufficient facts were presented to support a factual basis for her plea.

Respectfully submitted:

  
 Suzanne Mayes  
 Senior Assistant Solicitor  
 Eleventh Circuit Solicitor's Office  
 Lexington, South Carolina

March 14<sup>th</sup>, 2016

State of South Carolina  
County of Lexington

Court of General Sessions

State )  
)  
)  
v. )  
)  
Sara E. Hodson )  
)  
Defendant. )

Transcript of Record  
2015-GS-32-2368  
2013-GS-32-3004

March 14, 2016  
Aiken, South Carolina

B E F O R E:

The Honorable Doyet A. Early, III, Judge.

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

Suzanne Mayes, Assist. Solicitor  
Attorney for the State

Deon O'Neil, Esquire  
Attorney for the Defendant

Bethanie K. Creppon  
Circuit Court Reporter

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I N D E X

WITNESS

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(No Witnesses.)

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DESCRIPTION

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(No Exhibits.)

1           (The following proceedings were held March 14,  
2           2016.)

3           THE COURT: All right. We have a motion out of  
4           Lexington County; is that correct?

5           MR. O'NEIL: Yes, Your Honor.

6           THE COURT: All right. Give us your full name  
7           and the case caption for my court reporter.

8           MR. O'NEIL: Your Honor, this is South Carolina  
9           vs. -- South Carolina, County of Lexington vs. Sara  
10          Hodson.

11          THE COURT: Spell that last name, please.

12          MR. O'NEIL: Last name is H-O-D-S-O-N.

13          THE COURT: H-O-D-S-O-N?

14          MR. O'NEIL: Yes, Your Honor.

15          THE COURT: Ms. Hodson, you may be seated.

16          And it's your motion?

17          MR. O'NEIL: Yes, Your Honor.

18          THE COURT: You got a copy of your motion?

19          MR. O'NEIL: I do, Your Honor.

20          THE COURT: Hand it to me, please. Okay.

21          MR. O'NEIL: Yes, sir, Your Honor. May it  
22          please the Court. I represent Sara Hodson. On  
23          November 3rd, 2015, Ms. Hodson pled guilty under  
24          Alford to aiding and abetting homicide by child  
25          abuse and unlawful conduct towards a child. At that

1 time sentencing was held in abeyance, and she was to  
2 be sentenced in front of Judge Keesley on March  
3 21st, 2016.

4 THE COURT: That's correct.

5 MR. O'NEIL: Ms. Hodson was originally charged  
6 with and indicted by the Lexington County Grand Jury  
7 in September of 2015 for homicide by child abuse.  
8 And that -- the fact that she was initially charged  
9 with homicide by child abuse led to the negotiations  
10 where Ms. Hodson plead guilty under Alford to aiding  
11 and abetting homicide by child abuse and unlawful  
12 conduct towards a child.

13 Your Honor, at this point Ms. Hodson would ask  
14 of me to request of this Court to be allowed to  
15 withdraw her guilty plea. One of the bases for her  
16 asking to withdraw her guilty plea was because part  
17 of the State's case as it relates to homicide by  
18 child abuse was that Ms. Hodson along with the  
19 children's father, on the night before the child was  
20 deceased, were allegedly cooking methamphetamine in  
21 the presence of the child which exposed the child to  
22 methamphetamine, which then led to the child being  
23 more susceptible to the injury that the child  
24 suffered on the day of her demise. And there was  
25 going to be testimony that the State was going to

1        elicit from a third-party witness as to the fact  
2        that Ms. Hodson was cooking meth around the children  
3        the day before the child's death.

4                Subsequent to Ms. Hodson's plea on November  
5        3rd, 2015, she received correspondence from the  
6        co-defendant, Mr. Jordan Hodson. She received that  
7        correspondence in the form of letters on January  
8        20th, 2016 and January 29th, 2016. And those  
9        letters -- and I shared those letters with the State  
10       here.

11               In those letters, her co-defendant, Mr. Jordan  
12       Hodson, who would have been allegedly with her the  
13       day before the child died, refuted the allegation in  
14       the letters that he gave to Ms. Hodson. And in the  
15       letters he gave to Ms. Hodson, he clearly indicated  
16       that he was not present with Ms. Hodson on the day  
17       before the children -- I'm sorry, the day before the  
18       child died cooking methamphetamine. He indicated  
19       that Ms. Hodson was not cooking methamphetamine in  
20       the presence of the children on the day before the  
21       child died.

22               That, in Ms. Hodson's mind, changed her  
23       calibration as to whether or not she wanted to --  
24       whether or not entering a guilty plea was in her  
25       best interest. Ms. Hodson -- when I went to speak

1 with Ms. Hodson about these letters, she indicated  
2 to me that the fact that the co-defendant was --  
3 indicated to her through letters that he backed up  
4 her version that she was not cooking methamphetamine  
5 around the minor child the day before the child  
6 died, that changed her determination as to whether  
7 or not --

8 THE COURT: Changed her what?

9 MR. O'NEIL: Her determination about whether or  
10 not she should plead guilty under Alford or not.

11 THE COURT: But she had already pled guilty.

12 MR. O'NEIL: Yes, Your Honor. But -- and what  
13 she indicated to me was that had she known that the  
14 co-defendant was going to support her in that  
15 position, she would not have entered a plea under  
16 Alford. She communicated to me -- to me -- to my  
17 office of that decision, and then I in turn brought  
18 a motion to withdraw the guilty plea.

19 I've read the State's response to my motion,  
20 and they cite State vs. Rickard. And, Your Honor,  
21 we're not arguing under Rickard that Ms. Hodson did  
22 not have a factual understanding of the consequences  
23 of the plea or that there was not a factual basis.  
24 What we're arguing under Rickard is that the Court  
25 has the discretion to allow the defendant to

1 withdraw the guilty plea.

2 We're asking the Court to rely upon that  
3 discretion and allow Ms. Hodson to withdraw her  
4 guilty plea and set her case for trial.

5 THE COURT: Ms. Mayes.

6 MS. MAYES: Yes, sir, Your Honor. I'll pass up  
7 to the deputy the letter that Mr. O'Neil is  
8 referring to and the small excerpt where the  
9 co-defendant mentions that particular event  
10 involving the meth cook. And, Your Honor, I believe  
11 you've had a chance to review the State's  
12 response in --

13 THE COURT: Hold on one second, ma'am. This is  
14 a letter of 1/20/2016, and you've highlighted,  
15 "Okay. So they say you was with me cooking meth at  
16 somebody's that night. You weren't. You took the  
17 kids Christmas shopping and then came back to get  
18 me. I took you" -- I think that's -- "home after  
19 that and left." Is that what you're referring to?

20 MS. MAYES: Yes, sir, Your Honor. And I  
21 believe the State has -- or the Court has had an  
22 opportunity to review the State's response where we  
23 did lay out the factual scenario involving the death  
24 of Minor 1 Hodson who was ten weeks of age.

25 , Your Honor, in the final 24 hours of her life,

1 in addition to pre-existing injuries, such as a  
2 broken leg and rib fractures, in that final 24 hours  
3 or approximately the final 48 hours of her life, she  
4 had sustained a stomach perforation, and that  
5 stomach perforation led to the poisoning of the  
6 bloodstream with bacteria. And the way the  
7 physicians have described it, that is a slow,  
8 progressive onset of blood poisoning.

9 And the final stages of septic shock, she  
10 became unconscious and unresponsive, and by the time  
11 she arrived at the emergency room -- that both  
12 Ms. Hodson and the co-defendant, Mr. Hodson, took  
13 her to the emergency room, her lips were blue, her  
14 abdomen was grossly distended because of the  
15 internal swelling, and her body temperature was  
16 below 93. So she was in the final stages of death.

17 This is a child that got no medical care or no  
18 medical intervention at any point in her life  
19 following her discharge from the hospital when she  
20 was born. So in addition to those presentations and  
21 finding at autopsy, she also tested positive for  
22 ingestion of methamphetamine, which the toxicologist  
23 at the State Law Enforcement Division tells us would  
24 have occurred within the final hours of her life.

25 So that excerpt that Mr. O'Neil is referring to

1 has no real value in terms of her voluntariness for  
2 entering this plea. He, the co-defendant,  
3 acknowledges that she took him to the meth cook and  
4 she picked him up from the meth cook. That meth  
5 cook, his name is Ivan Bumgardner. He did provide a  
6 statement to law enforcement. And in his statement  
7 to law enforcement, he acknowledged that they were  
8 both together, they arrived together, and they left  
9 together. He recalled her being there for an  
10 extensive period of time. But, regardless, by  
11 everyone's acknowledgment of the facts, they arrived  
12 together and then left together.

13 But just prior to going over to that meth  
14 cook's house, we have the pseudoephedrine purchase  
15 logs, which have both Ms. Hodson and Mr. Hodson  
16 independently purchasing large quantities of  
17 pseudoephedrine earlier that afternoon. I believe  
18 her purchase was at 4:28 PM, they then go to a  
19 different -- I believe it's going to be Walgreen's.  
20 They then go to a different Walgreen's location and  
21 he makes his purchase at 5:12 PM. We know they're  
22 together because we have text messages that  
23 corroborate that.

24 After they make that final pseudoephedrine  
25 purchase at 5:12 PM, they then head to the meth

1 cook's house for the purpose of cooking up a  
2 quantity of methamphetamine. Whether she stays  
3 there throughout that time or picks him up once it's  
4 ready, Mr. Bumgardner indicates to law enforcement  
5 that they left with the baby and a large quantity of  
6 methamphetamine.

7 She is then the primary caregiver for that  
8 child throughout the night and up until around  
9 7:00 AM the next morning. She leaves to cut hair at  
10 a salon she was working at and is back home by noon,  
11 and by 1:30 PM, the child is completely unresponsive  
12 and is taken to the emergency room and cannot be  
13 saved. It's also significant that the surgeon in  
14 this case told us that this child could have been  
15 saved if she had gotten prompt medical attention.

16 So, Your Honor, as to whether she stayed the  
17 entire time while the meth cook was cooking meth or  
18 just dropped him off there and then picked him up,  
19 at the very least she knew that they were leaving  
20 with meth, she knew what the purpose of that visit  
21 was, she had participated in the purchase of the  
22 pseudoephedrine, and that morning, for the three  
23 hours or three and a half hours that she's gone, she  
24 leaves the child in presence of someone she told law  
25 enforcement was a known meth user. So I cannot

1 fathom how this statement impacts her voluntariness  
2 of the plea, in entering the plea, or the factual  
3 basis for the plea.

4 MR. O'NEIL: Your Honor, just briefly, if I  
5 could. There's another letter that Ms. Hodson -- if  
6 I can pass it up for Your Honor's consideration.  
7 And the State has a copy of it.

8 THE COURT: This is an undated letter written  
9 Dear Sara Elizabeth, signed by, I guess, Jordan.

10 MR. O'NEIL: Yes, Your Honor. And I have the  
11 envelopes the letters came in that would provide  
12 Your Honor an idea of when the letter was written.

13 THE COURT: So where do you want me to refer  
14 to?

15 MR. O'NEIL: In the middle of the letter,  
16 basically it talks about --

17 THE COURT: Well, there's two pages. Which  
18 middle?

19 MR. O'NEIL: Middle of the first page, Your  
20 Honor.

21 THE COURT: All right. Whereabouts in there?

22 MR. O'NEIL: About the third or fourth line  
23 where Jordan basically indicates to my client that  
24 there were no bruises on the child when he was in  
25 contact with the child and the condition -- it talks

1 about the condition of the child when he received  
2 the child the day the child died.

3 THE COURT: So how is that significant to her  
4 voluntariness as to her plea under Alford?

5 MR. O'NEIL: Your Honor, because it's an Alford  
6 plea, what the defendant has to do under an Alford  
7 plea is have a belief that if the State proceeded  
8 with the higher charge at trial, there'd be a strong  
9 likelihood of conviction.

10 THE COURT: That's correct.

11 MR. O'NEIL: Your Honor, what my client tells  
12 me is that if she would have known that the  
13 co-defendant would testify that there were no  
14 bruises on the child when she left the home that day  
15 and that the co-defendant would testify that they  
16 didn't -- quoting from the back of her statement,  
17 that they didn't cook meth with the child the day  
18 before, then she would not have entered the Alford  
19 plea and she would instead have insisted on going to  
20 trial on the charge of homicide by child abuse.

21 So she indicates to me that in her mind her  
22 entry of a plea under Alford was not voluntary  
23 because she didn't have this information that she  
24 had on January 20th in the first letter and January  
25 29th on the second letter at the time she entered

1 the Alford plea on November 3rd, 2015.

2 THE COURT: She was originally indicted for  
3 what, Ms. Mayes?

4 MS. MAYES: Homicide by child abuse, Your  
5 Honor, and also an additional count of unlawful  
6 conduct towards a child. She also had a possession  
7 of methamphetamine charge regarding some  
8 methamphetamine that was recovered from her bedroom.

9 THE COURT: Homicide by child abuse carries up  
10 to what?

11 MS. MAYES: Twenty to life, Your Honor. And  
12 she was allowed to plead to aiding and  
13 abetting homicide --

14 THE COURT: Which carries what?

15 MS. MAYES: Ten to 20.

16 THE COURT: And you've nol-prossed what else;  
17 the meth -- possession of meth?

18 MS. MAYES: Possession of methamphetamine and  
19 one --

20 THE COURT: Unlawful -- and unlawful conduct.

21 MS. MAYES: One count of unlawful conduct.

22 She did plead to an additional count of  
23 unlawful conduct towards a child, Your Honor, that  
24 involved the three siblings. That involved their  
25 exposure to methamphetamine. I don't believe she's

1 challenging the plea that she entered in that case.

2 Is that correct, Mr. O'Neil?

3 MR. O'NEIL: She only entered two pleas. She  
4 entered a plea to aiding and abetting homicide by  
5 child abuse and unlawful conduct towards a child.

6 MS. MAYES: Is she --

7 MR. O'NEIL: Only two counts.

8 MS. MAYES: Is she contesting the unlawful  
9 conduct towards a child plea that she entered?

10 MR. O'NEIL: Yes, because the unlawful conduct  
11 towards a child plea was related to the death of the  
12 minor child <sup>Minor 1</sup>

13 MS. MAYES: It was the other three children.

14 MR. O'NEIL: My understanding -- I have the  
15 indictment in front of me. It is Indictment  
16 2013-GS-32-3005A.

17 THE COURT: No. She pled to 3004.

18 MS. MAYES: Right.

19 THE COURT: Obviously she understands if I  
20 grant her motion, she'll go to trial on homicide by  
21 child abuse, and if she is convicted she'll receive  
22 a minimum of 20 years and a possible life in prison  
23 without parole.

24 MR. O'NEIL: Yes, sir. And, Your Honor, just  
25 one point of clarity: She wasn't indicted for.

1 homicide by child abuse until September 14th, 2015,  
2 so about two months before her plea. The incident  
3 occurred back on December 11th, 2012.

4 THE COURT: I understand that. Anything else?

5 MR. O'NEIL: One moment, Your Honor. I beg the  
6 Court's indulgence one moment.

7 THE COURT: Ms. Hodson, do you understand that  
8 if I grant your motion the plea will be thrown out  
9 and you'll be facing the original charges --

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: -- and one of those is homicide,  
12 which is the death of the child, by child  
13 abuse; i.e. -- he was ten weeks old or ten months  
14 old?

15 THE DEFENDANT: She --

16 MS. MAYES: Ten weeks.

17 THE COURT: Ten weeks old and died of a  
18 perforated either abdomen or intestines that allowed  
19 the poison from there to seep out into his body and  
20 kill him or her. If a jury convicts you of that  
21 charge, whoever tries the case, whatever judge, has  
22 no discretion to sentence you to anything less than  
23 20 years and has the discretion to sentence you to  
24 the balance of your life in jail.

25 What you've pled under Alford, which is the

1 same as a guilty plea, you're facing a minimum of  
2 ten years, maximum of 20 years. So it's a huge,  
3 huge bargain that the State gave you in allowing you  
4 to plead under Alford. Is this what you want to do?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: All right. Anything else?

7 MR. O'NEIL: No, Your Honor.

8 THE COURT: Obviously, in regarding whether or  
9 not to allow a withdrawal of a guilty plea is within  
10 the sound discretion of the trial judge, and if the  
11 plea was voluntarily entered, obviously normally the  
12 trial judge does not abuse his discretion.

13 In this case, I have reviewed the transcript  
14 from the plea. In that transcript, Mr. O'Neil, I  
15 asked you at that time did you represent Ms. Hodson  
16 and had you advised her of the charges to which she  
17 was pleading, i.e., unlawful conduct towards a child  
18 and aiding and abetting, and you advised me that you  
19 had advised her of the charges and the potential  
20 sentence.

21 And you told me that you had advised her as to  
22 the effect of an Alford plea, that the Court had to  
23 treat it as a guilty plea, went on her record as a  
24 guilty plea. I asked you, having advised her and  
25 looking at all the evidence, did you agree with her

1 decision, and you told me that you did, and advised  
2 me of what the bargain was.

3 So after having talked with you a little bit, I  
4 then addressed my attention to your client, who is  
5 before me this morning, and I asked her was she  
6 aware of what she was indicted for, pleading guilty  
7 to, and she told me that she was. I told her what  
8 the possible sentences were, i.e., ten to 20 on the  
9 unlawful conduct and aiding and abetting; I told her  
10 that one of the offenses was classified as serious  
11 and went over her strikes with her; I went over with  
12 her the fact that it was an 85-percent, no-parole  
13 sentence and she told me that she understood that; I  
14 advised her that she'd be released to a community  
15 supervision program and she advised that she knew  
16 that.

17 I asked if she had any questions about what she  
18 was charged with and the possible sentence, the  
19 no-parole, the 85-percent aspect, and she said she  
20 had no questions. I told her it was classified as  
21 violent.

22 And then I asked her if she understood what  
23 Alford vs. North Carolina was, and she said that she  
24 did. And then I went on, even notwithstanding the  
25 fact that she told me she did, I explained to her

1           that Alford was a United States Supreme Court case  
2           which basically says that the State's offering you a  
3           bargain, i.e., nol-prossing several of the cases and  
4           allowing her to plead to the lesser included  
5           offense.

6           I asked her did she want to take the benefit of  
7           the bargain, and I asked her was she of the opinion  
8           that the evidence was strong enough that the State  
9           most probably could prove her guilt to a jury beyond  
10          a reasonable doubt, and she didn't want to take that  
11          chance and wanted to take the benefit of the  
12          bargain, i.e., to have the other charges  
13          nol-prossed, and she said yes.

14          And I told her by doing that, I had to treat  
15          that Alford plea as a guilty plea, it would go on  
16          her record as a guilty plea, and that the state  
17          department of corrections would treat it as a guilty  
18          plea, and she said she understood that and wanted to  
19          do that.

20          I told her that by doing that she would forego  
21          her right to a jury trial, and I explained to her  
22          what the jury trial was and that she had the right  
23          to confront witnesses and cross-examine witnesses,  
24          she had the constitutional right to remain silent.  
25          I told her that a jury of 12 people would be asked

1 to convict her if it was proven beyond a reasonable  
2 doubt. She agreed to all that, knew what it was  
3 about.

4 I told her about her rights to an appeal and  
5 asked her, notwithstanding and understanding all  
6 that, did she still wish to enter a plea under North  
7 Carolina vs. Alford, and she told me that she did.  
8 She said that she was not threatened in any manner  
9 to make the plea.

10 She said she was satisfied with you, she  
11 thought you had enough time to spend with her and  
12 investigate the facts and research the law, and  
13 there was nothing else she wanted you to do for her  
14 other than speak up on her behalf and that she was  
15 totally and completely satisfied with your  
16 representation; that she was not under the influence  
17 of alcohol or drugs, and she understood the  
18 proceedings and understood all my questions. She  
19 had no questions of me.

20 And at that time, after going through that  
21 exercise, I asked the solicitor's office to give me  
22 a factual basis for the plea. And the solicitor's  
23 office went through, basically, the same factual  
24 basis that they gave me today as is outlined in  
25 their motion in opposition to your withdrawal of the

1 plea.

2 It's all set out in the transcript. I will not  
3 read it verbatim, but it was four or five pages  
4 talking about the stomach perforation, the child  
5 dying. It goes on and on, a full, full recitation  
6 of all the factual bases for pleading, probably as  
7 long as I've seen one in a while.

8 And at the conclusion of that, I asked  
9 Ms. Hodson -- I said, you've heard the recitation of  
10 the facts by the State, and I asked you, do you have  
11 the opinion, if this case were tried, the State  
12 would be able to prove what they've just cited to me  
13 and convince a jury beyond a reasonable doubt, and  
14 you don't want to take that chance with a trial, the  
15 five indictments, and you want to take the bargain,  
16 which is entering a plea to the two indictments  
17 currently before the Court?

18 She told me she did and she told me she was in  
19 agreement to having her sentence held in abeyance,  
20 that Judge Keesley will sentence her along with her  
21 co-defendant, and I found, after having listened to  
22 all of that and her decision to plead guilty under  
23 North Carolina vs. Alford was freely, voluntarily,  
24 and intelligently made, she was represented by you,  
25 she was satisfied by you, and I accepted the plea.

1           I don't think that under all of the cases that  
2           I've read that it requires anything more than what  
3           we've talked about taking her plea. She understood  
4           the charges, the maximum sentences, she knew what  
5           Alford was, she was satisfied with you, and she has  
6           pled guilty. And I, under my discretion,  
7           respectfully deny the motion to withdraw the guilty  
8           plea. Thank you.

9           Ms. Mayes, if you would, please prepare me an  
10          order to that effect. I'll ask my court reporter to  
11          please e-mail to both of you, for the purposes of  
12          the hearing today, the rough draft of the realtime  
13          transcript of the hearing. And I'll ask her to  
14          please, within a short period of time, to supplement  
15          that after she's had a chance to go through it and  
16          whatever they do with realtime, edit it to get some  
17          of the abbreviations out of it, and then we'll  
18          attach that transcript to the order and make it a  
19          part and parcel thereof. Thank you.

20                 MS. MAYES: Yes, sir, Your Honor.

21                         -- END OF TRANSCRIPT OF RECORD --

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C E R T I F I C A T E

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

I, the undersigned, Bethanie K. Creppon, Circuit Court Reporter for the Second 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 the evidence introduced in the hearing of the captioned cause, relative to appeal in the Criminal Court for Lexington County, South Carolina, on the 14th of March, 2016.

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

July 25, 2016

*s/Bethanie K. Creppon*

Bethanie K. Creppon  
Circuit Court Reporter

1 State of South Carolina Court of General Sessions  
2 County of Lexington

3  
4  
5 State )  
6 )  
7 v. ) Transcript of Record  
8 Jordan Ray Hodson and ) 13-GS-32-3000  
Sara Elizabeth Hodson, ) 13-GS-32-3004  
9 Defendants. ) 15-GS-32-2368  
 ) 15-GS-32-2371

10  
11 March 23, 2016  
12 Lexington, South Carolina

13 B E F O R E:  
14 The Honorable William P. Keesley, Judge.  
15

16 A P P E A R A N C E S:  
17 Laura Suzanne Mayes, Assist. Solicitor  
18 Attorney for the State  
19 Robert M. Madsen, Public Defender  
20 Attorney for Defendant Jordan Hodson  
21 Earnest Deon O'Neil, Esquire  
22 Attorney for Defendant Sara Hodson  
23  
24

25 Stacy L. Sheppard, RPR  
Circuit Court Reporter

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## I N D E X

WITNESSPAGE

(There were no witnesses.)

## E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
C-1	Letters	33	
C-2	Notebook	53	

1           (The following proceedings were held on  
2           March 23, 2016.)

3           **THE CLERK:** Indictment 2013-GS-32-03000, the  
4           State versus Jordan Hodson, indicted for unlawful  
5           conduct toward a child, and indictment  
6           2015-GS-32-02371, the State versus Jordan Ray  
7           Hodson, indicted for aiding and abetting homicide by  
8           child abuse. Defendant pled under North Carolina v.  
9           Alford on October 23rd, 2015, before you, Your  
10          Honor. This is for sentencing purposes.

11          Indictment 2013-GS-32-03004, State versus Sara  
12          Elizabeth Hodson, indicted for unlawful conduct  
13          towards a child, and indictment 2015-GS-32-02368,  
14          the State versus Sara Elizabeth Hodson, indicted for  
15          aiding and abetting homicide by child abuse.  
16          Defendant pled on November 3rd, 2015, before the  
17          Honorable Judge Early. The plea was accepted and  
18          the sentence was deferred at that time.

19          **THE COURT:** She pled guilty under Alford or --

20          **THE CLERK:** Your Honor, I don't see a note as  
21          to the fact of Alford.

22          **MR. O'NEIL:** If I may, Your Honor?

23          **THE COURT:** Yes.

24          **MR. O'NEIL:** She pled under North Carolina  
25          versus Alford.

1           **THE COURT:** She pled under North Carolina  
2 versus Alford?

3           **MR. O'NEIL:** Yes, sir.

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

5           **MR. O'NEIL:** Your Honor, one more matter if I  
6 could?

7           **THE COURT:** Yes, sir.

8           **MR. O'NEIL:** Just for the record, Ms. Hodson,  
9 on February 5th of 2016, she did file a motion to  
10 withdraw the guilty plea. We had a hearing heard in  
11 front of the Honorable Judge Early on February --  
12 I'm sorry -- on March 14th, 2016, in which he denied  
13 that motion.

14           Out of an abundance of caution, for the record,  
15 I would, at this point, still renew that motion to  
16 withdraw the guilty plea. Just so that issue is  
17 preserved at this time, I would renew that motion to  
18 withdraw the guilty plea.

19           **MS. MAYES:** And if I may add, Your Honor, when  
20 we had the hearing last week on March 14th before  
21 Judge Early, he heard oral argument by counsel from  
22 the State and from Mr. O'Neil. He also had a  
23 transcript of the original plea proceeding, and he  
24 had reviewed that transcript thoroughly and  
25 subsequently denied the motion to withdraw the plea.

1           **THE COURT:** Under Rule 4 of the South Carolina  
2 Rules of Criminal Procedure subsection (b), it  
3 reads, If any motion be made to any judge and be  
4 denied, in whole or in part, or be granted  
5 conditionally, no subsequent motion upon the same  
6 set of facts shall be made to any other judge in  
7 that action. If upon such subsequent motion any  
8 order be made, it shall be void.

9           In my view, I'm bound by what Judge Early has  
10 decided under Rule 4(b) of the Rules of Criminal  
11 Procedure, but I note your exception.

12           All right. Where are we in the case?

13           **MS. MAYES:** We're ready for sentencing, Your  
14 Honor.

15           **THE COURT:** What's the State's position?

16           **MS. MAYES:** Yes, sir, Your Honor. We are ready  
17 to present facts which relate to this particular  
18 case.

19           **THE COURT:** Go ahead.

20           **MS. MAYES:** Your Honor, this is an extremely  
21 tragic case involving the death of ten-week-old  
22 Minor1           The investigation into her death  
23 has determined that Minor1 was a victim of chronic,  
24 ongoing physical abuse and neglect.

25           Following her death on December 11th, 2012, the

1 findings at autopsy led the pathologist to determine  
2 that the manner of death was homicide by neglect and  
3 abuse. The cause of death was sepsis, also known as  
4 septic shock poisoning, as a result of a stomach  
5 perforation, which was consistent with the  
6 infliction of blunt force trauma.

7       Regarding the history of physical abuse  
8 committed against this ten-week-old infant, we know  
9 that the stomach perforation was not an aberration  
10 or an isolated event of abuse. At autopsy, the  
11 pathologist, Dr. John Spalding, found broken ribs,  
12 some with old callus formation which are believed to  
13 be around two to four weeks old. Minor 1 also had a  
14 broken left leg, specifically the tibia, which is  
15 the lower portion of the leg below the knee. The  
16 broken leg also had callus formation, which is  
17 diagnostic of an older injury which had started to  
18 heal.

19       We know that at two and a half months of age,  
20 Minor 1 was nonmobile and completely dependent on  
21 her caretakers. There's absolutely no explanation  
22 for this injury and for the rib fractures outside of  
23 physical abuse. Her parents are Jordan Hodson and  
24 Sara Hodson, the defendants in this case. Sara  
25 Hodson was her primary caregiver that she resided

1 with in the family home. However, based on  
2 statements and the investigation, we know that  
3 Jordan Hodson visited the children and had caretaker  
4 responsibilities on nearly a daily basis.

5 Your Honor, we know that Minor1 suffered  
6 severe sores of the groin and pubic region due to an  
7 untreated skin infection which had abscessed. This  
8 is consistent with an infant being severely  
9 neglected.

10 Most significantly, the investigation revealed  
11 that Minor1 suffered from complete medical neglect.  
12 She had never seen -- been seen by a doctor or a  
13 medical provider following her birth. This is  
14 especially tragic knowing that she would have  
15 received or at least been eligible for Medicaid  
16 coverage due to income status.

17 The State's position is that if Minor1 had  
18 received medical intervention in a timely manner  
19 following the stomach perforation, it would have  
20 potentially saved her life. This injury could have  
21 been treated before the onset of sepsis. Even after  
22 the early onset of sepsis, she still could have been  
23 treated through surgery.

24 The surgeon in this case, Your Honor, Dr. Camps  
25 of Palmetto Health Richland Hospital, heroically

1 attempted to save her life. He told us that he knew  
2 by the time she reached him, she had almost no  
3 chance of survival, but he did the surgery anyway.  
4 He also gave us an example of an infant that he had  
5 saved in a previous case with a very similar injury,  
6 because in that situation, the child's caregivers  
7 had sought medical treatment early.

8 Your Honor, the statute to which they have  
9 pled, the unlawful conduct towards a child, deals  
10 with methamphetamine exposure of the children in the  
11 home, and I'll address that later.

12 But as to the homicide by child abuse, Your  
13 Honor, both have pled to aiding and abetting  
14 homicide by child abuse, which is defined under our  
15 statute as child abuse or neglect. And child abuse  
16 or neglect means an act or omission by a person  
17 which causes harm to the child's physical health or  
18 welfare, and that includes failure to supply the  
19 child with adequate food, clothing, shelter or  
20 health care, and the failure to do so causes  
21 physical injury or a condition resulting in death.

22 The symptoms of sepsis include fever, high  
23 fever, not feeding well and abdominal swelling; all  
24 of which would have been ignored in this case by  
25 Minor 1 parents. They only sought treatment once

1 her lips turned blue and she was unresponsive,  
2 unconscious and her body temperature was below 90  
3 degrees. At this point, she was in the final stages  
4 of death.

5 The abdominal swelling was immediately noted by  
6 EMS workers when they arrived to provide assistance  
7 by ambulance and take her to the emergency room.  
8 The abdominal swelling was also noted by the  
9 emergency room staff. This would have been  
10 apparent.

11 The eventual sepsis or bacterial infection took  
12 over her body, took over her bloodstream. A large  
13 pocket of infection had developed in the abdomen  
14 which Dr. Camps, the surgeon, removed during his  
15 surgery. This is one of the reasons that he felt  
16 the injury was not, quote, Fresh because of that  
17 large pocket of puss that had formed. This is  
18 indicative of an injury and infection that's older.

19 In speaking with Dr. Camps, Your Honor, his  
20 opinion was that we're talking about 24 hours or  
21 greater in terms of when this injury would have  
22 occurred.

23 Sara Hodson reported in her statements that  
24 Minor 1 had excessive gastric symptoms during the  
25 previous evening and night and into the early

1 morning hours on the day that she died. We believe  
2 those gastric symptoms were the result of the injury  
3 to the stomach and intestine.

4 One of the most disturbing aspects of the  
5 autopsy was the finding that Minor1 tested positive  
6 in her brain and in her liver for the ingestion of  
7 methamphetamine. Because she was nonmobile, we know  
8 that the methamphetamine was being consumed directly  
9 in her presence to result in such a finding.

10 During a search of the residence, law  
11 enforcement located a stash of multiple meth smoking  
12 devices in the master bedroom. The master bedroom  
13 is the same location where Minor1 slept. Her crib  
14 and her Pack 'n Play were located in that bedroom  
15 along with several baby bottles. Sara Hodson, as  
16 her primary caregiver, would have used that bedroom  
17 on a daily basis. On the day of her death,  
18 according to the statement of Jordan Hodson, he was  
19 also present in that bedroom with the child for  
20 several hours.

21 In speaking, Your Honor, with the toxicologist  
22 at the State Law Enforcement Division, Dustin Smith,  
23 his opinion was that for this -- for this finding to  
24 show up in her brain and liver knowing that it's  
25 second-hand ingestion, for those positive findings,

1 he believes that we're talking about within 12  
2 hours; most likely that methamphetamine was smoked  
3 or used within 12 hours of her death to result in  
4 those findings.

5 One of the findings at autopsy, Your Honor, is  
6 believed to be directly related to Minor 1  
7 methamphetamine exposure. Dr. Spalding noted in the  
8 autopsy report what he called bowel ischemia. And  
9 this is what he used to, a layman's term, in  
10 defining it to us as what he called, quote, Dead  
11 gut. This is a physiological change that occurs in  
12 the bowel where the blood supply is disrupted or  
13 decreased over the course of time making the bowel  
14 more susceptible to injury or trauma. He could  
15 visualize the changes in the bowel, the thinning of  
16 the tissue, the ischemia as he performed the  
17 autopsy.

18 His opinion in this case was that the bowel  
19 ischemia that he observed in Minor 1 was chronic  
20 methamphetamine exposure. He noted in his autopsy  
21 report that for these reasons, he determined that  
22 the methamphetamine exposure was a contributing  
23 factor in her death.

24 The investigation revealed that both parents  
25 were meth users. And during the final 24 hours of

1 Minor1 life, their primary focus was the making  
2 and consumption of methamphetamine.

3 And, Your Honor, I'm briefly going to go  
4 through the timeline that we developed for those  
5 final 24 hours of Minor1 life. As I stated  
6 earlier, she was residing in the family home with  
7 Sara Hodson, her mother. There were also three  
8 older siblings in that home. Jordan Hodson was  
9 separated from Sara Hodson, but he still visited the  
10 home on a daily basis. Ms. Hodson had a job cutting  
11 hair, which she would leave the residence for  
12 several hours during the day and normally Mr. Hodson  
13 would come in and care for the children if she left  
14 to cut hair.

15 On the day before Minor1 death, Your Honor,  
16 we have pseudoephedrine logs which show the purchase  
17 of pseudoephedrine by Sara Hodson during the  
18 afternoon. And I believe the exact time on that is  
19 going to be 4:28 P.M.

20 And what's significant, Your Honor, is that  
21 they were together. We know that from both their  
22 statements and from text messages recovered in this  
23 case. So Jordan Hodson, Sara Hodson, the baby,  
24 Minor1 and the three children were all together on  
25 a shopping venture.

1           At 4:28 P.M. on December 10th, the day before  
2 Minor1       death, they go to a Walgreens located in  
3 Batesburg. And Sara goes in and uses her ID to  
4 purchase a 48 count of pseudoephedrine.

5           From what we've learned about this  
6 investigation and the timing of the route, it's  
7 almost immediately thereafter that a purchase is  
8 made by Jordan Hodson. They travel from Batesburg  
9 to Sunset Boulevard in Lexington and they hit a  
10 Walgreens at Sunset Boulevard where Jordan Hodson  
11 uses his driver's license, ID, to purchase  
12 pseudoephedrine at 5:12 P.M., and that is also a 46  
13 count of pseudoephedrine.

14          From there, Your Honor, we know that in that --  
15 in the evening hours some time after 7:00 P.M., they  
16 go to the home of a meth cook. His name is Ivan  
17 Bumgarner. He acknowledged in an interview with us  
18 that they did come to his residence together, that  
19 they had Minor1 with them. He acknowledged, Your  
20 Honor, that they came with pseudoephedrine and they  
21 left with meth.

22          And from there, Your Honor, it gets a little  
23 murky as to exactly who went where, but it is  
24 believed that Sara went home with Minor1 She has  
25 acknowledged that in a written statement that she

1 was with Minor1 all night long and Jordan, at some  
2 point, is with them, but then breaks away to go stay  
3 with someone else during the evening hours. Again,  
4 Sara Hodson had reported that Minor1 was having  
5 some gastric symptoms, which, by all accounts, were  
6 ignored.

7 She reported that she had last changed her  
8 diaper some time around 7:40'ish P.M., but then  
9 never changed her diaper again. She also reported  
10 that she left the child in her car seat all night  
11 long.

12 Around 6:50 A.M., the mom reported that the  
13 child was sleeping in her car seat, but still having  
14 gastric symptoms and, quote, She smelled like poop.  
15 She did not change the diaper.

16 The father arrived at the home some time around  
17 6:30 A.M., and, at that point, the mother left the  
18 home to take the children to school and Mr. Hodson  
19 then attempted to clean the child of her dirty  
20 diaper. He reported that he took her into the  
21 shower located there in the family residence. His  
22 initial statements to medical personnel and to law  
23 enforcement was that she slipped from his hands  
24 while in the shower, but she never hit the surface  
25 and was not injured in any way.

1           At some point during a subsequent interview  
2 with law enforcement, he gave a verbal statement  
3 indicating that she had slipped and hit the surface  
4 of the shower. However, Your Honor, that would have  
5 been around 7:30 A.M. that morning, and based on  
6 what we know about that -- about the case, it's  
7 unlikely that, number one, that that would have been  
8 the mechanism of injury in this case, and, number  
9 two, that the timeline fits that she could have  
10 already had progressive infection and sepsis onset  
11 to be completely lifeless by 1:30 P.M.

12           So, Your Honor, after the mother briefly  
13 returned home, she saw the child. She did not  
14 report anything strange about the child, neither did  
15 Mr. Hodson. Ms. Hodson then leaves in order to cut  
16 hair. She reports that she left around 8:30 A.M.  
17 and that she got to work around 9:23 A.M. She then  
18 left work before noon and is back home again by  
19 12:30 or 12:40 P.M.

20           That whole hour or so when she's back home and  
21 Mr. Hodson's there and they're with the child, there  
22 is not very much accounted for by the parents as to  
23 exactly what's going on. They report that Minor 1  
24 appears to be sleeping, but, at some point, it was  
25 noted by the father that her, quote, Lips were blue.

1 She was reported to be unconscious and unresponsive.  
2 And, at that point, they put her in the car and took  
3 her to a local physician. The physician immediately  
4 noted that the child needed an ambulance.

5 An ambulance arrived, Your Honor, by 1:30  
6 P.M. -- I'm sorry -- 1:43 P.M. At 1:43 P.M., when  
7 that EMS worker arrived, he immediately noted that  
8 her belly was distended and firm. And from that  
9 point, Your Honor --

10 **THE COURT:** Did you say firm or burned?

11 **MS. MAYES:** Firm.

12 From that point, she was treated briefly at  
13 Lexington Medical Center, but they knew she needed  
14 advanced life support and intervention. They  
15 transferred her on to Palmetto Health Richland. And  
16 as I stated previously, the surgeon did attempt to  
17 save her life and just could not do it; the degree  
18 of sepsis was too severe.

19 Your Honor, we will never know exactly how  
20 Minor 1 was injured or the exact mechanism of her  
21 injury. We'll also never know exactly when she was  
22 injured, but we do know that she was abused and  
23 severely neglected and the complete lack of medical  
24 intervention or treatment by parents is just as much  
25 a factor in her death as the injury itself.

1           When we look at the overall presentation, Your  
2 Honor, of the exposure to methamphetamine, as I  
3 indicated before, both parents are known to be  
4 methamphetamine users. Mr. Hodson admits that. And  
5 Ms. Hodson, in her statement to law enforcement,  
6 acknowledged that she knew that Mr. Hodson was a  
7 meth user. Mr. Hodson, in his statement,  
8 acknowledged that Ms. Hodson was a meth user.

9           In addition, Your Honor, during a search of the  
10 home, law enforcement recovered from that bedroom,  
11 as I noted before, multiple smoking devices,  
12 specifically, Your Honor, they included a glass  
13 pipe. There was also a broken light bulb that was  
14 being used as a smoking device, and then there was  
15 also a plastic bottle which had a bag attached. We  
16 met with one of the NET team members to have him  
17 explain to us exactly how that device is used and he  
18 indicated that the bag is attached to accentuate the  
19 high or accentuate the exposure to the  
20 methamphetamine.

21           There were also multiple packets of tinfoil  
22 located in that drawer where the smoking devices  
23 were found. I believe there were 18 total -- 18  
24 total tinfoil packets. Mike Merckle of the NET team  
25 indicated to us that each one of those pieces of

1 tinfoil is normally used as a separate episode of  
2 smoking. So what was stashed there in that drawer  
3 in the master bedroom, which is also the room where  
4 the child is normally sleeping, that seemed to be  
5 the location where most of this meth use was going  
6 on.

7 There was meth residue found on all of those  
8 items, Your Honor. The glass pipe, the 18 pieces of  
9 tinfoil were also positive for methamphetamine. The  
10 glass light bulb was also positive for  
11 methamphetamine. And then the plastic bottle that I  
12 mentioned with the plastic bag attached, it was also  
13 positive for methamphetamine residue. And then a  
14 fingerprint identified as that of Sara Hodson was  
15 found on the plastic baggy, which is attached to  
16 that plastic bottle smoking device.

17 Your Honor, as part of this investigation, the  
18 Department of Social Services was involved. They  
19 removed the three older siblings. They are Minor 4

20 she was five years old at the time of this  
21 event; Minor 2 he was eight years old at the  
22 time of this event; and Minor 3 who was  
23 ten.

24 Once the children were removed, the Department  
25 of Social Services requested hair samples from all

1 of the parties to have them tested. Your Honor, the  
2 hair sample of Jordan Hodson was positive for  
3 methamphetamine. The hair sample of Sara Hodson was  
4 positive for methamphetamine. And the hair sample  
5 of eight-year-old Minor2 was also positive  
6 for methamphetamine.

7 The children, Your Honor, are currently  
8 residing with Ms. Hodson's father. He is John  
9 Pitman and he is present in the courtroom.

10 Your Honor, this case was investigated by the  
11 Lexington County Sheriff's Department. We have  
12 present Sergeant Robby Lint. I know, at some point,  
13 he would like to address the Court to discuss the  
14 aspect of sentencing, and also, Your Honor, the  
15 prior record of the parties when Your Honor deems  
16 appropriate.

17 **THE COURT:** I'll be happy to hear from anybody.

18 **MS. MAYES:** Your Honor, as to witness  
19 statements in this case, I'll just briefly cover  
20 some of the information that was recovered because  
21 law enforcement did attempt to go back and find out  
22 exactly what had been going on during the prior ten  
23 weeks of Minor1 life and most specifically during  
24 those final days.

25 Your Honor, I mentioned the purchase of the

1 pseudoephedrine by Sara Hodson on the day or evening  
2 which preceded Minor 1 death, but we also show  
3 that she had pseudoephedrine purchases as recent as  
4 September 30th, which would have been immediately  
5 preceding Minor 1 birth on [REDACTED]. And then  
6 there is a pseudoephedrine purchase less than a week  
7 later following her birth.

8 There was a statement obtained by a person who  
9 had been a roommate of Ms. Hodson's, and she  
10 maintained that Ms. Hodson continued to use  
11 methamphetamine following the birth of Minor 1

12 Also, as to Jordan Hodson, Your Honor, the same  
13 findings. He had multiple purchases of  
14 pseudoephedrine immediately or very close in time  
15 before the child's birth and following the child's  
16 birth which continued on through that ten-week  
17 period.

18 Your Honor, the meth cook that I spoke of, his  
19 name is Ivan Bumgarner. He's the one that they took  
20 the pseudoephedrine to the night before Minor 1  
21 died, and he is the one that was able to confirm  
22 that Minor 1 was present and with them that evening  
23 as they left his residence with methamphetamine. He  
24 noted that he had been at the Hodsons' residence  
25 when meth was being smoked. He stated that when

1 meth was smoked at the Hodsons' residence, the  
2 children had been present. Mr. Bumgarner stated  
3 that meth had been smoked by Ms. Hodson when the  
4 victim, referring to Minor1 was present.

5 He reviewed the photos of the tinfoil which had  
6 been recovered during the search of the home. He  
7 identified those images as how he had seen  
8 Ms. Hodson smoke methamphetamine. He also confirmed  
9 that he had last seen her smoke at that very  
10 residence following the birth of Minor1

11 Your Honor, there was a statement of a Steven  
12 Prescott. He was a neighbor who also resided on  
13 Bushberry Road nearby. He stated that Sara was,  
14 quote, So frustrated with the baby, she wanted to  
15 shake it and throw it against the wall, according to  
16 her statement.

17 There's also a statement from an Alicia Cook.  
18 She also resided on Bushberry Road and was a  
19 neighbor. She said that she asked Sara if she was  
20 okay, this would have been before this particular  
21 incident date, but she asked Sara if she was okay  
22 and she said, no, that her kids hated her and the  
23 baby cried all night and she wanted to pick the baby  
24 up and throw it against the wall, end of quote.

25 There was also a statement from a Diane Alston

1 also of Bushberry Road. She stated as far as Jordan  
2 Hodson is concerned, quote, He does come every day  
3 as far as I see, end of quote.

4 There's also a statement of Ariane {phonetic}  
5 Kennedy who was a neighbor at the time and she  
6 resided nearby. She reported that she had seen Sara  
7 with the baby and the baby was being neglected and  
8 had a dirty diaper that Sara would not change. She  
9 also stated that Sara, on occasion, told Ariane that  
10 she was, quote, Going to fling the baby up against  
11 the wall because the baby would not stop crying.  
12 She reported that the baby had a dirty diaper with  
13 feces oozing from the edges. She reported that Sara  
14 ignored her.

15 And, finally, there is a statement, as I  
16 mentioned before, from a roommate -- a former  
17 roommate of Ms. Hodson. Her name is Harley Langley.  
18 She reported that she saw Sara smoking meth at least  
19 three times in the days before the baby's birth.  
20 She said that she wanted to kill the baby and talked  
21 of throwing it against the wall. She kept saying  
22 that Jordan needed to take care of the baby. Sara  
23 would sometimes ignore the baby letting her cry for  
24 hours.

25 And, Your Honor, this is Sergeant Lint from

1 Lexington County Sheriff's Department.

2 **THE COURT:** Spell your last name for me.

3 **SERGEANT LINT:** Yes, sir, L-i-n-t.

4 **THE COURT:** What's your first name?

5 **SERGEANT LINT:** Charles.

6 **THE COURT:** Bare with me one second. Let me  
7 catch up with my notes.

8 **SERGEANT LINT:** Yes, sir.

9 (Pause.)

10 **THE COURT:** All right. Sergeant Lint, I'm  
11 sorry. Go ahead, please.

12 **SERGEANT LINT:** Thank you, Your Honor.

13 Your Honor, I've been employed with the  
14 sheriff's department in law enforcement for 18 plus  
15 years, investigated multiple cases of every type. I  
16 can honestly say, from a personal experience,  
17 investigating a case of an infant child who was  
18 abused and is now deceased is by far the worst case  
19 I've ever had to investigate, and, unfortunately,  
20 there have been multiples. And because of that, it  
21 means you're too late. There's nothing you can do  
22 to help this victim. There's nothing that we can do  
23 to help Minorl because she's no longer with us.

24 It's emotional. It's extremely emotional,  
25 which makes it even harder when you're investigating

1 this type of case.

2 The bottom line is is Sara and Jordan Hodson  
3 decided to bring a child in this life and then they  
4 had no training, no emphasis on how to care for this  
5 child. Minor1 only lived for ten weeks. In the  
6 ten weeks that she was alive, she probably suffered  
7 more than what a normal human being would endure in  
8 a lifetime.

9 I just wanted to make the Court aware that, you  
10 know, unfortunately, there was no one there to help  
11 Minor1 By the time we were advised of what was  
12 going on, Minor1 had already left this world and  
13 this is why we're here today.

14 **THE COURT:** Thank you, sir.

15 **SERGEANT LINT:** Thank you, Your Honor.

16 **MS. MAYES:** And briefly, Your Honor, the older  
17 siblings did receive forensic interviews to see if  
18 they had any direct knowledge of what may have  
19 happened to Minor1 The only thing that was noted  
20 which may have related is that when the interviewer  
21 questioned five-year-old Minor4 as to what her  
22 father did, if he was mad at Kenna, referring to  
23 Minor1 the infant victim, she reported that he,  
24 quote, Hurt her and that she saw it with her own  
25 eyes in the living room of the kitchen.

1           Minor 4     stated that her father was laughing  
2           when he hurt Kenna, but that her mother was  
3           sleeping. She reported that she had seen her father  
4           hit Kenna in her back and in her head. He hit her  
5           with his hand and Kenna, quote, didn't like it.

6           Your Honor, we do not believe that was the  
7           actual incident date, but it seemed to be a prior  
8           event that the child was describing.

9           And, Your Honor, briefly from the autopsy, I  
10          just want to address some findings there. As  
11          previously stated, Dr. Spalding did note the change,  
12          physiological change, in the bowel and that he  
13          believes it's related to the methamphetamine  
14          exposure.

15          He writes, There appears to be no explanation  
16          for the fracture with callus formation other than  
17          abuse of trauma. The main cause of the septic shock  
18          and death appears to be related to the extensive  
19          ischemic necrosis or death of the gastrointestinal  
20          tract.

21          He writes, Methamphetamine effects include  
22          marked decrease in gastrointestinal blood flow with  
23          high potential for gastrointestinal injury,  
24          including necrosis. Methamphetamine exposure very  
25          certainly had adverse and at least contributing

1 effect as cause of death in this particular case.  
2 The findings in this case would be more compatible  
3 with a very sick child for at least several days  
4 prior to its death.

5 And, Your Honor, the child was also seen by a  
6 pediatrician, Susan Luberoff, that was at Palmetto  
7 Health Richland. This was after the surgery, Your  
8 Honor. And, again, at this point, it became  
9 apparent that the child would not survive. She  
10 noted that I was notified by Dr. Peck of an imminent  
11 transfer of a possible nonaccidental trauma patient  
12 from Lexington Emergency Room. After the baby  
13 arrived, she went to the operating room. I examined  
14 her in the pediatric intensive care unit. She had  
15 expired while I was en route.

16 She writes, I talked to Dr. Camps, the  
17 pediatric surgeon. He found a perforation in the  
18 posterior wall of her stomach that did not appear  
19 fresh. At this point, there has been -- there has  
20 not been an explanation sufficient to explain the  
21 severe blunt force abdominal trauma, extensive  
22 perineal trauma and death of this infant. In my  
23 opinion, the child has been the victim of physical  
24 abuse.

25 And Dr. Luberoff is present in the courtroom as

1 well, Your Honor.

2 As for prior record, Mr. Hodson has a record  
3 out of Arizona, 1998, driving under the influence.

4 **THE COURT:** Which one's record is this?

5 **MS. MAYES:** I'm sorry. This is Jordan Hodson,  
6 Your Honor. I'm sorry, there's actually no  
7 disposition on that one. He has a record out of  
8 Arizona in 2001 for battery with bodily harm; 2002,  
9 resisting a peace officer; 2000, false report to law  
10 enforcement and disorderly conduct; and then 2006,  
11 possession of drug paraphernalia.

12 As for Sara Hodson, Your Honor, she has a  
13 record out of Illinois in 2002 for battery.

14 That is all from the State at this time, Your  
15 Honor. We have passed up materials. The same  
16 materials that we've passed up for the Court's  
17 review were included in the original discovery, and  
18 I've also given a duplicate copy of that packet to  
19 defense counsel today, Your Honor.

20 **THE COURT:** Thank you.

21 All right. Which of you wishes to speak first?

22 **MR. O'NEIL:** I'll go first.

23 **THE COURT:** Yes, sir, Mr. O'Neil.

24 **MR. O'NEIL:** May it please the Court.

25 **THE COURT:** Yes, sir.

1           **MR. O'NEIL:** I represent Sara Hodson, Your  
2 Honor. And as the State indicated, the cause of the  
3 death of the minor child was septic shock due to  
4 some sort of trauma to the intestinal area, Your  
5 Honor. What becomes clear is that the only person  
6 who admitted to any sort of action that could have  
7 caused any injury to the child was the father in the  
8 case not my client, Ms. Sara Hodson.

9           I think what was inciteful for me when I looked  
10 at the discovery, when it comes to the incident  
11 report done by the investigator, when they served  
12 the warrant for homicide by child abuse on  
13 Mr. Hodson, his words, according to the  
14 investigator, was, Mr. Hodson stated, Put this on me  
15 not on her, parentheses, that he pointed towards  
16 Sara Hodson's cell; I did this not her.

17           I think that's indicative of Mr. Hodson's  
18 version of what happened that day. Mr. Hodson told  
19 law enforcement that he dropped the child in the  
20 shower. And he indicated, of course, that  
21 Ms. Hodson didn't have anything to do with that.

22           What's uncontroverted is that on the morning of  
23 the death, the father, Mr. Hodson, was alone with  
24 the child. Ms. Hodson, my client, Your Honor, had  
25 went to work that morning at the salon that she

1 manages. She left earlier that morning, Your Honor,  
2 and returned back around lunchtime here.

3 When she returned back at lunchtime, according  
4 to her statement, Your Honor, that she gave freely  
5 to law enforcement -- she gave several statements to  
6 law enforcement freely. She cooperated with law  
7 enforcement in that regard, in that incident, Your  
8 Honor. She told law enforcement as soon as she  
9 noticed something wrong with the child, she took the  
10 child to the pediatrician that day.

11 In looking at the pediatrician's statement,  
12 Your Honor, the pediatrician's statement indicates  
13 that when she heard some commotion in the lobby of  
14 her medical service area, that it was Ms. Hodson  
15 that was pleading for help for her child asking  
16 someone to help her child, somebody to give some  
17 medical service toward her child. I think that  
18 indicates Ms. Hodson was in the doctor's office  
19 pleading for help, Your Honor, to me is indicative  
20 not of someone who had caused any trauma to the  
21 child or somebody who was neglectful when it comes  
22 to trying to get the child some medical treatment.

23 The child was only ten weeks old. I think the  
24 child had only missed one scheduled visit, which  
25 would have been the six weeks visit that the child

1 would have been scheduled. I had asked Ms. Hodson  
2 about that, why did she miss that visit. Ms. Hodson  
3 indicated to me that there was some delay when it  
4 comes to the child getting a WIC and/or Medicaid  
5 card in and that's why she missed that six-week well  
6 checkup, Your Honor.

7 I think what's most inciteful about this case  
8 is that Ms. Hodson was not charged with homicide by  
9 child abuse or aiding and abetting homicide by child  
10 abuse until September 4th of 2015. This incident  
11 occurred December 11th, 2012, but Ms. Hodson was not  
12 charged with homicide by child abuse until September  
13 4th of 2015. Prior to that, Ms. Hodson was on bond  
14 because she was only charged with unlawful conduct  
15 toward a child.

16 All of the statements that the State indicated  
17 they got from the neighbors, they had all that  
18 information during the pendency of this case, they  
19 had all that information early on in this case.  
20 These statements from these neighbors, Ms. Hodson  
21 vehemently denies making any of these statements to  
22 the neighbors about throwing the child -- wanting to  
23 throw the child against the wall, wanting to harm  
24 the child. Ms. Hodson says she doesn't even know  
25 some of these people. And she vehemently denies

1 making those statements.

2 But regardless, Your Honor, the State had all  
3 of the medical records that they cited to you, Your  
4 Honor, just now, they had those early on in the  
5 case, they had those statements from the neighbors  
6 that they recited to Your Honor very early on in the  
7 case, and it wasn't until two and a half years later  
8 that they indicted my client or even charged my  
9 client with homicide by child abuse or aiding and  
10 abetting.

11 Before all of that, during the pendency --  
12 prior to that, Your Honor, during the pendency of  
13 the case, Ms. Hodson was only charged with unlawful  
14 conduct toward a child. She was out on bond for  
15 that, Your Honor, for about seven months. She had  
16 made a 50,000 dollar bond. She was out on bond for  
17 unlawful conduct toward a child. It wasn't until  
18 that bond was recommitted that Ms. Hodson was  
19 incarcerated on June 6th of 2013. At that time, she  
20 still was not charged with homicide by child abuse  
21 or aiding and abetting, that the aiding and abetting  
22 and homicide by child abuse indictments were both  
23 directly presented on Ms. Hodson on September 4th,  
24 2015.

25 Your Honor, Ms. Hodson has no history of

1 violence. Ms. Hodson indicates to me that one  
2 charge that she had on the prior record out of  
3 Illinois, it's actually a disorderly conduct and not  
4 any sort of assault charge. She is 35 years old,  
5 and she would -- according to her, she only has that  
6 one charge of disorderly conduct.

7 Your Honor, I think what's most important is  
8 that Ms. Hodson has three other children, a 8 year  
9 old, a 12 year old and a 13 year old. From my  
10 conversation with Ms. Hodson's DSS family court  
11 attorney, she had no prior history of DSS  
12 involvement with those three other children. Those  
13 children she was the primary caregiver for. They're  
14 8 -- at this point, they're 8, 12 and 13. No  
15 history of DSS problems with those kids, no  
16 allegations of abuse with those kids. That to me is  
17 indicative of a mother that knows how to take care  
18 of a child and is not one who would harm a child by  
19 inference by the fact that those children were in  
20 her primary care for those amount of years and there  
21 was no reports of DSS, no reports of abuse, no  
22 criminal charges related to any of those children,  
23 Your Honor.

24 What I would -- I do want to pass up some  
25 things to Your Honor. I do have a letter that

1 Mr. Pitman -- he's in the courtroom today, Your  
2 Honor. He is Ms. Hodson's father. He is the  
3 caregiver now of the three other children. He wrote  
4 a letter that he wanted the Court to consider.

5 And, actually, Ms. Hodson's three other  
6 children wrote letters that they wanted the Court to  
7 consider as well. I've given a copy of those  
8 letters to the State, Your Honor. And I do have two  
9 letters that the co-defendant, Mr. Hodson, wrote my  
10 client, Ms. Hodson, as well. I would like to pass  
11 those up to the Court at this moment, Your Honor.

12 **THE COURT:** Yes, sir. Thank you.

13 **MR. O'NEIL:** I can pause while you read those.

14 **THE COURT:** Just hold on a minute.

15 (Pause.)

16 (Court's Exhibit Number 1, letters, marked  
17 for identification.)

18 **THE COURT:** All right. Go ahead, Mr. O'Neil.

19 **MR. O'NEIL:** Thank you, Your Honor. I think  
20 what's clear from the letters, Your Honor,  
21 especially the letters specifically from the  
22 children, that Ms. Hodson's children love her and  
23 they think the world of her.

24 I've spoken to Ms. Hodson's DSS attorney, I  
25 have not seen the forensic interviews myself, but

1 according to his understanding of the forensic  
2 interviews, there was no time in those forensic  
3 interviews where the older children, the 8, the 12  
4 and the 13 year old, saw any drug use in the home,  
5 Your Honor.

6 Those kids are old enough to recognize those  
7 things and to speak up about those things if they  
8 were happening in the home. And the 8 year old and  
9 12 year old and 13 year old, to my understanding,  
10 never indicated to the forensic interviewers or  
11 anybody that there was extensive drug use going on  
12 in the presence of the children in the home.

13 From the letter of Ms. Hodson's father, I think  
14 that's indicative that she has some family support.  
15 Mr. Pitman is in the courtroom today. He does not  
16 want to further address the Court, but I think his  
17 letter kind of speaks to the fact that he does  
18 support Sara. She has a support system when she  
19 does get released from incarceration that can help  
20 her stay on the straight and narrow, provide some  
21 family support and provide some structure for her,  
22 Your Honor.

23 And as it relates to the letters that I passed  
24 up from Mr. Hodson, what I think is important about  
25 those letters, on the letter dated January 20th of

1           this year, Your Honor, Mr. Hodson indicated to my  
2           client that neither one of them, and specifically my  
3           client, was not cooking meth the day before the  
4           child was -- before the child deceased, Your Honor.

5           I think that's important because the State had  
6           this testimony from this Ivan gentleman, I think it  
7           was oral testimony when they actually went to go  
8           interview him, that stated that my client was over  
9           at his residence cooking meth on the night before.  
10          My client vehemently denies that. And I think the  
11          co-defendant's letter corroborates Ms. Hodson's  
12          denial that she was not over at this Ivan  
13          gentleman's house cooking meth on the night before  
14          of this child's death, Your Honor.

15          And I think what's important about the letter  
16          that's undated from the co-defendant is that he  
17          indicated on the day -- in the morning of the  
18          child's death, that he never saw any marks on the  
19          child when Ms. Hodson left to go to work that  
20          morning and that he had never saw my client,  
21          Ms. Hodson, abuse the child -- children, Your Honor.

22          Despite what these so-called neighbors have  
23          said, Your Honor, the person that was in the house,  
24          Mr. Hodson, indicated he never saw Ms. Hodson abuse  
25          any of the children. The actual children in the

1 house that are old enough to speak never indicated  
2 they saw Ms. Hodson abuse any of the other children.

3 And like I said earlier, Your Honor, the State  
4 had this information about these neighbors alleging  
5 that Ms. Hodson did any sort of abuse, but they did  
6 not charge Ms. Hodson with homicide by child abuse  
7 when they had these statements. Like I said, they  
8 only charged her September 4th of 2015 with homicide  
9 by child abuse.

10 Ms. Hodson is 35 years old, Your Honor. She  
11 went to two years of technical college school. She  
12 also furthered her education in cosmetology school.  
13 She's a licensed cosmetologist. She was actually  
14 managing a salon there in the Lexington area. She  
15 had been doing that for a while. She has employable  
16 skills, Your Honor. It's clear that she has some  
17 skills that she can put to work once she is released  
18 from incarceration.

19 Like I say, Your Honor, she's been incarcerated  
20 since June the 6th of 2013. What I'm asking for  
21 this Court to do is to sentence Ms. Hodson to a  
22 minimum of ten years on the aiding and abetting.  
23 And for the unlawful conduct toward a child, I would  
24 ask Your Honor to place a suspended sentence on  
25 Ms. Hodson that would ensure that she stays on the

1 straight and narrow once she gets out of  
2 incarceration and she has incentive -- incentive to  
3 stay on that straight and narrow by having a  
4 suspended sentence hanging over her head.

5 Your Honor, like I said, her father is here,  
6 but he does not want to address the court. Ms.  
7 Hodson does want to address the Court at the  
8 appropriate time.

9 **THE COURT:** What would you like to say, ma'am?

10 **DEFENDANT S. HODSON:** Can I say it now?

11 **THE COURT:** Yes, ma'am.

12 **DEFENDANT S. HODSON:** Your Honor, thank you  
13 first and foremost for giving me a moment to be  
14 heard. I've waited three and a half years for this  
15 moment. There's so much I want to say. I want you  
16 to know I love each and every one of my babies, from  
17 my oldest, Kenzie; to my middle, Minor<sup>2</sup> and Kayla;  
18 and my baby Kenna, who's now with her Heavenly  
19 Father.

20 I know when I look at the three oldest -- had I  
21 known when I took the three oldest to school that  
22 morning that my baby was going to be hurt, I would  
23 have taken her with me. Had I been told in my brief  
24 stop at the house after dropping the kids off and  
25 before going to work that she was hurt, I would have

1 skipped work and gotten help for her, but I didn't.  
2 The only mistake I made was leaving my baby with her  
3 dad. He is the only other person beside me that  
4 should have protected my baby above all else and he  
5 failed that day. Because of his failure, my baby is  
6 gone forever.

7 Every day I pray that I can go back, but I know  
8 that is not possible. I pray that God protects my  
9 children and watches over them. They have been  
10 through so much. My heart hurts to know how much  
11 they are hurting.

12 My only error was to trust my children's father  
13 and leave Kenna with him. I never knew she had been  
14 hurt until it was too late. I'm being punished for  
15 what he has done. My three oldest hurt every day  
16 for his actions. And his carelessness has left a  
17 hole in all of our hearts forever.

18 The day I signed the plea back in November, I  
19 did it for one reason and that was because I didn't  
20 want to put my children through anymore. Had I  
21 known then that Jordan would write letters taking  
22 responsibility for Kenna's death, I would have  
23 fought with every ounce of me to be back at home  
24 with my children and my dad. I just ask that you  
25 please have mercy on me. Thank you.

1           **THE COURT:** All right. Anything else,  
2 Mr. O'Neil?

3           **MR. O'NEIL:** No, Your Honor.

4           **THE COURT:** Mr. Madsen.

5           **MR. MADSEN:** Thank you, Your Honor.

6           Obviously, I represent Jordan Hodson. Jordan  
7 is 36 years of age. He went to the ninth grade,  
8 grew up in Illinois, that is where his father lived.  
9 I've spoken with his father numerous times. His  
10 father's a truck driver, but Jordan's stepmother has  
11 COPD and unfortunately, according to the father, is  
12 in very, very poor health and so they could not make  
13 the trip here.

14           When Jordan was 22 years of age, he moved to  
15 Arizona. He had family out in Arizona, including  
16 his mother. And then he and Sara came to South  
17 Carolina right around 2003 after Sarah's father had  
18 had some strokes is my understanding.

19           Jordan had worked at U.S. Foods for about five  
20 years. He was a selector, which was kind of an  
21 order filler there, and a fork lift driver. He  
22 eventually was terminated after a dispute with a  
23 co-worker.

24           Just to kind of give you a timeline, Minor 1  
25 was born on [REDACTED] of 2012, that was their

1 fourth child. There was a lady who had lived in the  
2 home by the name of Liz Trice. After she had lived  
3 in the home for a period of time, her and Jordan had  
4 developed feelings for one another.

5 Jordan tells me that he and Sara were  
6 constantly arguing. So he ended up moving out of  
7 the home on [REDACTED] so four days after Minor 1  
8 was born. Minor 1 as you heard, died on December  
9 11th of 2012. Although, as you've heard also,  
10 Jordan would come back when Sara was working and  
11 help take care of the kids.

12 Jordan ended up pleading in front of Your Honor  
13 on October 23rd of 2015. At that point in time, it  
14 was our understanding that Ms. Hodson was going to  
15 be our trial. I don't know if Your Honor recalls  
16 this or not, but we had developed some information  
17 through our investigation, which we had turned over  
18 to the Solicitor's Office, to include a roommate  
19 that had lived with Ms. Hodson that law enforcement  
20 had not uncovered during their investigation.

21 You also heard that Ms. Hodson was initially  
22 charged with unlawful conduct, was given a 50,000  
23 dollar bond and bonded out. I believe that that  
24 bond was posted by her father, Mr. Pitman.  
25 Eventually, he moved for a recommitment on that.

1 It's my understanding that Ms. Hodson had  
2 disappeared and that they alleged continued drug  
3 use. And she has been incarcerated ever since. She  
4 eventually pled guilty on November 3rd of 2015.

5 Your Honor, it's our position that these cases  
6 are situated extremely differently. On one hand,  
7 you have Jordan Hodson who had cooperated with law  
8 enforcement, gave statements, pled first, authorized  
9 me to turn over our investigation to law  
10 enforcement, offered to meet with the Solicitor's  
11 Office.

12 He was not living at home. And as you heard,  
13 he was not the primary caregiver; although, he was  
14 willing to come back and take care of the children.  
15 He was someone who loved his children tremendously.  
16 He also loved his wife, but he just couldn't take  
17 the constant arguing. And like I said, he had left  
18 to live with his girlfriend.

19 Just to kind of go over, and I think the  
20 Solicitor touched on this, Your Honor, majority of  
21 this came from law enforcement's investigation, some  
22 of them we turned up ourselves, but just to give you  
23 kind of an idea, Linda Kratzenberg, who was the  
24 property manager, said that she visited the home  
25 daily. She said that, quote, After giving birth,

1 Sara had nothing to do with the baby. Sara's oldest  
2 child fed, changed and held the baby. Linda never  
3 saw Sara hold the baby, end quote.

4 Another quote, After the baby was born, Sara  
5 seemed to disconnect from all the children. Sara  
6 once told Linda that she did not care about the  
7 baby. She said she had no feelings for the baby and  
8 could not connect with her baby, end quote.

9 Donna Flowers was a neighbor that said, quote,  
10 I have heard her saying she was going to throw the  
11 baby across the room, end quote.

12 Ariane Kennedy was a neighbor, spoke to law  
13 enforcement and said, quote, The mother told me she  
14 was overwhelmed and she was going to throw the baby  
15 up against the wall for her crying, end quote. The  
16 Solicitor had mentioned that she had held the baby  
17 once, that the diaper was soaked with urine and  
18 feces oozing from the edges, that the baby was  
19 crying and Sara ignored her. Ariane Kennedy also  
20 said that the eldest daughter, Minor<sup>3</sup> told  
21 neighbors that the mother smoked something in  
22 tinfoil.

23 Ivan Bumgarner, who my client was with that  
24 day, Sara was with -- there, left and came back.  
25 They did leave with methamphetamine, and Sara was

1 given that methamphetamine; said that the meth was  
2 smoked by Sara when the victim was present.

3 Law enforcement recovered tinfoil. He had also  
4 indicated in his meeting with the Solicitor's  
5 Office, that's how he saw her smoking. As you  
6 heard, they had recovered 18 of those tinfoils in  
7 the master bedroom, and also fingerprints on a  
8 smoking device came back to Ms. Hodson.

9 Steven Prescott, who was a neighbor, said that  
10 Sara had come over to make a phone call from the  
11 residence to Jordan and that he heard her say,  
12 quote, You have to get these kids, Jordan; I'm sick  
13 of them, end quote. After hanging up, they asked  
14 her what was wrong and she said, quote, She was so  
15 frustrated with the baby that she wanted to shake it  
16 and throw it against the wall.

17 It appears to me that Eliza Cook or Alicia Cook  
18 was his fiancée and said that she had asked Jordan  
19 to come over, that the kids hated her, that the baby  
20 was crying all night and she wanted to pick up the  
21 baby and throw the baby against the wall.

22 Liz Trice, who was Jordan's paramour and lived  
23 in the home for a period of time, said that she got  
24 to witness Sara's parenting skills towards Kenna and  
25 that she just seemed to be uncaring, no emotion.

1           towards her.

2           One of the individuals that law enforcement did  
3           not have that I thought was extremely important,  
4           Your Honor, was Harley Langley. We did turn that  
5           over to the Solicitor's Office.

6           She indicated that she helped Sara with the  
7           children during the day and would go home at night,  
8           but that she moved into the home in [REDACTED] of 2012  
9           after Minor1 was born, that she saw Sara smoking  
10          meth at least three times in days before the baby's  
11          birth, that Sara was going crazy and stuff. It was  
12          a daily occurrence for Sara to say that she did not  
13          want Minor1 She said that she wanted to kill the  
14          baby and talked about throwing it against the wall.  
15          She kept saying that Jordan needed to take care of  
16          the baby. Whenever Sara would go crazy or would  
17          have to work, Jordan would come care for the kids.  
18          Harley said that he acted great with the kids. He  
19          gave the baby a lot of attention.

20          Harley said that she ended up leaving the  
21          residence on November 16th. And she, apparently,  
22          had a meth habit herself and entered herself into  
23          rehab. And when my investigator spoke with her, she  
24          had indicated that she was still clean.

25          I will tell you in my discussions with Jordan,

1 you know, I don't think in a million years he ever  
2 thought that he would be in this position. He loved  
3 Minor1 He loved his children.

4 Since he's been in, he's had virtually no  
5 contact with his children whatsoever. Initially,  
6 when he got in there, he wrote them letters. Sara's  
7 father who had custody at that point in time,  
8 Mr. Pitman, told him not to write. At one point in  
9 time, Minor3 the oldest daughter, was put in  
10 foster care. He did get to have a phone  
11 conversation with her when she was in foster care,  
12 but has not gotten to speak or have any contact  
13 whatsoever with the children.

14 I can tell you he did get one set of photos.  
15 He did have some family visit. They did not have  
16 any photos. He gave those photos.

17 There was some mention of letters. Sara had  
18 sent him letters basically saying, Hey, if you send  
19 me these letters, then I'll get you pictures of the  
20 children. He never ended up getting the pictures,  
21 Your Honor, but he sent those letters.

22 Now, saying this, I read you stuff that all the  
23 neighbors had said. Jordan tells me that he never  
24 heard Sara say any of those things. Those were  
25 turned up from law enforcement's investigation or

1 our investigation, but he would not sit here and  
2 tell you that he heard her say those things in his  
3 presence, Your Honor.

4 I would tell you, you know, I think that the  
5 letters that she had -- and in one of the letters  
6 that he showed to me, she had indicated, Hey, you  
7 sent me this first letter, I need you to send me  
8 more in the second letter. I'm still working on  
9 getting you those pictures.

10 I believe, Your Honor, that that just shows  
11 that she's been trying to manipulate him, you know,  
12 the entire time even while they've been  
13 incarcerated.

14 I would tell you I have met with Jordan between  
15 20 and 30 times since I've represented him. I  
16 cannot tell you the number of times that he's cried  
17 when talking with him. I know he misses his  
18 children greatly. I know he loved his daughter.

19 Like I said, he cooperated with the State. He  
20 was the first one to plead guilty and take  
21 responsibility. We turned over information, Your  
22 Honor.

23 He was not there that night. He was with Ivan.  
24 He ended up dropping Sara off. He went to a friend  
25 Chris' house and ended up staying with Liz Trice

1 that night, but he ended up coming back at 6:30,  
2 because she had to work, to take care of the  
3 children.

4 As you heard, he told the law enforcement, when  
5 he gets there, the baby apparently had been in the  
6 car seat the entire night. The baby was -- the  
7 diaper was dirty and apparently had been in that for  
8 a long period. She was obviously having trouble  
9 with the children. She was upset that he had left  
10 and was staying with his girlfriend and would just  
11 kind of come in and help with the children, but he  
12 wasn't the primary caregiver and that was, you know,  
13 quite honestly, when he got there, he ended up  
14 cleaning up the child because she had just left him.  
15 And I think that that just kind of shows what she  
16 was thinking at that point in time, Your Honor.

17 He ended up -- like I said, he ended up telling  
18 law enforcement that he had cleaned the child off,  
19 but as you heard, the injury was way before that. I  
20 would tell you the expert that I've hired, the  
21 surgeon that I spoke to, the pathologist all said  
22 that what he had described, that there is no way  
23 that that could have caused her injury, Your Honor.

24 He's regretful that he wasn't there more. I  
25 can tell you that he feels bad about leaving the

1 home at that point in time, that he doesn't think  
2 that any of these things would have happened had he  
3 stayed. But, quite honestly, he just couldn't take  
4 it at that point in time, and he had developed a  
5 relationship with Liz and that is why he has left.

6 You've heard that he's had a minimal prior  
7 record, Your Honor. As I said, he has basically  
8 lost everything. He's not been able to see his  
9 children. He's not been able to speak with them.  
10 He hasn't been able to have any contact with them  
11 whatsoever, and I know that that has greatly  
12 disturbed him, Your Honor. I do believe that he  
13 really loves his children, that he really loved his  
14 daughter. And like I said, I don't think he ever  
15 thought that he would be here in a million years.

16 We would ask Your Honor to consider a ten-year  
17 sentence on him. If Your Honor feels that something  
18 as far as some type of supervision is appropriate  
19 afterwards, he would be willing to do that, but we  
20 would ask Your Honor to consider that ten-year  
21 minimum sentence on him. And I think he wanted to  
22 address your -- or to address Your Honor.

23 **THE COURT:** Yes, sir.

24 **DEFENDANT J. HODSON:** Your Honor, I do want to  
25 express my most sincere apologies. My heart hurts

1 today as it has since my baby's death. It is  
2 something that I've got to leave with for the rest  
3 of my life. The pain of losing a child is sometimes  
4 unbearable. I'm going to miss and love her deeply  
5 always. I failed as a father to protect her. I've  
6 not only lost Minor1 but I've lost my other kids,  
7 Minor3 Minor2 and Minor4

8 I had a drug problem and it took everything I  
9 love. Poison not only affected me, but it affected  
10 my family as well. I'm living proof that it does  
11 destroy families.

12 I never physically abused my baby, but being on  
13 meth and having it around is just as bad. I can't  
14 take back what I've done. I can only never forget.  
15 I will use this time to heal and become a better  
16 person on the inside and out. I just want to say  
17 I'm sorry.

18 **THE COURT:** Anything else?

19 **MR. MADSEN:** And I will say, and Jordan tells  
20 me, that when they left Ivan's that night, they did  
21 have methamphetamine. When he left Sara, she did  
22 have methamphetamine that night.

23 **THE COURT:** Yes, ma'am.

24 **MS. MAYES:** Yes, sir, Your Honor. We would  
25 like to respond just by addressing the letters that

1 were presented by Mr. O'Neil that contains the  
2 statements from Mr. Hodson where he addresses the  
3 shower incident where he reported that he had  
4 dropped the baby in the shower and then reported, I  
5 didn't notice anything wrong with her. How the heck  
6 are we to know she was hurt? She had no marks on  
7 her before or after the shower, at least I didn't  
8 see any.

9 Your Honor, we have consulted with Dr. Luberoff  
10 on this case and she is familiar, as a forensic  
11 pediatrician, with this type of injury and the type  
12 of symptoms that would be involved and she would  
13 like to address the Court on that matter.

14 **THE COURT:** Sure.

15 Spell your name for me, please.

16 **DR. LUBEROFF:** Susan Luberoff, L-u-b-e-r-o-f-f.

17 **THE COURT:** All right, Doctor, please go ahead.

18 **DR. LUBEROFF:** Your Honor, I'm a child abuse  
19 pediatrician with the University of South Carolina  
20 School of Medicine Department of Pediatrics. And I  
21 had occasion to examine Minor 1 in the PICU just  
22 after she had expired. I also attended her autopsy.  
23 I was able to speak directly with the surgeon, with  
24 the investigator, and, of course, with the  
25 pathologist that did the autopsy.

1           And I do want to emphasize to Your Honor that  
2   Minor1    was ten weeks old. She was at an age where  
3   developmentally she would have begun to smile, to  
4   engage with other people, to coo, to do things  
5   besides just simply laying there. There was no  
6   evidence at her autopsy or on my examination of any  
7   underlying medical conditions that would have made  
8   her different than any other ten-week-old baby.

9           One thing that struck me about all the findings  
10   on my exam and at the autopsy was the amount of  
11   misery that Minor1    would have experienced over a  
12   period of time. The five fractures that were  
13   identified were in a healing stage. Four of them  
14   that I could see at the autopsy were in the ribs and  
15   they were most likely between two and four weeks  
16   old. The leg fracture was seen on x-ray, I didn't  
17   have occasion to see that x-ray, so I can't give you  
18   an estimate of the date of that, but it would have  
19   been painful.

20           None of those injuries, nor the presence of  
21   methamphetamine in the child, nor the horrendous  
22   diaper rash that the child experienced, which  
23   essentially constituted a second-degree burn to her  
24   diaper area, were things that Minor1    would have  
25   contributed to or caused herself.

1 I'm also struck in listening to the information  
2 today, it's brought back to me what I had forgotten,  
3 that both of the caregivers were experienced  
4 parents. This was not their first time caring for  
5 an infant. And the stage at which Minor1 sepsis  
6 and peritonitis were at the time that she died would  
7 have been obvious to anyone giving routine care to  
8 that child.

9 She would have been miserable. Her abdomen was  
10 grossly distended at the time that EMS first saw  
11 her. She could not have been acting normally,  
12 eating normally, engaging normally, reacting  
13 normally within 12 to 24 hours before she died. So  
14 I did just want to make Your Honor aware of the  
15 context for these injuries in this ten-week-old  
16 child.

17 **THE COURT:** Thank you, Doctor.

18 Anything else from the State?

19 **MS. MAYES:** No, sir, Your Honor.

20 **THE COURT:** Anything else from the defense?

21 **MR. O'NEIL:** Beg the Court's indulgence, Your  
22 Honor.

23 (Pause.)

24 **MR. MADSEN:** Nothing for Mr. Hodson.

25 (Pause.)

1           **THE COURT:** Anything else?

2           **MR. O'NEIL:** Yes, Your Honor. Just briefly,  
3 Your Honor. I just spoke with my client, Ms.  
4 Hodson, and she was wanting me to reiterate that on  
5 the night before Minor<sup>1</sup> passed away, that she was  
6 -- it was during Christmas season and Minor<sup>1</sup> in  
7 Ms. Hodson's words, was looking at the Christmas  
8 lights and she was smiling and cooing at that point.

9           And Ms. Hodson wanted me to indicate to the  
10 Court here that she did not notice anything wrong  
11 with the child. Had she noticed anything wrong with  
12 the child, she would have took the child to the  
13 hospital to try to get help for her.

14           And she wanted me to also reiterate that --  
15 that she did not take any drugs from this Ivan  
16 gentleman's home. If there were any drugs taken  
17 from his home, it would be her belief that they were  
18 sold by Mr. Jordan Hodson.

19           (Pause.)

20           **THE COURT:** Both counsel for the defense have  
21 seen the contents of this notebook?

22           **MR. O'NEIL:** Yes, Your Honor.

23           **MR. MADSEN:** Yes, Your Honor.

24           **THE COURT:** Make this a Court's Exhibit.

25           (Court's Exhibit Number 2, notebook, marked

1 for identification.)

2 (Pause.)

3 **THE COURT:** All right. If there's nothing  
4 further, I have reviewed the information supplied to  
5 the Court. Anybody in my situation, my position,  
6 would want to make comments, but I have found that  
7 the better part of deference is to withhold any  
8 comment.

9 On indictment 2013-GS-32-03004, the State  
10 versus Sara Elizabeth Hodson, and on indictment  
11 2013-GS-32-03000, the State versus Jordan R. Hodson,  
12 the charge on 3004 being unlawful neglect of a  
13 child, the charge on 3000 being unlawful conduct  
14 towards a child, the sentence on each is that you be  
15 committed respectively to the South Carolina  
16 Department of Corrections for ten years, plus pay  
17 costs and assessments, concurrent.

18 You're given credit for jail time under section  
19 24-13-40 to be calculated and applied by the  
20 department of corrections. Restitution is deferred.  
21 Pay your court costs within one year of being  
22 released from prison.

23 Before I announce the other sentence, I want  
24 both of you to understand if you wish to appeal  
25 anything from any of these proceedings, you have to

1 file a written notice of appeal. It has to be done  
2 promptly. It's a very narrow timeframe for filing  
3 an appeal. So if you want to file a notice of  
4 appeal, you have to notify your attorney right away.  
5 You understand that, Ms. Hodson?

6 **DEFENDANT S. HODSON:** Yes, sir.

7 **THE COURT:** Mr. Hodson?

8 **DEFENDANT J. HODSON:** Yes, sir.

9 **THE COURT:** On indictment 2015-GS-32-02371,  
10 State versus Jordan R. Hodson, and on indictment  
11 2015-GS-32-02368, the State versus Sara Elizabeth  
12 Hodson, the sentence on each is that you be  
13 committed to the South Carolina Department of  
14 Corrections for 20 years, plus cost and assessments,  
15 concurrent.

16 You're given credit for jail time under  
17 24-13-40 to be calculated and applied by the  
18 department of corrections. Both of you are placed  
19 on the Central Registry of Child Abuse and Neglect.  
20 Restitution is deferred. Pay your court costs  
21 within one year of release from prison.

22 I've made findings on both of these that these  
23 are violent felonies which trigger the law that  
24 prohibits you from possessing any firearm or  
25 ammunition in the future.

1           You understand all of that, Ms. Hodson?

2           **DEFENDANT S. HODSON:** (No response.)

3           **THE COURT:** Ms. Hodson, do you understand your  
4 sentence?

5           **DEFENDANT S. HODSON:** Me?

6           **THE COURT:** Yes.

7           **DEFENDANT S. HODSON:** Yes.

8           **THE COURT:** Mr. Hodson?

9           **DEFENDANT J. HODSON:** Yes, sir.

10          **THE COURT:** Thank you.

11          **MS. MAYES:** Thank you, Your Honor.

12

13

END OF PROCEEDINGS.

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## C E R T I F I C A T E

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

I, the undersigned, Stacy L. Sheppard, Circuit 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 the evidence introduced in the hearing of the captioned cause, relative to appeal in the Criminal Court for Lexington County, South Carolina, on the 23rd of March, 2016.

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

July 1, 2016

s/Stacy L. SheppardStacy L. Sheppard, RPR  
Circuit Court Reporter

STATE OF SOUTH CAROLINA  
In The Court of Appeals

RECEIVED

MAR 28 2016

SC Court of Appeals

APPEAL FROM LEXINGTON COUNTY  
Court of General Sessions

Judge William Keesley, Circuit Court Judge

Indictment Number: 2013GS3203004, 2015GS3202368

The State, ..... Respondent,

v.

Sara Hodson .... Appellant.

STATEMENT OF BASIS FOR APPEAL FROM GUILTY PLEA PURSUANT TO RULE

The defendant moved to withdraw her guilty plea on February 5<sup>th</sup> 2016. A hearing was set for March 14<sup>th</sup> 2016. Judge Doyet Early erred in not allowing the defendant to withdraw her plea because based on evidence discovered after the defendant entered her plea on November 3 2015. The defendant pleas was not knowingly and voluntary

March 28, 2016



Deon O'Neil  
Attorney for Defendant  
2127 park st columbia  
Columbia, South Carolina 29201  
803) 661-6758

Other Counsel of Record:  
Suzanne Mayes, Assistant Solicitor  
Lexington Solicitor's Office  
205 East Main Street, Suite 309  
Lexington, SC 29072  
Attorney for Respondent

WITNESSES

Lexington County Sheriffs Department

Michael S. Ellis

Law Enforcement Case #: 12022776

LSM

ARREST WARRANT NUMBER

2013A3210800250

ACTION OF GRAND JURY

**TRUE BILL**

*Ron Brasington*  
Foreperson of Grand Jury  
Date: 10-14-13

VERDICT

Foreperson of Petit Jury  
Date:

DOCKET NO. 2013GS3203004

**The State of South Carolina**

**County of Lexington**

COURT OF GENERAL SESSIONS

OCTOBER TERM 2013

THE STATE

vs.

Sara Elizabeth Hodson

CDR #: 2481

Indictment for

Unlawful conduct towards a child

§ 63-05-0070

**DONALD V. MYERS, SOLICITOR**

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 OCTOBER 2013, the Grand Jurors of Lexington County present upon their oath:

That **Sara E. Hodson** did in Lexington County, South Carolina, on or about [REDACTED] 2012, through December 11, 2012, while having charge or custody of a child, or being the parent or guardian of a child, or being responsible for the welfare of the minor child, did unlawfully place a child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety, to wit: did allow to be exposed or expose a minor child to methamphetamine use or activity or methamphetamine byproducts, being

Minor 2

DOB [REDACTED] and/or Minor 3

DOB [REDACTED] and/or Minor 4

DOB [REDACTED] furthermore, methamphetamine being an illegal and/or harmful drug, 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.

*Suzanne Mays*  
 ASSISTANT SOLICITOR

**WITNESSES**

Lexington County Sheriffs Department

Stephen M. Collins

Law Enforcement Case #: 12022776

LSM

**ARREST WARRANT NUMBER**

**15-STR-00188**

(Referencing warrant 2012A3210201208)

**ACTION OF GRAND JURY**

**TRUE BILL**

*Donald V. Myers*

Foreperson of Grand Jury

Date: *9/14/2015*

**VERDICT**

Foreperson of Petit Jury

Date:

**DOCKET NO. 2015GS3202368**

**The State of South Carolina**

**County of Lexington**

**COURT OF GENERAL SESSIONS**

**SEPTEMBER TERM 2015**

**THE STATE**

**vs.**

**Sara Elizabeth Hodson**

**CDR #: 2357**

**Indictment for**

**Aiding and Abetting  
Homicide By Child Abuse**

**§ 16-03-0085(A)(2), (B)**

**DONALD V. MYERS, SOLICITOR**

**A TRUE COPY**  
*Donald V. Myers*  
SOLICITOR GENERAL  
S.C. CO. C.C.P., G.S. & F.C.

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	Aiding and Abetting Homicide By Child Abuse.
COUNTY OF LEXINGTON	)	
	)	§ 16-03-0085(A)(2), (B)

At a Court of General Sessions, convened on September 2015, the Grand Jurors of Lexington County present upon their oath:

That **Sara Elizabeth Hodson** did, willfully and unlawfully, in Lexington County, on or about December 8, 2012 through December 11, 2012, knowingly aid and abet another person, Jordan Ray Hodson, to commit child abuse or neglect, and the child abuse or neglect resulted in the death of a child under the age of eleven, to wit: MaKenna Hodson, date of birth October 1, 2012, the aforesaid infant died on December 11, 2012 as a result of child abuse or neglect, whether by act or omission, and such child abuse or neglect caused harm to the child's physical health or welfare, in violation of Section 16-3-85 (A)(2) and (B), S.C. 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.

*Suzanne Mayes*  
 ASSISTANT SOLICITOR

## 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,



John H. Strom  
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 24<sup>th</sup> day of January, 2017.

**RECEIVED**

JAN 24 2017

**SC Court of Appeals**